

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.)

ROBERT CHISHOLM, M.D.,)
LICENSE NO. 22563,)
 Defendant.)

AUG - 2 2013

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 12-12-4562

FINAL ORDER OF REVOCATION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the “Board”) on July 25, 2013, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Scott Randall Sullivan, Special Prosecutor for the Board, appeared for the plaintiff and Defendant appeared not.

The Board *en banc*, 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. 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.
2. Defendant, Robert Chisholm, M.D., holds Oklahoma medical license no. 22563 and has practiced in Oklahoma.
3. Defendant received proper notice of this hearing via publication in *The Oklahoman*, *Journal Record* and *The Lawton Constitution* newspapers.

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 engaged in:
 - a) Failure to provide necessary on-going medical treatment when a doctor-patient relationship has been established, which relationship can be severed by either party providing a reasonable period of time is granted in violation of *Title 59 O.S. §509.19*;
 - b) Failure to transfer pertinent and necessary medical records to another physician in a timely fashion when legally requested to do so by the subject patient or by a legally designated representative of the subject patient in violation of *Oklahoma Administrative Code Rule 435:10-7-4:35*; and
 - c) Improper management of medical records in violation of *Oklahoma Administrative Code 435:10-7-4:36*.
3. Pursuant to *Oklahoma Administrative Code Rule 435:3-3-14*:

Any defendant who fails to appear as directed, after first having received proper notice, shall be deemed by the Board to have waived his or her right to present a defense to the charges alleged in the complaint, and the Board may deem the allegation of the complaint and citation to be true and correct as alleged. Thereupon, the Board may vote to take disciplinary action upon the allegations of the complaint and citation, as appropriate for the nature of the allegations.

4. The Board found that the Defendant's license should be **REVOKED**.

Order

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

1. The license of Defendant, Robert Chisholm, M.D., Oklahoma medical license no. 22563, is hereby **REVOKED** as of the date of this hearing, July 25, 2013.

- 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 2 day of August, 2013.



Gerald C. Zumwalt, M.D., Secretary
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND
SUPERVISION

Certificate Of Service

I certify that on the 2nd day of August, 2013, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Robert Chisholm, M.D., at this last known address which is: 4706 Motif-Manor Blvd., #B, Lawton, Oklahoma 73505.



Barbara J. Smith, Legal Assistant