

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

FILED

JUL 23 1998

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, ex rel., )  
OKLAHOMA STATE BOARD OF )  
MEDICAL LICENSURE AND )  
SUPERVISION, )  
 )  
Plaintiff, )  
 )  
-vs- )  
 )  
MICHAEL W. HAMMOND, M.D., )  
Medical License No. 15215, )  
 )  
Defendant. )

Case No. 97-06-1909

VOLUNTARY SUBMISSION TO JURISDICTION  
AND ORDER OF PARTIAL SUSPENSION AND PROBATION

THIS CAUSE came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision, (hereinafter "OSBMLS"), en banc on the 23rd day of July, 1998 at the offices of the OSBMLS, 5104 North Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

The plaintiff appeared by and through its attorney, Gregory J. Ryan; the defendant appeared in person and through his attorney, Thomas A. LeBlanc.

The OSBMLS en banc proceeded and after being fully advised in the premises, finds that there is clear and convincing evidence of the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. That the Defendant Michael W. Hammond, M.D. holds Oklahoma Medical License No. 15215.
2. That a Complaint and Citation were issued in this case on the 18<sup>th</sup> day of September, 1997 and an Amended Complaint was filed on July 23, 1998 charging the

defendant with violations of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. Supp. 1995, §509, Paragraphs 9 and 15, as well as violations of the Oklahoma Administrative Code, O.A.C. Title 435:10-7-4, Subparagraphs (7), (11), (21) and (23).

3. That the OSBMLS has jurisdiction over the defendant and the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.

4. That on the 23rd day of July, 1998, this cause came on for hearing before the Board en banc.

5. That the Defendant Michael W. Hammond, M.D. voluntarily submitted himself to the jurisdiction of the Board for appropriate disciplinary action.

6. The Defendant Michael W. Hammond, M.D. is presently of sound mind and not under the influence of any type of mind-altering substance.

7. That the defendant recognized his right to appear before the Board en banc for full evidentiary hearing with all attendant due process rights and to have had the plaintiff prove the allegations in the Amended Complaint by clear and convincing evidence or otherwise be acquitted of said charges.

8. That the defendant, by his own volition and decision, waived his right to said procedures and protections and pleaded guilty to the allegations in the Amended Complaint.

9. The Defendant Michael W. Hammond, M.D. engaged in inappropriate and unprofessional sexual relations with his patient, V. H.

10. The defendant also allowed, aided and abetted the practice of medicine by an unauthorized individual in his office and improperly delegated the authority for the signing of prescriptions by directing and/or allowing said individual to see patients and write and sign prescriptions for Redux, Pondimin, Premarin and Ambien on behalf of the defendant.

11. The Defendant Michael W. Hammond, M.D. underwent psychiatric and psychological evaluation by Dr. Richard Irons of the Meninger Clinic in Topeka, Kansas in February of 1998.

12. The Defendant Michael W. Hammond, M.D. also underwent psychiatric evaluation and treatment by John R. Smith, M.D. of Oklahoma City, Oklahoma on May 25, 1998, June 24, 1998 and July 9, 1998.

13. The defendant perpetuated significant potential harm to the public health, safety and welfare by these acts and/or omissions alleged in the Complaint.

#### CONCLUSIONS OF LAW

14. The OSBMLS has jurisdiction and authority over the defendant and the subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. §480 et seq., and the Oklahoma Administrative Code, O.A.C. Title 435:1-1-1 et seq. (Rules of the OSBMLS).

15. The Defendant Michael W. Hammond, M.D., holding Oklahoma Medical License No. 15215, was in violation of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. §509, Paragraphs 9 and 15, and was also in violation of Oklahoma Administrative Code, O.A.C. Title 435: 10-7-4, Subparagraphs (7), (11), (21) and (23).

16. The OSBMLS holds by clear and convincing evidence that the defendant has pleaded guilty to unprofessional conduct in violation of the statutory and administrative code provisions set forth above.

17. The OSBMLS has authority vested in it through 59 O.S. §509.1 to enforce the provisions of said Act and Code and to impose disciplinary action as necessary to protect the public health, safety and welfare.

ORDER

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

18. That the voluntary submission to jurisdiction entered by the defendant is hereby accepted by the Board en banc.

19. That Oklahoma Medical License No. 15215 of the Defendant Michael W. Hammond, M.D. should be and the same is hereby SUSPENDED for a period of five (5) months, from February 21, 1998 to July 23, 1998 and thereafter PROBATED for a period of five (5) years.

