

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.)
Medical License No. 15856)
)
Defendant.)

ORDER MODIFYING SPECIAL LICENSE
UNDER TERMS OF PROBATION

This matter came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on ~~March 14, 1997~~ at the offices of the Board, 5104 North Francis, Suite C, Oklahoma City, Oklahoma.

Defendant appeared in person, pro se, requesting modification of his special license to allow him to work at Health For Friends.

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

FINDINGS OF FACT

1. That Defendant, JEFFERSON DAVIS ERWIN previously held a special license to practice at the Joseph Harp Correctional Center, Lexington, Oklahoma.
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 Defendant has an opportunity to work at Health For Friends in Norman, Oklahoma and his special license could be modified.

CONCLUSIONS OF LAW

1. That pursuant to the legal authority of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision

Act, 59 O.S. 1996, Sec. 481 et seq., the Board has continuing jurisdiction over the Defendant and his Oklahoma medical license.

ORDER

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

1. That the application of Jefferson Davis Erwin for a special license to work at Health For Friends in Norman, Oklahoma be the same and is hereby GRANTED.
2. That Defendant is to continue on an indefinite probation to the Oklahoma State Board of Medical Licensure and Supervision under the following terms and conditions:
 - (a) During the period of probation Defendant will not prescribe, administer or dispense any medications for his personal use, to specifically include controlled dangerous substances.
 - (b) During the period of probation Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need and Defendant shall have an affirmative duty to inform any physician treating him of Defendant's previous history of substance abuse.
 - (c) During the period of probation Defendant will abstain from consuming alcohol or any substance, specifically including but not limited to controlled dangerous substances, which would adversely affect his ability to practice medicine or surgery as interpreted by the Oklahoma State Board of Medical Licensure and Supervision.
 - (d) During the period of probation Defendant has the affirmative duty to not engage in any activity or to ingest any medications or substance of any nature that will test positive for alcohol or any controlled dangerous substance.
 - (e) During the period of probation Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of any investigator or other agency representing the Oklahoma State Board of Medical Licensure and Supervision, and Defendant will pay for testing and analysis of those specimens.

- (f) During the period of probation Defendant has the affirmative duty to authorize and obtain from his treating physicians quarterly reports as to his physical and mental condition and to provide those to the Board staff.
- (g) During the period of probation Defendant will not prescribe, administer or dispense any scheduled drugs or controlled dangerous substances to any patients or other persons.
- (h) During the period of probation Defendant will not authorize any personnel under his supervision to initiate an order for a prescription to be issued.
- (i) During the period of probation Defendant will practice in a controlled environment approved by the Oklahoma State Board of Medical Licensure and Supervision or its Secretary.
- (j) Defendant shall not allow the independent practice of medicine by any personnel under his supervision, employment or control.
- (k) During the period of probation Defendant will conduct his practice in compliance with the Oklahoma Medical Licensure and Surgical Medical 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 or interpretation is received from the Board.
- (l) During the period of probation Defendant will not allow the initiation of any therapeutic regimen by any personnel under his supervision unless Defendant is in the immediate, geographic vicinity of said personnel.
- (m) During the period of probation Defendant will request all hospitals in which he anticipates practice, or clinics or groups, to furnish to the Oklahoma State Board of Medical Licensure and Supervision a written statement regarding monitoring of his practice while performing service in or to that hospital, clinic or group.
- (n) During the period of probation Defendant will furnish to each 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 privileges, a copy of the Board Order stipulating sanctions imposed by this Board.

- (o) During the period of probation Defendant will not perform any open or invasive surgical procedures until specifically authorized by the Board.
- (p) During the period of probation Defendant will place himself in a rehabilitation program approved by the Board Secretary for after-care treatment. Defendant will authorize in writing the release of any and all information regarding said treatment and after-care to the Board.
- (q) During the period of probation Defendant will enter and continue psychiatric treatment under a doctor approved by the Board. Defendant will authorize in writing the release of any and all records of that treatment to this Board.
- (r) During the period of probation Defendant is excluded from supervision of any Physician Assistant.
- (s) During the period of probation Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.
- (t) That Defendant shall appear before the Board or a designated member thereof whenever requested to do so.
- (u) During the period of probation Defendant will submit to the Investigation Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.
- (v) Pursuant to Title 59 O.S. Sec. 506, Defendant shall promptly pay within 30 days of receipt of invoice from the Board the costs of investigation, prosecution and probation of this case, unless the Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- (w) That violation of any of the terms and conditions of probation shall be grounds for additional

charges to be presented to the Board after notice to the Defendant.

3. That the jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.
4. That failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma Medical License, after additional due notice and hearing.

DATED this 27 day of March, 1997.

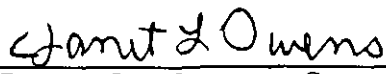


Gerald C. Zumwalt, M.D., Secretary
Oklahoma Board of Medical Licensure
and Supervision

CERTIFICATE OF MAILING

This is to certify that on this 2 day of April, 1997, a true and correct copy of this order was mailed, postage prepaid, to:

Jefferson Davis Erwin, M.D.
3832 North Ann Arbor #3
Oklahoma City, OK 73122



Janet L. Owens, Secretary