

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

STATE OF OKLAHOMA

FILED

DEC 02 1993

STATE OF OKLAHOMA, ex rel,)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

plaintiff,)

v.)

JEFFERSON-DAVIS-ERWIN, M.D.)
Medical License No. 15856,)

CASE NO. 88-10-696

Defendant.)

ORDER RENEWING SUSPENSION
AND MODIFYING BOARD ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on November 20, 1993, 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 Jefferson Davis Erwin, M.D., Defendant, appeared in person, pro se, waived his right to legal counsel and agreed to proceed without counsel.

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

FINDINGS OF FACT

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

2. That the Oklahoma 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. That in the passage of time since October 21, 1989, the Defendant did provide evidence to show that he could receive treatment of his disease of chemical dependency at some institution other than Talbott/Marsh Recovery Center, Atlanta, Georgia, and that the Board should delegate to the Board Secretary the power to direct the Defendant to a particular institution where the Defendant shall attend and provide evidence of successful completion thereof. During this time, the Defendant's Oklahoma Medical License No. 15856, already on suspension, should remain on suspension until such time as the Defendant presents evidence of successful completion of treatment of his disease of chemical dependency at an institution designated by the Secretary of the Board.

CONCLUSIONS OF LAW

1. That under the terms and conditions of the Oklahoma Medical Practice Act, 59 O.S. 1991, 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

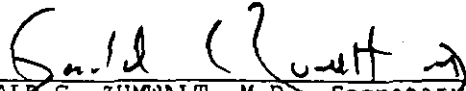
IT IS THEREFORE ORDERED by the Oklahoma Board of Medical Licensure and Supervision as follows:

1. That the license of Defendant, Jefferson Davis Erwin, M.D., formerly holding Oklahoma Medical License No. 15856, should be and the same is to remain SUSPENDED from the date of November 20, 1993, until such time as the Defendant presents evidence of successful completion of treatment of his disease of chemical dependence at an institution directed by the Secretary of the Oklahoma Board of Medical Licensure and Supervision.

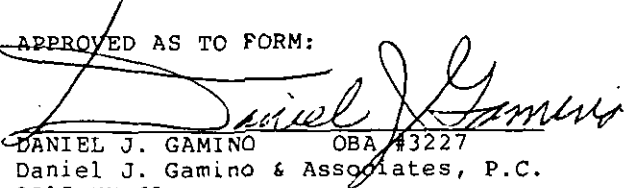
2. That the Board specifically directs and delegates to the Board Secretary the duty to designate the institution where the Defendant shall successfully complete treatment for his disease of chemical dependency.

3. That a copy of this written Order should be sent to the Defendant as soon as possible so his record is complete.

DATED this 2 day of Dec, 1993.


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
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 9 day of December 1993, to:

JEFFERSON DAVIS ERWIN
7020 East Reno #303
Midwest City 73111

