

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)

CHARLES CALEB ELLIOTT, M.D.
Medical License No. 7914,

CASE NO. 89-11-989

Defendant.

COMPLAINT

COMES NOW D.C. Mosshart, Investigator for the Oklahoma Board of Medical Licensure and Supervision, being first duly sworn upon oath and states

1. That Charles Caleb Elliott, M.D., holding Oklahoma Medical License No. 7914, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 509, Paragraphs 9 and 16 to-wit:

"9. Dishonorable or immoral conduct which is likely to deceive or defraud the public."

"16. The inability to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as the result of any mental or physical condition."

2. That on or around January 18, 1985, following notice and hearing, the Oklahoma Board of Medical Examiners, predecessor to the Oklahoma Board of Medical Licensure and Supervision, did suspend the Defendant from the practice of medicine and surgery until May 24, 1985, based on findings of fact that Dr. Elliott wrote multiple prescriptions to one Brenda McNutt in exchange for sexual favors and without the establishment of a lawful doctor-patient relationship, without any kind of physical examination or medical history and without any medical need for the aforesaid drugs. That a copy of that Final Order is attached hereto and marked Exhibit A.

3. That on or around May 24, 1985, following notice and hearing, the Board did reinstate Defendant's medical license and

placed it on a period of probation for five (5) years under certain enumerated terms and conditions that included that the Defendant shall not prescribe, administer or dispense any controlled dangerous substances to any patient or person. A copy of that Final Order on Reconsideration is attached hereto and marked Exhibit B.

4. That on or around June 2, 1987, a Special Executive Committee Meeting of the Elk City Community Hospital was convened. Defendant was present at the meeting. Allegations of Defendant's sexual harassment of female patients was discussed. The Board made suggestions to the Defendant to modify his behavior pattern and his method of mammogram examination. Defendant denied all allegations concerning unprofessional conduct, but did agree to modify his future behavior. A copy of the Board Minutes are attached hereto and marked Exhibit C.

5. That on or around March 11, 1989, Defendant was presented to the Emergency Room of Elk City Community Hospital and diagnosed with acute Syncope, due to unknown cause, and secondarily an illness requiring therapy with Lithium, undiagnosed.

6. That on or around November 21, 1989, the Executive Committee of the Elk City Community Hospital again met concerning actions of the Defendant in this hospital. The Committee noted, to-wit:

"The circumstances surrounding the suspension of your medical license and counseling session with the Executive Committee in June, 1987, and this most recent investigation are a matter of record. We see an undeniable recurring theme of inappropriate professional behavior involving women. We collectively feel this is a symptom of a disease state of compulsive sexual behavior that is, at times, beyond your control and mandates treatment. We understand you have a bipolar depression. The type of behavior in question can be part of a manic phase that is not well controlled. We are also concerned that you may have an alcohol problem, manifest by a recent hospital admission."

That the Executive Committee directed that Dr. Elliott be placed on probationary status for one (1) year, without reduction of any clinical privileges, and that Dr. Elliott establish an ongoing doctor-patient relationship with a psychiatrist recommended by

the OSMA Impaired Physician Committee with expertise with bipolar depression, compulsive sexual behavior, and ethanol abuse/dependency, and that the Executive Committee be updated on Dr. Elliott's progress each month by his physician, to include medication levels if relevant to his treatment program. The terms and conditions of that one-year probation were accepted on December 18, 1989, by Dr. Elliott. A complete copy of the Board Minutes is attached hereto and marked Exhibit D.

7. That during 1987, 1988, and 1989, the Defendant did sexually harass and improperly handle certain female patients and hospital staff members at Elk City Community Hospital

8. This original Complaint and Citation was Dismissed Without Prejudice at the Board Meeting of June 9, 1990, and the Board agreed to accept Defendant's resignation of medical license when submitted within six months of said date. Subsequently, Defendant demanded orally and in writing that said case be heard on the merits. Therefore, pursuant to Defendant's demand, this Complaint is refiled.

WHEREFORE, Complainant prays this Board to conduct a hearing and upon proof of the allegations contained herein that such disciplinary action be taken by the Board as is authorized by law

D.C. Mosshart

D.C. MOSSHART, Investigator
OKLAHOMA BOARD OF MEDICAL LICENSURE
AND SUPERVISION

Subscribed and sworn to before me this 28th day of December, 1990.

Janet L Owens
Notary Public

My Commission expires:
12-17-92