

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

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)
)
Plaintiff,)
v.)
)
MARION PAUL GIBSON, P.A.) CASE NO. 89-04-867
Certificate No. 430,)
)
Defendant.)

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on September 21, 1989, at the Oklahoma Department of Agriculture Building, 2800 N. Lincoln Blvd., 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; and Marion Paul Gibson, P.A., Defendant, appeared by announcement of Plaintiff's counsel.

The Board of Medical Licensure and Supervision en banc heard testimony, reviewed exhibits, and being fully advised in the premises, the Board of Medical Licensure and Supervision therefore finds as follows:

FINDINGS OF FACT

1. That Defendant, Marion Paul Gibson, P.A., holds Oklahoma Physician Assistant Certificate No. 430.

2. That the Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.

3. That on or around April 9, 1989, the Defendant began drinking alcoholic beverages at his home with his brother-in-law and then accompanied his brother-in-law to an unnamed bar near Stonewall, Oklahoma, south of Ada, and that Defendant left his brother-in-law at the bar and returned home, but returned to the bar later in the evening to rejoin his brother-in-law. That same day the Defendant was involved in a one-car accident which occurred when he drove his car into a ditch and that Defendant was arrested at the bar and charged with Public Intoxication and Unlawful Possession of Marijuana (Pontotoc County Case No. CRM-89-245).

4. Defendant has a significant family history of dependency disease which includes his father and two brothers. The Defendant also admitted to the use of alcohol and marijuana while in Viet Nam and admits over the past two years to consuming between four and seven beers per night, but during the past six months drank a lot more than that on the weekends. 8

CONCLUSIONS OF LAW

1. That Marion Paul Gibson, P.A., holding Oklahoma Physician Assistant Certificate No. 430, is in violation of the

Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 522 and 523, to-wit:

"522: The State Board of Medical Licensure and Supervision is hereby granted the power and authority to create rules and regulations not inconsistent with this Act or any other Oklahoma statute governing the requirements for certification as a Physician's Assistant, as well as to establish standards of training, approve institutions for training, approve applicants for training, and regulate the standards of practice of a Physician's Assistant after certification, including the power of revocation of a certificate."

"523: Any person who shall violate the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50.00 nor more than \$500.00, or by imprisonment in the county jail for not less than five (5) days, nor more than thirty (30) days, or by both such fine and imprisonment...Conviction shall also be grounds for the suspension or revocation of the certificate if the violation be by a Physician's Assistant..."

2. That Marion Paul Gibson, P.A., is in violation of the Rules and Regulations promulgated by this Board, specifically Section XI, E, Rule 1, to-wit:

"E: The Board of Medical Licensure and Supervision may reprimand or place on probation any holder of a certificate or revoke or suspend any certificate issued to a Physician's Assistant who:
Rule 1: Habitually uses intoxicating liquors or habit-forming drugs."

ORDER

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

1. That the Defendant, Marion Paul Gibson, P.A., Oklahoma Physician Assistant Certificate No. 430, should be and is hereby placed on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years beginning on September 21, 1989, under the following terms and conditions:

(a) During the period of probation Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need and Defendant shall have an affirmative duty to inform any physician treating him of Defendant's previous use of controlled dangerous substances and alcohol.

(b) During the period of probation Defendant will abstain from consuming alcohol or any substance, licit or illicit, specifically including but not limited to controlled dangerous substances, which would adversely affect his ability to practice medicine or surgery as interpreted by the Oklahoma State Board of Medical Licensure and Supervision.

(c) During the period of probation Defendant will submit biological fluid specimens to

include, but not limited to, blood and urine, for analysis, upon request of any investigator or other agent representing the Oklahoma State Board of Medical Licensure and Supervision, and Defendant will pay for testing and analysis of those specimens.

(d) During the period of probation Defendant shall regularly attend meetings of the Physician Recovery Committee of the Oklahoma State Medical Association and/or other alcohol and drug support groups.

(e) During the period of probation Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.

(f) That Defendant shall appear before the Board or a designated member thereof whenever requested to do so.

(g) During the period of probation Defendant will submit to the Investigation Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.

(h) Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay upon receipt of invoice from the Investigation Division of the Board the costs of investigation, prosecution and probation of this case.


(i) During the period of probation Defendant shall notify his supervising physician, any back-up physicians, and any hospital where he practices or clinic or group where he practices, and each of his supervisors, of the terms and conditions of this Board Order and shall supply a copy thereof to each person, institution or group.

(j) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.

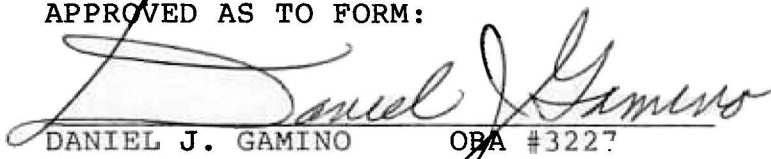
2. That the jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant, or on the recommendation of the Physician's Assistant Advisory Committee.

3. The Defendant further agrees that failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Physician's Assistant Certificate, after additional due notice and hearing.

DATED this 28 day of September, 1989.


GERALD C. ZUMWALT, M.D., Secretary
State Board of Medical Licensure
and Supervision

APPROVED AS TO FORM:



DANIEL J. GAMINO OBA #3227
Daniel J. Gamino & Associates, P.C.
3315 NW 63
Oklahoma City, OK 73116
(405) 840-3741
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 28 day of September, 1989, to:

MARION PAUL GIBSON, P.A.

RR 4 Box 456

Ada Okla 74802-9440

Janet L Owens