

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.)
)
JOSEPH ANTHONY GALUSICK, M.D.,)
SPECIAL LICENSE NO. 6107,)
)
Defendant.)

MAY 14 1999
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 99-03-2075

ORDER ACCEPTING SURRENDER
OF LICENSE

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on May 7, 1999, 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.

Daniel Gamino appeared for the Plaintiff and the Defendant appeared not.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and being fully advised in the premises, found 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, Joseph Anthony Galusick, M.D., holds Oklahoma Special License for Training no. 6107.
4. Defendant's special license for training was issued on July 23, 1998, following

Defendant's personal appearance before the Board along with the appearance of Dr. Loui Elfrinki, Jr., M.D., Director of the Family Practice Program, University of Oklahoma-Tulsa.

5. In approximately 1993, while in medical school at Wright State University, Dayton, Ohio, Defendant was referred to a psychiatrist and diagnosed with Major Depressive Disorder. Defendant was treated by Dr. Ann K. Morrison, M.D., until approximately May 1996.

6. On October 8, 1998, during Defendant's PGY-1 year at the University of Oklahoma -Tulsa, he was placed on probation for a period of six weeks. Defendant failed his first two rotations and was then removed from the surgery rotation at the time of his probation.

7. On November 30, 1998, Defendant was dismissed from the residency program on academic grounds.

8. Following issuance of the complaint and citation in this matter on March 18, 1999, Defendant offered to surrender his Special License for Training.

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

- (a) Is unable to practice medicine with reasonable skill and safety to patients by reason of illness, and/or mental or physical condition in violation of 59 O.S. §509(16) and OAC 435:10-7-4(17) and (40); and
- (b) Has shown practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).

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) Is unable to practice medicine with reasonable skill and safety to patients by reason of illness, and/or mental or physical condition in violation of 59 O.S. §509(16) and OAC 435:10-7-4(17) and (40); and
- (b) Has shown practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).

3. Under 59 Okla. Stat. §509.1, the Board may discipline licensees who are found guilty of unprofessional conduct as defined in 59 Okla. Stat. §509 and OAC 435:10-7-4.

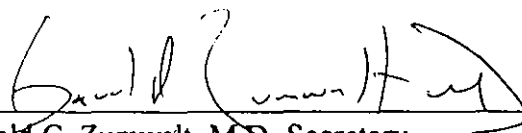
Order

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

1. Defendant Joseph Anthony Galusick's surrender of his Special License for Training No. 6107 is hereby accepted based upon the above Findings of Fact and Conclusions of Law that he is guilty of unprofessional conduct.

2. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

Dated this 14 day of May, 1999.


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

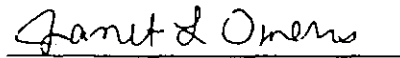
Approved as to form:

Daniel Gamino
3315 N.W. 63rd
Oklahoma City, Oklahoma 73116

Attorney for the Oklahoma State
Board of Medical Licensure and
Supervision

CERTIFICATE OF SERVICE

I certify that on the 17 day of May, 1999, I mailed, via first class mail, postage prepaid, a true and correct copy of this order to Joseph Galusick, 3020 Atwood Terrace, Columbus, Ohio 43224.


Janet Owens