

**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,)

JAN 31 2002

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 97-05-1904

JOHN GLOMSET, M.D.,)
LICENSE NO. 8092)

Defendant.)

FINAL ORDER OF SUSPENSION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on January 17, 2002, 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.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and through counsel, Bob G. Carpenter.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that 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, John Glomset, M.D., holds Oklahoma license no. 8092.

4. On or about June 5, 1997, a Complaint was filed against Defendant based upon alcohol abuse. On or about July 25, 1997, an Order was entered by this Board whereby Defendant was placed on a five (5) year term of probation.

5. On or about October 23, 1997, Defendant drank vodka, was stopped by the Norman Police Department, was charged with Driving Under the Influence and was placed in jail. Based upon this relapse, a second Complaint was filed against Defendant. On or about November 21, 1997, an Order was entered by this Board whereby Defendant was placed on a five (5) year term of probation.

6. On or about January 23, 2001, Defendant tested positive for Ethanol on a drug screen obtained on behalf of the Board. Based upon this relapse, a third Complaint was filed against Defendant. On or about March 15, 2001, the Board entered an Order Accepting Voluntary Submittal to Jurisdiction whereby Defendant was suspended until he attended 180 12-Step meetings, after which he would go on indefinite probation. Defendant's license was reinstated on May 4, 2001.

7. The Order Accepting Voluntary Submittal to Jurisdiction sets forth Defendant's indefinite term of probation beginning May 4, 2001, and provides as follows:

- H. Defendant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances.
- J. Defendant will abide by the terms and recommendations of his postcare contracts with Talbott and the Physicians' Recovery Program, copies of which are attached hereto. Defendant will authorize in writing the release of any and all records of that treatment to the Oklahoma State Board of Medical Licensure and Supervision and will authorize the Compliance Consultant to the Board to discuss his case and treatment with the individuals providing Defendant's treatment.
- M. Defendant will abstain from consuming alcohol or any substance including but not limited to controlled dangerous substances which would adversely affect his ability to practice medicine and surgery as interpreted by the Oklahoma State Board of Medical Licensure and Supervision.
- N. Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.
- V. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

8. The provisions cited above have not been modified or deleted but remain in full

force and effect as terms and conditions of Defendant's probation.

9. On November 15, 2001, Defendant provided an observed urine specimen at the request of the Physicians' Recovery Program. The urine specimen subsequently tested positive for Ethanol. Defendant later admitted to Tom Sosbee, Compliance & Education Coordinator for the Board, that he had consumed a quantity of wine on the morning of November 15, 2001.

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

A. Habitually uses habit-forming drugs in violation 59 O.S. §509(5) and OAC 435:10-7-4(3).

B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11).

C. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(14) and OAC 435:10-7-4(39).

D. Is unable 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 a result of any mental or physician condition in violation of 59 O.S. §509(16) and OAC 435:10-7-4(40).

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. Habitually uses habit-forming drugs in violation 59 O.S. §509(5) and OAC 435:10-7-4(3).

B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11).

C. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(14) and OAC 435:10-7-4(39).

D. Is unable 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 a result of any mental or physician condition in violation of 59 O.S. §509(16) and OAC 435:10-7-4(40).

3. The Board further found that the Defendant's license should be suspended based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509 (5), (9), (14) and (16) and OAC 435:10-7-4 (3), (11), (39) and (40).

Order

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

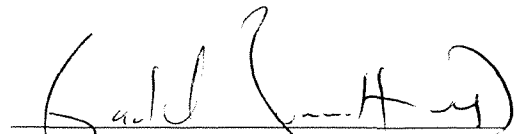
1. The license of Defendant, John Glomset, M.D., Oklahoma license no. 8092, is hereby **SUSPENDED INDEFINITELY** as of the date of this hearing, January 17, 2002 for a minimum of one (1) year.

2. Defendant is additionally required to complete an evaluation and treatment for his substance abuse at Rush Behavioral Treatment Center.

3. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.


4. Defendant's suspended license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs and expenses incurred by the State of Oklahoma.

Dated this 31 day of January, 2002.


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

CERTIFICATE OF SERVICE

I certify that on the 1 day of ^{Feb}January, 2002, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Bob G. Carpenter, 217 N. Harvey, Suite 100, Oklahoma City, OK 73102 and to John Glomset, 4221 S. Western, #5010, Oklahoma City, OK 73109.



Janet Owens