

**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.)
)
 BRUCE STEWART GILMORE, M.D.,)
 LICENSE NO. 15474,)
)
 Defendant.)

FILED

MAR 24 2016

**OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION**

Case No. 00-06-2201

**ORDER MODIFYING ORDER GRANTING REINSTATEMENT OF
LICENSE UNDER TERMS OF INDEFINITE PROBATION**

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (“Board”) on March 10, 2016, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and the rules of the Board.

Bruce Stewart Gilmore, M.D. (herein, “Defendant” or “Dr. Gilmore”), holding Oklahoma medical license no. 15474, appeared in person, *pro se*. Dr. Robert Westcott, M.D., Director of the Oklahoma Health Professionals Program (“OHPP”) appeared in support of Dr. Gilmore.

Gary Ricks, Compliance Coordinator, appeared on behalf of the Board.

The Board *en banc* heard arguments of counsel, reviewed the exhibits presented, and being fully apprised of the premises, finds and orders as follows:

Findings of Fact

1. Defendant currently holds Oklahoma medical license number 15474.

**PRIOR DISCIPLINARY ACTION
FIRST COMPLAINT**

2. On or about June 29, 2000, a Complaint was filed against Defendant based upon excessive prescribing and narcotics laws violations.
3. On or about January 25, 2001, a Final Order of Suspension was entered by this Board whereby Defendant was suspended indefinitely pending completion of a treatment

program approved by the Board, to include psychiatric evaluation, substance abuse evaluation and fitness to practice evaluation.

4. Defendant subsequently completed the requirements of the Board and on May 3, 2001, the Board entered an Order Granting Reinstatement of License Under Terms of five (5) years' probation beginning May 3, 2001, and provides the following terms and conditions:

- C: Defendant will not prescribe, administer or dispense any medications for personal use or for that of any family member.
- E. Defendant shall abide by his post care contract with the Oklahoma Physicians Recovery Program and all recommendations of Rush Behavioral Health, and shall attend a minimum of one (1) Caduceus meeting and three (3) 12-Step meetings per week.
- G. Defendant will take no medication except that which is authorized by a physician treating him for a legitimate need. Defendant has the affirmative duty to inform any and every doctor treating him of the Board Order immediately upon initiation or continuation of treatment.
- H. Defendant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances.
- I. Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.
 2. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

5. On January 15, 2002 and January 29, 2002, Defendant provided observed urine specimens at the request of Tom Sosbee, Compliance and Education Coordinator for the Board. The urine specimens subsequently tested positive for Hydrocodone.

SECOND COMPLAINT

6. On February 13, 2002, a Complaint was filed against Defendant based upon violation of his probation. Defendant subsequently obtained treatment at Rush Behavioral Health.
7. On March 14, 2002, the Board filed an Order Accepting Voluntary Submittal to Jurisdiction (VSJ), whereby he was suspended for a period of ninety (90) days beginning February 19, 2002 and placed on indefinite probation. Defendant's VSJ provided the following terms and conditions:

H. 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 or continuation of treatment.

I. Defendant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances.

L. Defendant will abide by the terms and recommendations of his postcare contracts with Rush and the Physicians' Recovery Program.

N. Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.

U. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

8. On September 23, 2003 Defendant provided an observed urine specimen at the request of Tom Sosbee, Compliance Education Coordinator for the Board. The urine specimen subsequently tested positive for Ethanol and Orphenadrine.

THIRD COMPLAINT

9. On October 13, 2003, a Complaint was filed by the Board based upon violations of probation.
10. On November 20, 2003, after hearing before the Board *en banc*, the Board entered a Final Order of Suspension whereby it suspended Defendant's license for a minimum of nine (9) months, during which time Defendant was required to obtain treatment for substance abuse for a minimum of six (6) months at an inpatient facility approved in advance by the Board Secretary. Upon conclusion of the suspension or treatment, whichever occurred last, Defendant would be allowed to seek reinstatement of his license, at which time any terms of probation would be determined. A Final Order of Suspension was filed on November 26, 2003.
11. On September 23, 2004, Defendant appeared before the Board seeking reinstatement of his license. After hearing before the Board *en banc*, the Board entered an Order Granting Reinstatement of License Under Terms of Probation. Under this Order, Defendant's license was subject to indefinite probation under the following terms and conditions:

I. Defendant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances, including but not limited to alcohol.

K. Defendant will abide by the terms and recommendations of his postcare contracts with Rush Behavioral Health Center and the Physicians' Recovery Program.

