

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. )

ORDER STRIKING REQUEST FOR  
REINSTATEMENT OF LICENSE FROM DOCKET

This cause came on for hearing for consideration before the Oklahoma Board of Medical Licensure and Supervision on March 16, 1991 at the office of the Oklahoma State Board of Medical Licensure and Supervision, 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 Defendant did not appear either in person or by representative, but did appear by telephone call to the Board Office on March 16, 1991.

The Board of Medical Licensure and Supervision en banc heard announcement of counsel 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 following hearing on October 21, 1989, the Board voted to suspend Defendant's medical license until such time as

Defendant presents evidence of successful completion of in-patient treatment for chemical dependence at a facility such as the Talbott/Marsh Recovery Center, Atlanta, Georgia, for at least thirty (30) days.

4. That by personal letter addressed to the Board's Secretary in February, 1991, Defendant requested an appearance to seek reinstatement of his medical license.

5. That before the time of appearance set for 3:30 p.m. on March 16, 1991, Defendant did telephone the Board Office and withdrew his request to proceed.

6. That counsel for the Board moved under those circumstances that the matter be stricken from the Board docket until reset at the initiation of the Defendant.

7. That the Defendant shall be able to initiate further proceedings before the Board at a time he thinks appropriate. That the Plaintiff specifically reserves its Motion to Strike Request from Docket in the event the staff does not feel that the Defendant has presented evidence of successful completion of in-patient treatment.

#### CONCLUSION OF LAW

That under the terms and conditions of the Oklahoma Medical Practice Act, 59 O.S. Supp. 1990, §481 et seq., and the Final Order of the Board issued herein following hearing on October 21, 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 Defendant's Request for Reinstatement of License should be and the same is hereby stricken from the Board's Docket of March 16, 1991.

2. Both Plaintiff and Defendant reserve the right to file subsequent pleadings in this matter.

3. That the Board heard no evidence on this case and makes no ruling as to the merits of this matter.

4. A copy of this Order should be forwarded to Defendant at his last known address.

DATED this 21 day of March, 1991.

Gail (Zumwalt)  
GERALD C. ZUMWALT, M.D., Secretary  
State Board of Medical Licensure  
and Supervision

APPROVED AS TO FORM:

Daniel J. Gamino

DANIEL J. GAMINO OPA #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 25 day of March, 1991, to:

JEFFERSON DAVIS ERWIN, M.D.  
Salabero Center  
622 SW 38  
Lawton OK 73505

Janet L. [unclear]