

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

STATE OF OKLAHOMA

FILED

AUG 24 2000

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA EX REL. THE )  
OKLAHOMA STATE BOARD OF )  
MEDICAL LICENSURE AND )  
SUPERVISION, )

Plaintiff, )

v. )

Case No.

JEFFERSON DAVIS ERWIN, M.D., )  
MEDICAL LICENSE NO. 15856, )

Defendant. )

ORDER MODIFYING  
TERMS OF PROBATION

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on July 27, 2000, at the offices of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma.

Defendant appeared in person, *pro se*, requesting that his terms of probation be modified to allow him to perform minor surgical office procedures to include excisional biopsies, I & D and endometrial biopsies. Defendant additionally requests that he be allowed to apply for a limited DEA number and that he be allowed to prescribe certain scheduled drugs.

The Board *en banc* heard testimony, reviewed the application and all attached exhibits and, being fully apprised of the premises, made the following Findings of Fact, Conclusions of Law, and Orders:

*Findings of Fact*

1. Jefferson Davis Erwin, M.D., currently holds medical license no. 15856 to practice medicine and surgery under indefinite terms of probation.
2. The Board *en banc* has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the rules of the Board.

~~3. Defendant requests modification of his terms of probation to allow him to perform minor surgical office procedures to include excisional biopsies, I & D and endometrial biopsies. Defendant additionally requests that he be allowed to apply for a limited DEA number and that he be allowed to prescribe certain scheduled drugs.~~

4. Modification of the terms of probation to allow Defendant to perform minor office procedures restricted to the skin and/or lacerations is appropriate based on the evidence presented and will adequately protect the health, safety and welfare of the public. All other requested modifications to the terms of probation are hereby denied.

### *Conclusions of Law*

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to 59 Okla. Stat. §481 *et seq.* and the rules adopted by the Board.

### *Order*

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

1. The motion to modify terms of probation of Jefferson Davis Erwin to allow him to perform minor office procedures restricted to the skin and/or lacerations is hereby GRANTED. All other requested modifications to the terms of probation of Defendant are hereby DENIED.

2. Defendant is to continue on INDEFINITE PROBATION to the Board under the following terms and conditions:

(a) Defendant will not prescribe, administer or dispense any medications, including any controlled dangerous substances, for his personal use.

(b) Defendant will take no medication except as authorized by a physician treating him for a legitimate medical need and shall have an affirmative duty to inform any such treating physician of his previous history of substance abuse.

(c) Defendant will abstain from consuming alcohol or any substance, specifically including but not limited to, any controlled dangerous substance, which would adversely affect his ability to practice medicine and surgery as interpreted by the Board.

(d) Defendant has the affirmative duty not to engage in any activity nor ingest any medication or substance of any nature that will test positive for alcohol or any controlled dangerous substance.

- (e) Defendant will submit biological fluid specimens, including but not limited to, blood and urine for analysis upon the request of any investigator or other agency representing the Board, and Defendant will pay the costs of testing and analysis of those specimens.
- (f) Defendant has the affirmative duty to authorize and obtain from his treating physicians quarterly reports as to his physical and mental condition and shall provide those to the Board.
- (g) Defendant will not prescribe, administer or dispense any scheduled drugs or controlled dangerous substances to any patient or other person.
- (h) Defendant will not authorize any personnel under his supervision to initiate an order for a prescription to be issued.
- (i) Defendant will practice in a controlled environment, and prior to commencing any employment as a physician or surgeon, Defendant will obtain the approval of the Secretary of the Board.
- (j) Defendant shall not allow the independent practice of medicine by any person under his supervision, employment or control.
- (k) Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Board. Any question of interpretation regarding the 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) Defendant will not allow the initiation of any therapeutic regimen by any person under his supervision, employment or control unless Defendant is in the immediate, geographic vicinity.
- (m) Defendant will request all hospitals, clinics or groups in which he anticipates he will practice to furnish to the Board a written statement regarding monitoring of his practice while Defendant is performing services in or to that hospital, clinic or group.
- (n) Defendant will furnish a copy of this order to each state in which he holds a license or applies for licensure, and to each hospital, clinic or other institution in which he holds or anticipates holding any form of staff privileges.

(o) Defendant will not perform any open or invasive surgical procedures until specifically authorized by the Board and as specifically set forth above.

(p) Defendant will continue with his approved rehabilitation program and after-care treatment. Defendant will authorize in writing the release of any and all information regarding his treatment, including his after-care treatment, to the Board.

(q) Defendant will continue psychiatric treatment under a doctor approved by the Board and will authorize in writing the release of any and all records of that treatment to this Board.

(r) Defendant shall not supervise any physician assistant.

(s) Defendant will promptly furnish in writing to the office of the Board all current legal addresses and any change of address.

(t) Defendant shall appear before the Board or a designated member thereof whenever requested to do so.

(u) Defendant will submit to the Investigation Division of the Board any required reports and forms on a timely and prompt basis.

(v) Pursuant to 59 Okla. Stat. §506 Defendant shall promptly pay within 30 days of his receipt of a invoice from the Board the costs of investigation, prosecution and probation, unless the Defendant affirmatively obtains a deferment of all or part of such fees upon presentation of evidence that is acceptable to the Board Secretary.

(w) 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. Jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Board on its own motion or on the motion of Defendant.

4. 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 due notice and hearing.

5. Termination from probation and reinstatement of a full, unrestricted medical

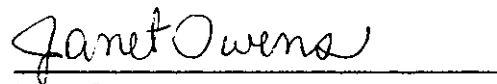
license shall take place and become effective only after review by the Board upon proof of compliance and satisfaction of all terms, conditions and requirements for full licensure in the State of Oklahoma.

Dated this 21 day of August, 2000.

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

**CERTIFICATE OF MAILING**

This is to certify that on this 24 day August, 2000, a true and correct copy of this order was mailed, postage prepaid, to Jefferson Davis Erwin, M.D., Allied Physicians Group, 6820 N.W. 23<sup>rd</sup>, Bethany, OK 73008.

  
Janet Owens