

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.) CASE NO. 89-11-989
Medical License No. 7914,)
)
Defendant.)

FILED

OCT 29 1992

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION *sl*

ORDER DENYING
MOTION TO MODIFY TERMS OF PROBATION

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on October 16, 1992, at the office of the Oklahoma 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; Charles Caleb Elliott, M.D., Defendant, appeared in person, pro se, waived his right to legal counsel, and agreed to proceed without counsel.

The Oklahoma Board of Medical Licensure and Supervision en banc reviewed exhibits, heard testimony and being fully advised in the premises, the Oklahoma Board finds and orders 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 following notice and hearing on June 21, 1991, the Board suspended Defendant from the practice of medicine and surgery in Oklahoma for a period of two years beginning on June 21, 1991, or until such time as the Defendant could present to the Board psychiatric testimony that his physical and mental condition do not present a threat to the public. The Board order further provided that at the time of termination of suspension of the Defendant's Oklahoma license as a physician and surgeon, the Board might impose probation under such terms and conditions as the Board finds will protect public health, safety and welfare.
4. That following notice and hearing on November 1, 1991, the Board did terminate and set aside the suspension previously imposed and placed the Defendant on a term of probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years beginning November 1, 1991, under certain enumerated terms and conditions.
5. That the Board upon a review of chronology of the professional licensure history of Defendant and testimony of

witnesses did not find evidence to support any change of terms and conditions of probation previously imposed, and the Defendant's Motion to Modify Terms of 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. 1991, Sec. 481 et seq.

ORDER

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

1. That the Motion to Modify Terms of Probation offered by the Defendant should be and the same is hereby DENIED.

2. That the Defendant, Charles Caleb Elliott, M.D., holding Oklahoma Medical License No. 7914, should be continued on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years beginning on November 1, 1991, under the following terms and conditions:

- (a) That a psychiatrist acceptable to the Medical Director of the Oklahoma Board of Medical Licensure and Supervision regularly contact Defendant and his occupational supervisor and any other individuals relevant to the psychiatrist, and said psychiatrist and Defendant's supervisor should report on a quarterly basis to the Board on Defendant's conduct and well-being. That same psychiatric physician acceptable to the Medical Director of the Board should regularly interview Defendant, monitor appropriate medicinal therapy and accomplish whatever other therapy might be possible, and Defendant shall maintain and complete all treatment as recommended by the psychiatrist.
- (b) Defendant may practice radiology in a hospital setting supervised by the Chief of Staff, who will be authorized to make reports to the Board or Board representative when requested.
- (c) Defendant shall have no direct personal contact with patients of a sexual nature.
- (d) During the period of probation Defendant will not prescribe, administer or dispense any medications for his personal use, to specifically include controlled dangerous substances.
- (e) During the period of probation Defendant will take no medication except that which is authorized by his treating psychiatrist and Defendant shall have an affirmative duty to notify his psychiatrist of these terms and conditions of probation.
- (f) During the period of probation Defendant will abstain from consuming alcohol.
- (g) 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,

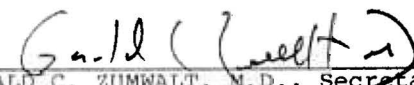
and Defendant will pay for testing and analysis of those specimens.

- (h) 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.
- (i) That Defendant shall appear before the Board or a designated member thereof whenever requested to do so.
- (j) 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.
- (k) 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.
- (l) During the period of probation the Defendant shall not supervise a Physician Assistant.
- (m) 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 Board Order and supply a copy thereof.
- (n) 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.


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 29 day of Oct, 1992.


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 30th day of October, 1992, to:

CHARLES CALEB ELLIOTT, M.D.
P.O. Box 961
Poteau, OK 74953

