

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. )  
 )  
(JEFFERSON DAVIS ERWIN, M.D.) CASE NO. 88-10-696  
Medical License No. 15856, )  
 )  
Defendant. )

FINAL ORDER  
TO COMPLETE IN-PATIENT TREATMENT

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on October 21, 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 Michael A. Taylor, Attorney, appeared for the Defendant, and the Defendant appeared in person.

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 prior to the suspension imposed by the Oklahoma Board of Medical Licensure and Supervision, Jefferson Davis Erwin, M.D., held Oklahoma Medical License No. 15856.

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 at its prior meeting on June 9, 1989, following notice and hearing, the Board voted that Defendant's Oklahoma medical license should remain suspended from that date until the meeting of the Board scheduled in October, 1989, in order to allow the Defendant to fulfill requirements of the Oklahoma State Medical Association Physician Recovery Committee, and to review a recommendation of the Committee.

4. That accordingly the Defendant entered the Georgia Impaired Health Professionals program of the Talbott/Marsh Recovery Center, Atlanta, Georgia, on June 20, 1989, for treatment of his disease of chemical dependency. The initial phase of rehabilitation involved an admission to Anchor Hospitals Adult Chemical Dependence Unit, where Defendant remained until July 20, 1989. Thereafter, Dr. Erwin was transferred to the Talbott/Marsh Recovery Residences, Halfway House System, and began attending the out-patient day program at Talbott/Marsh Recovery Center on a daily basis. He participated in this element until August 28, 1989, and then immediately became involved in the Mirror-Image Therapy phase. He was placed at Bawner Psychiatric Institute, participating as a counselor-trainee.

5. On September 18, 1989, Defendant elected to leave treatment against medical advice. After repeated attempts by the staff encouraging the Defendant to remain in treatment, he signed himself out against medical advice. On September 29, 1989, Dr. Erwin was re-admitted to the Talbott/Marsh Recovery Residences and Talbott Recovery Residences. Defendant once again left against medical advice on October 4, 1989. Due to incomplete treatment, the Talbott/Marsh Recovery Center advised that Defendant's prognosis is poor.

6. Evidence indicated that the Defendant did not present evidence to show successful completion of in-patient treatment as recommended by the Physician Recovery Committee of the OSMA.

7. The Board's finding at its hearing of June 9, 1989, that Defendant is not yet ready to return to active medical practice and should continue with his license suspended until he fulfills requirements of the Physician Recovery Committee of the OSMA and until that Committee makes a recommendation to the Board is still valid.

CONCLUSIONS OF LAW

1. That under the terms and conditions of the Oklahoma Medical Practice Act, 59 O.S. Supp. 1988, Sec. 481 et seq., and the Final Order of the Board issued herein following hearing on February 3, 1989, the Board has continuing jurisdiction over the Defendant and his Oklahoma medical license.

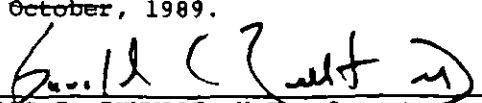
ORDER

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

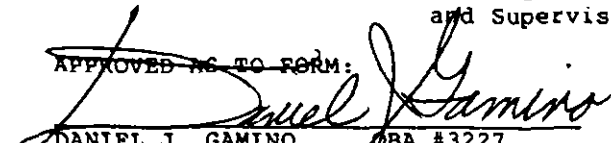
1. That the license of the Defendant, Jefferson Davis Erwin, M.D., holding Oklahoma Medical License No. 15856, should be and the same is to remain SUSPENDED from October 21, 1989, until such time as the Defendant presents evidence of successful completion of his disease of chemical dependence at the Talbott/Marsh Recovery Center, Atlanta, Georgia.

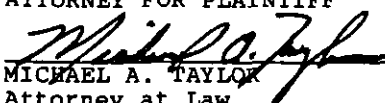
2. That a copy of this Order should be forwarded to Defendant by and through his counsel.

DATED this 9 day of <sup>November</sup> October, 1989.

  
GERALD C. ZUMWALT, 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  
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ATTORNEY FOR PLAINTIFF

  
MICHAEL A. TAYLOR  
Attorney at Law  
Suite 120  
Hightower Bldg.  
Oklahoma City, OK 73102  
(405) 232-2444  
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 15 day of November, 1989, to:

MICHAEL A. TAYLOR  
Attorney at Law  
616 Colcord Drive  
Suite 100  
Oklahoma City, OK 73102

Janet L Owens