M. Defendant shall promptly notify the Board of any relapse, including any entry or re-entry into a treatment program for substance abuse.

12. On July 21, 2005, after hearing before the Board *en banc*, the Board granted an application of Defendant to modify the terms of his probation, whereby he would be required to abide by the terms and recommendations of Rush rather than the recommendations made at the time of his discharge in 2004. An Order Modifying Probation was filed on July 28, 2005. The Order states as follows:

2. Dr. Gilmore's probation shall continue from September 23, 2004 for an indefinite term under the terms and conditions set forth in the September 23, 2004 Order, with the exception that Dr. Gilmore be allowed to abide by the current terms and recommendations of Rush rather than the recommendations made at the time of his discharge in 2004.

13. January, 2007, after hearing before the Board *en banc*, the Board granted an application of Defendant to modify the terms of his probation, whereby he would not be restricted to a forty (40) our work week, and he would only be required to attend three (3) 12-Step meetings per week, two (2) of which per month would be with the Health Professionals Program. An Order Modifying Probation was filed on January 25, 2007. The Order states as follows:

2. Dr. Gilmore's probation shall continue from September 23, 2004 for an indefinite term under the terms and conditions set forth in the September 23, 2004 Order and the July 21, 2005 Order Modifying Probation, with the exception that Dr. Gilmore is not restricted to a forty (40) hour work week, and he is only required to attend three (3) 12-Step meetings per week, two (2) of which per month will be with the Health Professionals Program.

14. On December 26, 2007, Defendant provided an observed urine specimen at the request of Tom Sosbee, Compliance and Education Coordinator for the Board. The urine specimen subsequently tested positive for Ethanol.

FOURTH COMPLAINT

15. On January 4, 2008, a Complaint was filed against Defendant based upon violations of probation.

16. On March 13, 2008, after hearing before the Board *en banc*, the Board entered an Final Order of Revocation whereby it revoked Defendant's license for a minimum of one (1) year. After that time, Defendant would be allowed to seek reinstatement of his license, at which time any terms of probation would be determined. A Final Order of Revocation was filed on March 14, 2008.
17. On May 21, 2009, Defendant appeared before the Board seeking reinstatement of his license. After hearing before the Board *en banc*, the Board entered an Order Granting Reinstatement of License Under Terms of Probation, which was filed on May 22, 2009. Under this Order, Defendant's license was subject to indefinite probation under the following terms and conditions:
 - H. 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, or continuation of treatment.
 - I. Defendant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances, including but not limited to alcohol.
 - M. Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.
 - T. Defendant shall submit any required reports and forms on a timely, accurate and prompt basis to the Compliance Coordinator or designee.

FIFTH COMPLAINT

18. On January 27, 2012, a Complaint was filed by the Board based upon violations of probation.
19. On May 17, 2012, after hearing before the Board *en banc*, the Board entered a Final Order of Revocation, which was filed on May 25, 2012.
20. On October 17, 2012, Defendant filed Defendant's Motion to Reconsider Based on Newly Discovered Evidence, requesting the Board to reconsider its May 25, 2012 Order of Revocation. On January 10, 2013, after hearing before the Board *en banc*, the Board entered an Order Denying Defendant's Motion to Reconsider Based on Newly Discovered Evidence, which was filed on February 15, 2013.
21. On May 16, 2013, Defendant appeared before the Board seeking reinstatement of his Oklahoma medical license. After hearing before the Board, the Board *en banc*, entered an Order Granting Reinstatement of License Under Terms of Indefinite Probation, which was filed on June 7, 2013, whereby Defendant's license would be reinstated under indefinite probation with the following terms and conditions:

A. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. 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 Oklahoma State Board of Medical Licensure and Supervision.

B. Upon request of the Board Secretary, Defendant will request all hospitals, clinics and other facilities in which he practices to furnish to the Board Secretary a written statement regarding monitoring of his practice while performing services in or to that hospital, clinic or facility.

