

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.

THERESA S. GARTON, M.D.                      CASE NO. 88-7-631  
Medical License No. 14513,                 )  
   )  
Defendant.                                     )

FINAL ORDER NUNC PRO TUNC

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on October 20, 1989, at the office of the Oklahoma State Medical Association, 601 N.W. Expressway, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and C. Merle Gile, Attorney, appeared on behalf of the Defendant.

The Board of Medical Licensure and Supervision en banc heard testimony, reviewed exhibits, and being fully advised in the premises, the Board of Medical Licensure and Supervision therefore finds as follows:

FINDINGS OF FACT

1. That Defendant, Theresa S. Garton, M.D., holds Oklahoma Medical License No. 14513.
2. That the Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.
3. Dr. Garton does not admit to any wrongdoing, but based upon an agreement with counsel for the Oklahoma State Board of Medical Licensure and Supervision and in an effort to resolve this dispute, chooses not to contest the allegations contained in the Complaint and does hereby voluntarily and of her own volition submit to the jurisdiction of the Oklahoma State Board of Medical Licensure and Supervision.
4. That beginning in the late summer or early fall of 1987, the Defendant, who was then living and practicing medicine in the State of Mississippi, entered into an agreement with the offices of psychologists Gene Hawkins, Ph.D., and Gale Hobson, Ph.D., 8241 South Walker, Oklahoma City, Oklahoma.
5. During trips to Oklahoma City, Defendant would consult professionally with Dr. Hawkins and Dr. Hobson and would sign insurance claim forms on persons that she did not personally treat or see as patients and then received a percentage of the subsequent insurance payments as a consultation fee.
6. That under the circumstances of this case this Final Order Nunc Pro Tunc is specifically to replace the Final Order issued herein following hearing on February 4, 1989.

CONCLUSIONS OF LAW

1. That Theresa S. Garton, M.D., holding Oklahoma Medical License No. 14513, though with no malicious or fraudulent intent is unintentionally in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 509, Paragraph 9, to-wit:

"9. Dishonorable or immoral conduct which is likely to deceive or defraud the public."

ORDER


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

1. That the Defendant, Theresa S. Garton, M.D., holding Oklahoma Medical License No. 14513, should be and is hereby formally REPRIMANDED concerning the conduct set forth above.

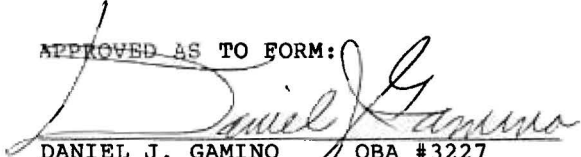
2. That as a portion of the reprimand, Defendant shall pay costs of the investigation and prosecution of this action upon receipt of invoice from the Investigation Division of the Oklahoma Board of Medical Licensure and Supervision.

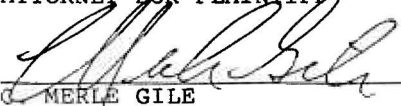
3. That this Final Order Nunc Pro Tunc should and does hereby replace the Final Order issued herein following hearing on February 4, 1989. That a copy of this Final Order Nunc Pro Tunc should be placed in the Defendant's public licensure file at the Oklahoma State Board of Medical Licensure and Supervision and a copy forwarded to Defendant by and through her counsel by the Board staff as soon as possible.

DATED this 27 day of <sup>November</sup> ~~October~~, 1989.

  
GERALD C. ZUMWALT, M.D., Secretary  
State Board of Medical Licensure  
and Supervision

~~APPROVED AS TO FORM:~~

  
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