

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

**FILED**

DEC 20 2022

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.* )  
OKLAHOMA STATE BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
EDWARD GERARD MELTON, M.D., )  
LICENSE NO. 24098, )  
 )  
Defendant. )

Case No. 21-09-6046

**ORDER**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision ("Board") on November 17, 2022, at the office of the Board, 101 N.E. 51<sup>st</sup> Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and the rules of the Board.

Joe L. Ashbaker, Assistant Attorney General ("AAG Ashbaker"), appeared for Plaintiff. Defendant Edward Gerard Melton, M.D. appeared *pro se*.

The following witnesses were sworn and testified: Robbin Roberts, Board Investigator, and defense witnesses Kelly Conley, Tanith Garner and Defendant Edward Gerard Melton, MD. Exhibits were admitted into evidence.

The Board, having considered representations of counsel, sworn testimony of the witnesses, and being fully apprised of the premises therein, finds the following has been established by clear and convincing evidence.

**FINDINGS OF FACT**

1. In Oklahoma, Defendant holds Oklahoma License No. 24098.
2. The acts and omissions complained of herein were made while Defendant was licensed to practice medicine by the State of Oklahoma.
3. This action arises out of complaints related to conduct by Defendant, as follows:
  - a. Defendant made inappropriate comments to K.H., a patient, that were flirtatious or sexual in nature.

- b. Defendant carried on a personal, sexual relationship with T.G., a patient to whom he prescribed Schedules II and IV medications at least 27 times from 2015-2020.
  - c. On at least one occasion, Defendant prescribed controlled substances without sufficient examination and the establishment of a valid physician-patient relationship and/or Defendant failed to maintain adequate records to support his treatment and prescribing of controlled substances.
4. Any finding of fact above which is more appropriately characterized as a conclusion of law is hereby incorporated as a conclusion of law.

#### **CONCLUSIONS OF LAW**

5. The Board has jurisdiction over the subject matter and 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. 59 O.S. §480, *et seq.* and Okla. Admin. Code 435:5-5-1-1 *et seq.*
6. Notice was provided to Defendant as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 504; Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.
7. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
- a. Engaging in physical conduct with a patient which is sexual in nature, or in any verbal behavior which is seductive or sexually demeaning to a patient, in violation of 59 O.S. §509(17).
  - b. Failure to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient, in violation of 59 O.S. §509(18).
  - c. Conduct likely to harm the public, in violation of Okla. Admin. Code § 435:10-7-4(11).
  - d. Improper management of medical records, in violation of Okla. Admin. Code §435:10-7-4(36).
  - e. Engaging in predatory sexual behavior, in violation of Okla. Admin. Code §435:10-7-4(45).
  - f. Failure to establish a physician/patient relationship prior to providing patient-specific medical services, care or treatment. in violation of Okla. Admin. Code § 435:10-7-4(49).

9. Any conclusion of law above which is more appropriately characterized as a finding of fact is hereby incorporated as a finding of fact.

**ORDER**

**IT IS THEREFORE ORDERED** by the Oklahoma State Board of Medical Licensure and Supervision that **EDWARD GERARD MELTON, M.D.**, is found guilty of unprofessional conduct as described herein.

**IT IS FURTHER ORDERED** by the Oklahoma State Board of Medical Licensure and Supervision that **EDWARD GERARD MELTON, M.D.**, Oklahoma medial license no. 24098, is hereby suspended indefinitely. Defendant is granted the right to reapply no earlier than six (6) months from the date of this order and only after satisfactory completion of an educational training and/or treatment program or programs as determined by the Board Secretary.

**IT IS FURTHER ORDERED**, promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

**IT IS FURTHER ORDERED** a copy of this Order shall be provided to Defendant as soon as it is processed.

**This Order is subject to review and approval by the Oklahoma Attorney General, and this Order shall become final upon completion of the review by the Oklahoma Attorney General unless disapproved, in which case this Order shall be null and void.**

Dated this 20<sup>th</sup> day of December, 2022.



Steven Katsis (Nov 30, 2022 11:03 CST)

Steven Katsis, M.D., President  
OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION

**Certificate of Service**

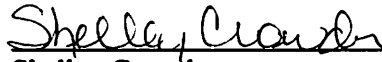
This is to certify that on the 20<sup>th</sup> day of December, 2022, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

**U.S. Certified Mail**

Edward Gerard Melton, MD  
9220 E. 76th Pl.  
Tulsa, OK 74133  
***Defendant***

**E-Mail**

Joe Ashbaker, AAG  
STATE OF OKLAHOMA  
OFFICE OF ATTORNEY GENERAL  
313 N.E. 21<sup>st</sup> Street  
Oklahoma City, Oklahoma 73105  
(405) 522-0113  
(405) 521-6246 facsimile  
Joe.ashbaker@oag.ok.gov  
***Attorney for Plaintiff,  
Oklahoma State Board of Medical  
Licensure and Supervision***

  
\_\_\_\_\_  
Shelley Crowder



JOHN M. O'CONNOR  
ATTORNEY GENERAL

**FILED**

DEC 20 2022

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

ATTORNEY GENERAL OPINION  
2022-55A

Billy H. Stout, M.D., Board Secretary  
State Board of Medical Licensure and Supervision  
101 N.E. 51<sup>st</sup> Street  
Oklahoma City, OK 73105-1821

December 19, 2022

Re: Melton; Case No. 21-09-6046

Dear Dr. Stout:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Medical Licensure and Supervision ("Board") intends to take with respect to Case No. 21-09-6046.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act authorizes the Board to suspend, revoke or order other appropriate sanctions against the license of a physician for unprofessional conduct.<sup>1</sup> 59 O.S.2021, § 503. The Board may reasonably believe that the proposed action is necessary to deter future violations and to protect the public.

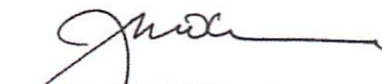
Defendant holds a license to practice medicine in the State of Oklahoma. The Board has received complaints against Defendant for various acts in violation of the Oklahoma Statutes and the Board rules, such as 1) making inappropriate sexual comments to a patient, 2) prescribing Schedules II and IV medications to a patient with whom Defendant was sexually involved, and 3) providing controlled substances without establishing a valid physician/patient relationship and without records to support such treatment.

The Board proposes to indefinitely suspend the license and require Defendant to pay costs of this action. Defendant may reapply for his license no earlier than six months from date of the Board's order, and after completion of training and/or treatment programs as prescribed by the Board.


---

<sup>1</sup> Oklahoma statutes and the Board rules define "unprofessional conduct" to include 1) "physical contact with a patient that is sexual in nature" or "verbal behavior which is seductive," 2) failing to maintain "patient records which accurately reflect evaluation, treatment, and medical necessity of treatment," 3) failing to "establish a physician/patient relationship prior to providing" medical services, or 4) "conduct likely to deceive, defraud or harm the public." 59 O.S.2021, §§ 503, 509(17), (18), (49); OAC 435:10-7-4(11), (36), (45).

It is, therefore, the official opinion of the Attorney General that the State Board of Medical Licensure and Supervision has adequate support for the conclusion that this board action advances the State's policy of protecting the health, safety, and well-being of the citizens of Oklahoma.



JOHN M. O'CONNOR  
ATTORNEY GENERAL OF OKLAHOMA



THOMAS R. SCHNEIDER  
ACTING GENERAL COUNSEL