C. 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 privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.

D. Defendant will not supervise allied health professionals that require surveillance of a licensed physician.

E. Defendant will enter and continue counseling with a therapist approved in advance in writing by the Board Secretary and will authorize in writing the release of any and all records of that treatment to the Board or its designee.

F. Defendant will submit for analysis biological fluid specimens including, but not limited to, blood and urine, upon request of the Board or its designee, and Defendant will pay for the costs attendant thereto.

G. Defendant will not prescribe, administer or dispense any medications for personal use or for that of any family member.

H. 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, or continuation of treatment.

I. Defendant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances, including but not limited to alcohol.

J. Defendant will authorize in writing the release of any and all information regarding his treatment at any treatment center and will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or

other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board Designee to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.

K. Defendant will abide by the terms and recommendations of his contracts with his treatment centers and the Oklahoma Health Professionals Recovery Program.

L. Defendant will attend four (4) meetings per week of a local 12-step program, including one (1) meeting per week of the Health Professionals Recovery Program.

M. Defendant shall promptly notify the Board of any relapse, including any entry or re-entry into a treatment program for substance abuse.

N. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse.

O. Defendant shall maintain care with a primary care physician.

P. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of his current address.

Q. Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his case, including but not limited to a \$150.00 per month monitoring fee.

R. Until such time as all indebtedness to the Oklahoma State Board of Medical (sic) Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

S. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.

T. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or designee.

U. Defendant shall practice in an environment approved in advance by the Board Secretary. Defendant shall additionally submit quarterly reports from his employer to the Board Secretary for his review.

V. Defendant shall not practice in excess of forty (40) hours per week during the term of his probation.

W. Defendant will sign a lifetime contract with the Health Professionals Recovery Program.

22. On February 12, 2016, Defendant filed a motion to modify the terms of his Indefinite Probation, removing paragraph "E."
23. At the March 10, 2016 hearing, the Board *en banc* determined that Defendant has honored term "E" of his indefinite probation and noted that Defendant's therapist is now deceased.

Conclusions of Law

1. The Board *en banc* has jurisdiction over the subject matter and is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians, surgeons and other allied health professionals in the State of Oklahoma pursuant to Title 59 Okla. Stat. § 480 *et seq.* Notice was given as required by law and the rules of the Board.
2. The Board is authorized to suspend, revoke or order any other appropriate sanctions against the license of any physician or surgeon holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. 59 O.S. Supp. 2014, § 503. 59 O.S. 2011, §§ 509.1(A)(3) and (4). This authority is *quasi-judicial* 59 O.S. 2011, § 513(A)(1).
3. Defendant presented sufficient evidence and good cause to support the requested modification to the terms of his indefinite probation, removing paragraph "E" and terminating the requirement for Defendant to enter and continue counseling with a therapist.

Orders

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

1. Defendant's motion to modify the terms of his indefinite probation is **GRANTED**, removing paragraph "E" and terminating the requirement for Defendant to enter and continue counseling with a therapist. Specifically:

Paragraph "E" of the Order Granting Reinstatement of License Under Terms of Indefinite Probation, filed June 7, 2013, states:

E. Defendant will enter and continue counseling with a therapist approved in advance in writing by the Board Secretary and will authorize in writing the release of any and all records of that treatment to the Board or its designee.

Effective March 10, 2016, paragraph "E" is hereby deleted from the Order Granting Reinstatement of License Under Terms of Indefinite Probation, filed June 7, 2013.

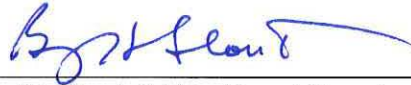
2. All other terms of Defendant's probation shall remain unchanged and in full force and effect.

3. Failure to meet any of the terms of this Order will be grounds for the Board to initiate proceedings to suspend or revoke the Oklahoma medical license of Bruce Stewart Gilmore, M.D., after additional notice and hearing as required by law.

4. Promptly upon receipt of an invoice, Defendant 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.

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

Dated this 24th day of March, 2016.



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 25th day of March, 2016, a true and correct copy of this Order was sent by U.S. first-class mail, postage prepaid, to the following:

Bruce Stewart Gilmore, M.D.
830 Franklin Drive
Ardmore, Oklahoma 73401



Nancy Thiemann, Legal Secretary