

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

CHARLES CALEB ELLIOTT, M.D.        )  
Medical License No. 7914,            )    CASE NO. 89-11-989

Defendant.

FINAL ORDER AND  
ORDER DENYING ORAL MOTION TO STAY

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on June 21, 1991, 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 Robert K. McCune, of Stipe, Gossett, Stipe, Harper, Estes, McCune & Parks law firm, Oklahoma City, Oklahoma, appeared for the Defendant.

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

FINDINGS OF FACT

1. That Defendant, Charles Caleb Elliott, M.D., holds Oklahoma Medical License No. 7914.
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 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, because the Defendant rendered medical services 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.
4. 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.
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.

6. 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.

7. The original Complaint and Citation were 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, the Complaint was refiled.

8. That after the Board announced its decision and sanction imposed as set forth herein, defense counsel orally moved to stay the Board's order for 30 days based on the legal authority of the Oklahoma Administrative Procedures Act. The Board voted to deny that oral motion.

#### CONCLUSIONS OF LAW

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 a motion to stay is directed to the judgment and discretion of the Board, and the Board has legal authority to deny said motion if it finds no sufficient basis therefor.

#### ORDER

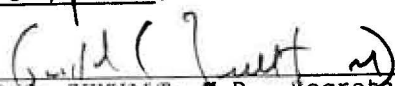
IT IS THEREFORE ORDERED by the Oklahoma Board of Medical Licensure and Supervision as follows:

1. That the Defendant, Charles Caleb Elliott, M.D., holding Oklahoma Medical License No. 7914, should be and is hereby SUSPENDED from the practice of medicine and surgery in Oklahoma for a period of two (2) years beginning on June 21, 1991, or until such time as the Defendant can present to the Board psychiatric testimony that his physical and mental condition does not represent a threat to the public.

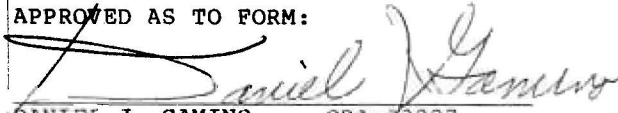
2. That at the time of termination of suspension of the Defendant's Oklahoma license as a physician and surgeon, the Board may impose probation under such terms and conditions as the Board finds will protect public health, safety and welfare.

3. That the Defendant's oral motion to stay should be and the same is hereby denied.

DATED this 9 day of July, 1991.

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

APPROVED AS TO FORM:

  
DANIEL J. GAMINO OBA 73227  
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 11 day of July, 1991, to:

Robert K. McCune  
STIPE, GOSSETT, STIPE, HARPER,  
ESTES, McCUNE & PARKS  
P.O. Box 53567  
Oklahoma City, OK 73152

