

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

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

Plaintiff,

v.

ROBERT BRUNTON SMITH, M.D.,
LICENSE NO. 19942

Defendant.

FILED

SEP 22 2006

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 04-09-2867

FINAL ORDER OF REPRIMAND

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on September 21, 2006, 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.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appears not.

The Board *en banc* after hearing arguments of counsel and reviewing the exhibits admitted, and being fully advised in the premises, found that 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 Okla. Stat. §480 *et seq.*
2. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.
3. Defendant, Robert Brunton Smith, M.D., holds Oklahoma medical license no. 19942.

4. On or about August 4, 2004, Defendant was disciplined by the State Board of Registration for the Healing Arts for the State of Missouri based upon a finding that he violated Missouri standards of professional conduct by improperly delegating professional responsibilities to an unlicensed person and that he signed blank prescription forms. Specifically, the State of Missouri found that the Defendant was guilty of misconduct, misrepresentation and dishonesty when he intentionally entrusted patients to the care of a person who represented herself as a licensed psychologist, when in fact Defendant knew that she was not licensed. The State of Missouri also found that Defendant signed blank prescriptions and left them at his office for the use of his staff, and that they were in fact filled out by staff and given to patients in Defendant's absence. Defendant was reprimanded and further ordered to complete CME on prescribing and ethics within six (6) months of the date of the Order.

5. Defendant appealed the Board order to the Circuit Court of Taney County, State of Missouri and on June 13, 2006, the Circuit Court affirmed the Missouri Board order.

6. Defendant is guilty of unprofessional conduct in that he:

- A. Was subject to disciplinary action of another state or jurisdiction based upon acts or conduct by the licensee similar to acts or conduct that would constitute grounds for action as defined in this section pursuant to OAC 435:10-7-4(31).

Conclusions 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 the public health, safety and welfare.

2. Defendant is guilty of unprofessional conduct in that he:

- A. Was subject to disciplinary action of another state or jurisdiction based upon acts or conduct by the licensee similar to acts or conduct that would constitute grounds for action as defined in this section pursuant to OAC 435:10-7-4(31).


3. The Board further found that the Defendant should be reprimanded based upon violation of OAC 435:10-7-4(31).

Order

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

1. Robert Brunton Smith, M.D., Oklahoma license no. 19942, is hereby **FORMALLY REPRIMANDED**.
2. Prior to practicing in the State of Oklahoma, Defendant shall appear before the Board, at which time probationary terms may be imposed, which will be determined at that time.
3. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

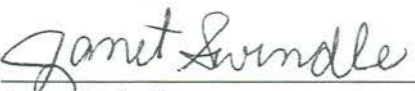
Dated this 22 day of September, 2006.



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

CERTIFICATE OF SERVICE

I certify that on the 22 day of September, 2006, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to R. Robyn Assaf, 4312 Classen Blvd., Oklahoma City, OK 73118 and to Robert Brunton Smith, P.O. Box 1854, Hollister, MO 65673.



Janet Swindle