

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

STATE OF OKLAHOMA

**FILED**

OCT 20 1988

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, ex rel,  
OKLAHOMA STATE BOARD OF )  
MEDICAL LICENSURE AND )  
SUPERVISION, )  
  
Plaintiff, )  
  
v )  
  
ALBERT R. WINNETT, M.D. )  
Medical License No. 15086, )  
  
Defendant )

CASE NO. 88-2-573

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision en banc on the 15th day of September, 1988, at the office of the Oklahoma State Medical Association, 601 NW 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 Mike Speegle, Attorney, appeared for the Defendant, and the Defendant himself did not appear.

The Board of Medical Licensure and Supervision en banc heard testimony and 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, Albert R. Winnett, M.D., holds Oklahoma Medical License No. 15086.
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. Defendant was lawfully served with a Complaint and Citation that alleged certain violations of the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 509.
4. That since 1983, the Defendant has consumed an average of two to three half-gallons of vodka per week and was admitted for in-patient treatment at Valley Hope Association, Cushing, Oklahoma, on or around July 14, 1987, and discharged on August 11, 1987. The Defendant was diagnosed as "alcohol dependence, continual," and received recommendations from the Valley Hope staff that he attend follow-up care at Ridgeview Institute, Atlanta, Georgia.
5. While an in-patient at Valley Hope, the Defendant wrote a prescription for Tylenol #4, a controlled dangerous substance, for himself and had the prescription filled at Sniders Pharmacy, Cushing, Oklahoma. Said prescription was confiscated by the staff at Valley Hope who found no medical need for same.
6. That Defendant entered into and fulfilled a contract whereby he received free office space from Medical Contract Services, Inc., in return for the Defendant referring most of his physical therapy patients to Northwest Physical Therapy, a subsidiary of Medical Contract Services, Inc.

7. That the Defendant is presently subject to immediate arrest under Warrant No. 8805544 issued for him by the Oklahoma County District Court in Case No. CRM-88-01331 where the Defendant is charged with Driving Under the Influence of intoxicating liquor, and that records from the Oklahoma Department of Public Safety reveal Defendant's prior arrests for DUI and numerous revocation and suspension of his driver's license.

8. That on or around Friday, May 13, 1988, Defendant abandoned his patients by closing his medical office located at 13313 N. Meridian, Oklahoma City, Oklahoma, without advance notice to his patients or to his staff, and Defendant made no referral arrangements to any other physician or health care provider for his patients. Only later did Defendant make even a stopgap arrangement for his patients to obtain their medical records if they made a request.

#### CONCLUSIONS OF LAW

1. That Albert R. Winnett, M.D., holding Oklahoma Medical License No. 15086, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 509, Paragraph 5, to-wit:

"5. Habitual intemperance or the habitual use of habit-forming drugs."

2. The habit-forming drug used in this case is alcohol as indicated by the records of Valley Hope Association, Cushing, Oklahoma.

3. That in addition, Dr. Winnett is in violation of unprofessional conduct within the definition of 59 O.S. 1981, Sec. 509, by the deliberate abandonment of patients as set forth herein.

4. The Board was cognizant of the Defendant's written and executed surrender of license as delivered by defense counsel, and the Board ruled that because a disciplinary action was pending at the time surrender of license was proffered that the surrender of license attempt was not effective and the Board would continue to exercise its jurisdiction in this individual proceeding.

#### ORDER


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

1. That the Oklahoma License to practice medicine and surgery held by the Defendant, Albert R. Winnett, M.D., No. 15086, should be and is hereby REVOKED.

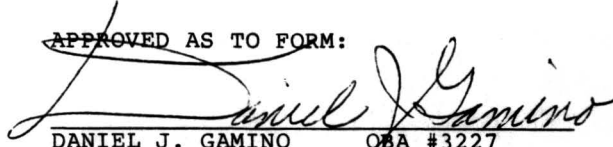
2. IT IS FURTHER ORDERED that the staff of the Oklahoma Board of Medical Licensure and Supervision shall communicate the Final Order of said revocation to Defendant's counsel and to the Defendant at his best known address.

3. IT IS FURTHER ORDERED that the Defendant is granted full exceptions hereto.

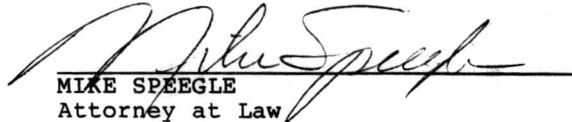
DATED this 20 day of October, 1988

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

APPROVED AS TO FORM:



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(405) 232-8585  
ATTORNEY FOR DEFENDANT

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 20 day of October, 1988, to:

MIKE SPEEGLE  
Attorney at Law  
508 N. Hudson  
Oklahoma City, OK 73102

