

IN AND BEFORE THE 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.                                        )

MARVIN M. ETTINGER, M.D.,         )  
Medical License No. 15581,         )

Defendant.                            )

CASE NO. 87-4-496

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision en banc on the 11th day of September, 1987, at 5104 N. Francis, Suite C, 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 Marvin M. Ettinger, M.D., Defendant, did not appear either in person or by representative after being given lawful notice by publication.

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

FINDINGS OF FACT

1. That Marvin M. Ettinger, M.D., holds Oklahoma Medical License No. 15581.

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. That on October 24, 1979, and May 30, 1980, accusations of gross negligence and professional incompetence were filed against Defendant before the Division of Medical Quality, Board of Medical Quality Assurance, Department of Consumer Affairs, State of California, in Case No. D-2443.

4. That on or around January 7, 1981, the California Board of Medical Quality Assurance suspended the Defendant's medical license for one year, but stayed the suspension in lieu of one year's probation with continuing medical education and mandatory surgical consultations. When the Court of Appeals of the State of California, Second Appellate District, set aside the suspension ordered by the Board of Medical Quality Assurance, then the Defendant on February 19, 1985, voluntarily surrendered his certificate to practice to the Board of Medical Quality Assurance in consideration for which the Board agreed to dismiss Case No. D-2443 with no prejudice as to the Board's raising the issues in a formal proceeding.

5. That on or around December 9, 1986, the Mississippi State Board of Medical Licensure, with the agreement of the Defendant and in lieu of a hearing thereon, placed the following conditions on his license to practice in the State of Mississippi:

"1. In the event Marvin M. Ettinger, M.D., ever chooses to practice medicine in the State of Mississippi, he shall so notify the Mississippi State Board of Medical Licensure in writing, setting forth the location and address of his intended practice;

2. Marvin M. Ettinger, M.D., shall not be authorized to practice medicine in the State of Mississippi in any capacity until such time as he has successfully completed the Clinical Competency portion (Component II) of the Federation Licensing Examination (FLEX). Pursuant to Board regulation, a score of 75 will be considered a passing grade for this component."

CONCLUSIONS OF LAW

1. That Marvin M. Ettinger, M.D., holding Oklahoma Medical License No. 15581, is in violation of the Oklahoma Medical Practice Act, 59 O.S. Supp. 1987, §509, Paragraph 16, to-wit:


"The inability to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition."

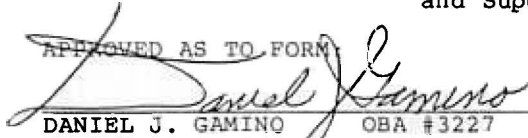
ORDER

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

1. That the Defendant's Medical License No. 15581 held by Marvin M. Ettinger, M.D., will be and is hereby revoked.

DATED this 11<sup>th</sup> day of September, 1987.

  
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MARK R. JOHNSON, M.D., Secretary  
State Board of Medical Licensure  
and Supervision

APPROVED AS TO FORM  
  
\_\_\_\_\_  
DANIEL J. GAMINO OBA #3227  
Daniel J. Gamino & Associates, P.C  
3315 NW 63  
Oklahoma City, OK 73116  
(405) 840-3741  
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 21 day of September, 1987, to:

Marvin M. Ettinger, M.D.  
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