

IN AND BEFORE THE OKLAHOMA BOARD OF  
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. )  
OKLAHOMA STATE BOARD OF )  
MEDICAL LICENSURE AND )  
SUPERVISION, )

Plaintiff, )

v. )  
MICHAEL J. BABB, M.D., )  
Medical License No. 14271, )

Defendant. )

Case No. 95-06-1718

**ORDER DENYING MOTION TO TERMINATE PROBATION**

This matter came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on March 27, 1998; at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and rules of the Board.

Michael J. Babb, M.D., (Defendant) appeared in person, *pro se*, thereby waiving his right to counsel at the hearing.

The Board sitting *en banc* after hearing testimony, reviewing the request and other materials presented, and being fully apprised of the premises, made the following Findings of Fact:

***FINDINGS OF FACT***

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 evidence reflects that:

a. Defendant is licensed as a physician and surgeon in Oklahoma under Oklahoma Medical License No. 14271.

b. On March 14, 1997 Defendant entered into a Voluntary Submittal to Jurisdiction (VSJ) following a complaint and citation for unprofessional conduct.

The VSJ formally reprimanded Defendant and imposed restrictions on his practice for three (3) years as more fully described therein.

c. On March 4, 1998, Defendant requested that the practice restrictions be removed. His request was considered as a motion to terminate probation.

d. Defendant has served approximately one (1) year of the three (3) year probationary period.

e. Defendant has not shown satisfactory evidence of his ability to practice medicine with reasonable skill and safety without any restrictions to justify early termination of the practice limitations mandated by his VSJ.

3. These factors raise serious issues as to the Defendant's ability to practice medicine and surgery with reasonable skill and safety, and the Defendant has failed to produce evidence to overcome these issues as to his competency and fitness to practice medicine and surgery in the State of Oklahoma under a full, unrestricted license.

#### ***CONCLUSIONS OF LAW***

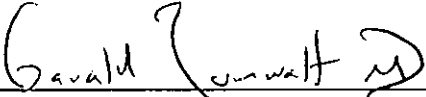
1. The Board has jurisdiction to hear this matter pursuant to 59 O. S. § 481 *et seq.*
2. Defendant failed to fulfill the requirements of 59 Okla. Stat. §481 *et seq.*, and the applicable rules of the Board, to justify early removal or waiver of the practice restrictions imposed upon his Oklahoma Medical License under the VSJ.

#### ***ORDER***

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

1. Defendant's motion to waive the practice restrictions imposed upon his Oklahoma State Medical License Number 14271 and to restore to him a full and unrestricted license is **DENIED**.
2. All terms and conditions of the Voluntary Submittal to Jurisdiction entered on March 14, 1997 in this case shall remain in full force and effect until modified or terminated by Board order upon its own motion or pursuant to motion of Defendant.
3. A copy of this written order shall be sent to Defendant as soon as it is processed.

Dated this 10 day of April, 1998.

  
\_\_\_\_\_  
Gerald C. Zumwalt, M.D., Secretary  
Oklahoma State Board of Medical  
Licensure and Supervision

**Certificate of Service**

On the 10 day of April, 1998, a true and correct copy of this order was mailed, postage prepaid, to the Michael J. Babb, 1030 E. Cherry St., Cushing, OK 74023.

  
\_\_\_\_\_  
Robyn Kemp

C:\Word\Mueller.Lynda\Order.doc