

**IN AND BEFORE THE OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE AND SUPERVISION  
STATE OF OKLAHOMA**

**STATE OF OKLAHOMA, *ex rel.*,** )  
**OKLAHOMA STATE BOARD OF** )  
**MEDICAL LICENSURE AND** )  
**SUPERVISION,** )  
 )  
**Plaintiff,** )  
 )  
**v.** )  
 )  
**GREGORY KEITH MORTON, III, M.D.,** )  
**LICENSE NO. 14117,** )  
 )  
**Defendant.** )

**FILED**  
**DEC 11 2015**  
OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

**Case No. 11-07-4266**

**ORDER DENYING APPLICATION FOR REINSTATEMENT  
OF OKLAHOMA MEDICAL LICENSE AFTER REVOCATION**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (“Board”) on November 5, 2015 at the Board office, 101 N.E. 51<sup>st</sup> Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and rules of the Board.

Gregory Keith Morton, III, M.D. (“Defendant”), appeared in person and through counsel Nick E. Slaymaker of Doerner, Saunders, Daniel & Anderson, LLP. Dr. Robert Westcott, Medical Director for the Oklahoma Health Professionals Program, Inc. (OHPP) appeared in support of Applicant.

Jason T. Seay, Assistant Attorney General, appeared on behalf of the State of Oklahoma, *ex rel.*, the Oklahoma State Board of Medical Licensure and Supervision.

The Board *en banc* heard testimony and being fully apprised of the premises, entered the following Findings of Fact, Conclusions of Law, and Orders:

**Findings of Fact**

1. Applicant previously held medical license no. 14117.
2. Prior Complaint (1): On July 22, 1993, the State filed a Complaint against Defendant based upon allegations that he had engaged in sexual misconduct while treating a patient in his office. As a result of that Complaint, Defendant underwent an assessment at Abbott Northwestern Hospital. The assessment team was unable to find evidence of psychopathology and he was encouraged to obtain additional medical education on boundaries. As the hearing approached, the patient who claimed the sexual misconduct advised Board staff she did not wish to testify and accordingly, the State dismissed its Complaint.

3. Prior Complaints (2-11): On or about November 27, 1995, December 1998, September 2000, October 23, 2000, August 18, 2003, September 18, 2003, April 15, 2004, July 12, 2006, July 15, 2011, August 24, 2011, complaints were filed by ten (10) patients with the Board and the Lawton Police Department for sexual misconduct.

4. Prior Letters of Concern: On September 18, 2003 and April 15, 2004 the Board issued Letters of Concern against Defendant, each with an appearance before the Board, for sexual misconduct with two of the patients that filed complaints.

5. On December 9, 2011, a Complaint was filed by the Board against Defendant for unprofessional conduct including allegations of sexual misconduct. On September 13, 2012, Defendant's license was revoked and the Board executed a Final Order of Revocation on October 26, 2012.

6. A Revised Final Order of Revocation, superseding the Final Order of Revocation dated October 26, 2012, was filed on March 8, 2013.

7. On March 7, 2013, the Board denied Defendant's Motion for Reconsideration and adopted the Revised Final Order of Revocation; an Order was filed on March 15, 2013.

8. Subsequently, the Board has denied Defendant's application for reinstatement on November 7, 2013 and May 15, 2014.

9. On November 2, 2015, Defendant applied for reinstatement of his Oklahoma medical license 14117.

**Conclusions of Law**

1. The Board *en banc* has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the rules of the Board.

2. The Applicant failed to meet his burden of proof in showing satisfactory evidence of professional competence. 59 O.S. 2011, § 495h. The Applicant therefore failed to present sufficient evidence that reinstatement is for the best interest of the medical profession and the citizens of this State. 59 O.S. 2011, § 508.2(C).

**Orders**

**IT IS THEREFORE ORDERED** by the Board of Medical Licensure and Supervision as follows:

1. The application for reinstatement of the unrestricted Oklahoma medical license of Applicant **GREGORY KEITH MORTON, III** is hereby **DENIED**.

2. Promptly upon receipt of an invoice, Applicant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

3. A copy of this written order shall be sent to Applicant as soon as it is processed.

4. **This Order is subject to review and approval by the Oklahoma Attorney General, and this Order shall become final upon completion of the review by the Oklahoma Attorney General unless disapproved, in which case this Order shall be null and void.**

Dated this 11<sup>th</sup> day of December, 2015.



\_\_\_\_\_  
Billy H. Stout, M.D., Board Secretary  
OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION

**Certificate of Mailing**

This is to certify that on the 11<sup>th</sup> day of December, 2015, a true and correct copy of this Order was sent by U.S. first-class mail, postage prepaid, to:

Nick E. Slaymaker  
DOERNER, SAUNDERS,  
DANIEL & ANDERSON, LLP  
105 North Hudson Avenue, Suite 500  
Oklahoma City, Oklahoma 73102-4805  
Telephone: (405) 319-3511  
Facsimile: (405) 319-3522  
nslaymaker@dnda.com

***Counsel for Applicant***  
***Gregory Keith Morton, III***



\_\_\_\_\_  
Nancy Thiemann, Legal Secretary





OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

FILED

DEC 11 2015

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

ATTORNEY GENERAL OPINION  
2015-181A

Billy Stout, M.D., Board Secretary  
State Board of Medical Licensure and  
Supervision  
101 NE 51st Street  
Oklahoma City, Oklahoma 73105

December 9, 2015

Dear Board Secretary Stout:

This office has received your request for a written Attorney General Opinion regarding agency action that the State Board of Medical Licensure and Supervision intends to take with regard to an application for reinstatement by former medical doctor licensee 14117. The intended action is to deny the application. The licensee had been disciplined in 2012 for sexual misconduct involving patients. The licensee has applied for reinstatement on two prior occasions, making this the licensee's third application. As part of the application process, the licensee indicated a willingness to undertake work restrictions to minimize the risk of future sexual misconduct. For example, at the hearing, licensee's counsel indicated that upon reinstatement the licensee, a male, would attempt to work in all-male settings such as male correctional facilities.

The licensee also submitted, however, failing exam scores from the Special Purpose Examination, a professional competence exam for professionals seeking reinstatement. During the hearing, the Board specifically voted upon and approved on the record a motion essentially finding that licensee's failing exam score was the reason for the denial of the application.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S.2011 & Supp.2015, §§ 480-519, authorizes the Board require "satisfactory evidence of professional competence and good moral character" when reinstating a license to practice medicine, 59 O.S.2011, § 495h. The Board may reasonably believe that licensee's failing exam score fails to show adequate evidence supporting licensee's current professional competence.

It is, therefore, the official opinion of the Attorney General that the State Board of Medical Licensure and Supervision has adequate support for the conclusion that this action advances the State of Oklahoma's policy to protect public health and ensure patient welfare.

A handwritten signature in blue ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA