

PROB FILE 3-16-92 I
AK
90-10-1134

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,

WARREN H. PORTER, M.D.
Medical License No. 6287,

CASE NO. 90-10-1134

Defendant.

ORDER DENYING DEFENDANT'S
MOTION TO TERMINATE PROBATION

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on February 28, 1992, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, 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 Warren H. Porter, M.D., Defendant, appeared in person, pro se, waived his right to counsel and agreed to proceed without counsel.

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

FINDINGS OF FACT

1. That Defendant, Warren H. Porter, M.D., holds Oklahoma Medical License No. 6287.
2. That the Oklahoma 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 following notice and hearing on February 1, 1991, Defendant was placed on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years beginning on February 1, 1991, under certain enumerated terms and conditions.
4. By letter of January 9, 1992, Defendant requested consideration of termination of probation. Testimony indicated that Defendant still wrote prescriptions for a number of sedatives and controlled dangerous substances and did not give appropriate professional consideration to alternative treatments not using controlled dangerous substances. Records indicated that in December, 1991, and January, 1992, Defendant wrote approximately 11,000 units of controlled dangerous substances.
5. That Defendant did not provide any evidence to support termination of probation previously imposed, and that probation should be maintained in full force and effect and Defendant's Motion to Terminate Probation should be denied.

CONCLUSIONS OF LAW

1. That the Board has lawful jurisdiction over the Defendant pursuant to the Oklahoma Medical Practice Act, 59 O.S. Supp. 1990, Sec. 481 et seq.

ORDER

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

1. That Defendant's Motion to Terminate Probation should be and the same is hereby DENIED.

2. That the Defendant, Warren H. Porter, M.D., holding Oklahoma Medical License No. 6287, should be continued on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years beginning on February 1, 1991, under the following terms and conditions:

- a) That during the period of probation Defendant may prescribe controlled dangerous substances only on serially-numbered, duplicate prescription pads and shall make the copies available to Investigators of the Oklahoma State Board of Medical Licensure and Supervision at their request, to include all dispensing records on CDS to include sample medications.
- (b) 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.
- (c) Defendant shall appear before the Board en banc or a designated member thereof whenever requested to do so.
- (d) During the period of probation Defendant will submit to the Investigative Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.
- (e) Pursuant to Title 59 O.S. Sec. 506, Defendant shall promptly pay within 30 days of receipt of invoice from the Board the costs of investigation, prosecution and probation of this case, unless the Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- (f) During the period of probation Defendant shall notify any hospital where he holds staff privileges, or clinic, or group where he practices, of the terms and conditions of this Order and supply a copy thereof.
- (g) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after due notice to the Defendant.

3. 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.

4. 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 Oklahoma Medical License, after additional due notice and hearing.

DATED this 5 day of March, 1992.

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

APPROVED AS TO FORM:

Daniel J. Gamino
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 9 day of March, 1992, to:

WARREN H. PORTER, M.D.
Casper - Porter - Choe Clinic
4405 SE 28
Del City, OK 73115

Garnet L. Owens