

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

FILED

STATE OF OKLAHOMA

MAR 04 1999

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

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

vs.)

CASE NO. 96-01-1873

MICHAEL J. BUTT, M.D.)
Medical License No. 17948;)

Defendant)

FINAL ORDER OF REVOCATION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on March 4, 1999, at the office of the Board, 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. Defendant appeared by and through legal counsel, David R. Thomas, attorney at law, P.O. Box 953, Altus, Oklahoma, 73522. Defendant has executed authorization for his attorney David R. Thomas to approve this Final Order of Revocation and appear for him before this Board. Said authorization is attached to this Order and incorporated herein.

The Board en banc having heard arguments of counsel and reviewing the exhibits admitted and being fully advised in the premises, found there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

FINDINGS OF FACT

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 O.S. Supp. 1998, Sec. 480 et-seq.

2. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with the law and the rules of the Board.

3. Defendant, Michael J. Butt, M.D., was issued Oklahoma Medical License No. 17948.

4. On or around July 15, 1998, Judgment and Sentence was entered by the District Court of Jackson County in the case State of Oklahoma, Plaintiff, v. Michael J. Butt, Defendant, CRF-97-8. Defendant entered a plea of nolo contendere, and the Court found Defendant guilty of the offense of Sexual Battery contrary to 21 O.S. 1991, Sec. 1123(B). Defendant was sentenced to a term of two years under the custody and control of the Oklahoma Department of Corrections but that all of said terms of imprisonment was suspended pursuant to the rules and conditions of probation entered by the Court. Further, the Court ordered Dr. Butt to pay a fine of \$5,000.00, plus actual costs, fees and assessments on or before October 15, 1998. The Court ordered Dr. Butt to not practice medicine in the State of Oklahoma during the term of the suspended sentence.

5. Defendant is guilty of unprofessional conduct in that he has been convicted of a felony involving moral turpitude in violation of 59 O.S. Supp. 1998, Sec. 509(6) and (8), and Board Rule 435:10-7-4(10).

CONCLUSION OF LAW

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect public health, safety and welfare.

2. Pursuant to 59 O.S. Supp. 1998, Sec. 513, the license of any physician whose felony conviction has become final must be suspended or

revoked and canceled by the Board upon the submission of a certified copy of the Judgment and Sentence of the Trial Court and a certificate of the Clerk of the Trial Court that the conviction has become final.

3. Defendant, Michael J. Butt, holding Oklahoma Medical License No. 17948; is guilty of unprofessional conduct based on the foregoing facts in that he has been convicted of a felony involving moral turpitude in violation of 59 O.S. Supp. 1998, Sec. 509(6) and (8), and Board Rule 435:10-7-4(10).

ORDER

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

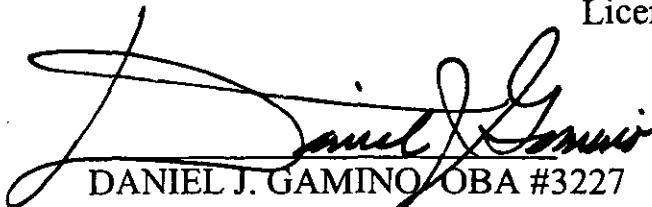
1. The license of Defendant Michael J. Butt, Oklahoma Medical License No. 17948, is hereby **REVOKED**.

2. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.


ORDERED this 4th day of March, 1999.



ERIC E. FRISCHE, President
Oklahoma State Board of Medical
Licensure and Supervision



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ATTORNEY FOR PLAINTIFF



DAVID THOMAS OBA #3227
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P.O. Box 953
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(580) 482-7134
ATTORNEY FOR DEFENDANT


MICHAEL J. BUTT

SUBSCRIBED and sworn to before me this 27th day of February 1999.


Notary Public

My Commission Expires:

10/23/99

AUTHORIZATION

I, Michael J. Butt, hereby authorize my attorney at law, David R. Thomas to appear on my behalf before the Oklahoma State Board of Medical Licensure in case Number 96-01-1873, acknowledging service of the complaint herein, and to approve the stipulated final Order of Revocation herein which I have reviewed and approved by my signature thereto on separate and attached page.


MICHAEL J. BUTT

VERIFICATION

STATE OF OKLAHOMA)
)
COUNTY OF JACKSON) ss

I, Michael J. Butt, having been first duly sworn, state that the above Authorization is true and correct to the best of my knowledge and belief.


MICHAEL J. BUTT

SUBSCRIBED and sworn to before me this 27th day of February, 1999.


Notary Public

My Commission Expires:
10/23/99

CERTIFICATE OF SERVICE

On the 5 day of March, 1999, a true and correct copy of this order was mailed, postage prepaid, to :

Michael J. Butt, MD
C/O David Thomas, Attorney
PO Box 953
Altus, OK 73522