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

FILED

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
)
EUGENE MARK SHUSTERMAN M.D.,)
LICENSE NO. 21493,)
)
Defendant.)

NOV 16 2001
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 01-09-2404

COMPLAINT

COMES NOW the Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Complaint against the Defendant, Eugene Mark Shusterman, M.D., alleges and states as follows:

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. Defendant, Eugene Mark Shusterman, M.D., holds Oklahoma license no. 21493.
3. From July 1, 2000 through June 30, 2001, Defendant was a fifth year resident in the Plastic Surgery Residency Program at the University of Oklahoma Health Sciences Center in Oklahoma City, Oklahoma.
4. On or about March 30, 2001, Defendant was put on probation for failing to meet the performance standards for an individual rotation and failing to meet the performance standards of the training program. Defendant was subsequently notified on or about June 18, 2001 that his contract for the next year would not be renewed based upon his failure to meet the performance standards of an individual rotation and his failure to meet the performance standards of the training program while on probation.
5. During the time Defendant was a fifth year resident, Defendant was the acting plastic surgeon on numerous procedures at which time patient care was jeopardized due to

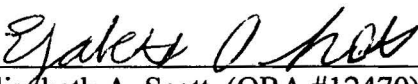
Defendant's acts of negligence or his inability to perform the required procedures with appropriate skill and knowledge.

6. Defendant is guilty of unprofessional conduct in that he:
 - A. Engaged in conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11).
 - B. Engaged in gross or repeated negligence in the practice of medicine and surgery in violation of OAC 435:10-7-4(15).
 - C. Engaged in practice or other behavior which demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).

Conclusion

WHEREFORE, the Plaintiff respectfully requests that the Board conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to Defendant's medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,

 at 11:00 a.m.
Elizabeth A. Scott (OBA #12470)
Assistant Attorney General
State of Oklahoma
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Attorney for the Plaintiff