20. The OSBMLS orders that the TERMS and CONDITIONS of said PROBATION will be as follows:

- a. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the OSBMLS. Any question of interpretation regarding said Act shall be submitted in writing to the Board and no action based on the subject of the question will be taken by defendant until clarification of interpretation is received by defendant from the OSBMLS.
- b. During the period of probation, defendant will keep the OSBMLS informed of his current address.
- c. The defendant shall appear before the Board or a designated member or staff thereof whenever requested to do so.
- d. During the period of probation, the defendant will submit to the investigation division of the OSBMLS any required reports and forms on a timely and prompt basis.
- e. During the period of probation, the defendant shall continue to undergo psychiatric therapy with a licensed allopathic psychiatrist for a period of one year. Defendant shall authorize the release of reports and/or the conduction of conferences between the treating psychiatrist and the


Board or its staff for purposes of monitoring during the probationary period.

- f. During the period of probation, defendant will furnish to each and every state in which he holds licensure or applies for licensure, and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privileges or employment, a copy of the Board Order stipulating sanctions imposed by the OSBMLS.
- g. During the period of probation, the defendant shall have have a licensed healthcare professional (CNA, LPN, RN or CRNP) physically present at all times that a female patient is examined or treated.
- h. During the period of probation, defendant will keep duplicate, serially-numbered prescriptions of all prescriptive substances, readily retrievable, in numerical order and will furnish copies to investigators or other authorized agents of the OSBMLS immediately upon request.
- i. During the period of probation, defendant will not prescribe, administer or dispense any medications for personal use.
- j. During the period of probation, defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating him of the Board Order immediately upon initiation of treatment.
- k. During the period of probation, defendant will submit biological fluid specimens to include, but not limited to, blood and urine for analysis upon request of the OSBMLS or its designee, and defendant will pay for the analysis thereof.
- l. During the period of probation, defendant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances.
- m. During the period of probation, defendant will not authorize any personnel under his supervision (other than an appropriately licensed physician) to initiate an order for a prescription to be issued.

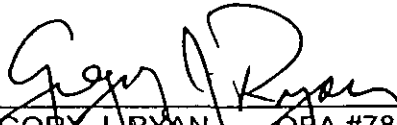
- n. Defendant will not allow the independent practice of medicine by any personnel under his supervision or employ, other than an appropriately licensed physician.
- o. Defendant will not allow the initiation of any therapeutic regimen by any personnel under his supervision unless defendant is in the immediate geographic vicinity of said personnel.
- p. Pursuant to Title 59 O.S. §§506 and 509.1A.8., the defendant shall promptly reimburse the Board within thirty (30) days of receipt of invoice for all costs expended on the prosecution of this disciplinary action, including any legal fees and costs, and probation and monitoring fees, including but not limited to staff time, salary and travel expenses, witness fees and attorney fees, unless the defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Secretary of the Board.
- q. During the period of probation, defendant will keep current payment of all assessments by the OSBMLS for prosecution, investigation and monitoring of his case.
- r. Until such time as all indebtedness to the OSBMLS has been satisfied, defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.
- s. Violation of any of the terms, conditions or requirements of probation shall be grounds for additional charges to be presented to the Board after notice to the defendant.
- t. The jurisdiction of the OSBMLS in this individual proceeding will continue until the terms, conditions and requirements of probation are modified or lifted by the Board on its own motion or upon the motion of the defendant.
- u. The defendant's reinstatement of his unrestricted license to practice medicine after the period of probation shall only take place and become effective after review by the Board and upon proof of compliance and satisfaction of all terms, conditions and requirements.


DATED this 23 day of July, 1998.

  
MICHAEL W. HAMMOND, M.D.

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

APPROVED AS TO FORM:

  
GREGORY J. RYAN OBA #7856  
DeYong, Ryan & Rischard, P.A.  
#9 Lee's Crossing  
1320 East 9<sup>th</sup> Street  
Edmond, Oklahoma 73034  
Phone: (405) 844-4444  
Fax: (405) 844-4443  
ATTORNEY FOR PLAINTIFF

  
THOMAS A. LeBLANC OBA#14768  
Best, Sharp, Holden, Best, Sullivan & Kempfert  
100 West 5<sup>th</sup> Street, Suite 808  
Tulsa, OK 74103-4225  
Phone: (918) 582-1234  
Fax: (918) 585-9447  
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that on this 24 day of July, 1998 a true and correct copy of the above and foregoing Voluntary Submission to Jurisdiction and Order of Partial Suspension and Probation was faxed mailed to:

THOMAS A. LeBLANC  
Best, Sharp, Holden, Best, Sullivan & Kempfert  
100 West 5<sup>th</sup> Street, Suite 808  
Tulsa, OK 74103-4225

Janet L Owens