

IN AND BEFORE THE OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

IN THE MATTER OF)
THE APPLICATION OF)
J. DAN METCALF, M.D. 8629)
FOR BOARD CERTIFICATION)
STATUS UNDER RULE XXIII.)

FINAL ORDER DENYING APPLICANT'S
REQUEST FOR BOARD CERTIFICATION STATUS

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on September 1, 1990, 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 Board staff; and J. Dan Metcalf, M.D., Applicant, appeared in person, pro se, waived his right to legal counsel, and desired to appear and proceed without counsel.

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

FINDINGS OF FACT

1. That the Applicant, J. Dan Metcalf, M.D., is applying for Board certification status under Rule XXIII.
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 the Applicant appeared to request approval, under Board Rule XXIII, to hold himself out as Board certified by the American Society of Cosmetic Breast Surgery.
4. That the Applicant offered exhibits containing his written request, his professional CV, certification documents from the American Society of Cosmetic Breast Surgery, and supporting letters from Daniel S. Stein, M.D., Los Angeles, California, and from William Roy Morgan, M.D., F.A.C.S., Past President of the American Society of Cosmetic Breast Surgery, Newport Beach, California, and related documents.
5. That evidence indicated that to qualify as Board certified with the American Society of Cosmetic Breast Surgery, it was not necessary to successfully complete any clinical residency in cosmetic breast surgical procedures.
6. That the Applicant failed to provide sufficient evidence to show that the certification process of the American Society of Cosmetic Breast Surgery was equivalent to the certification process of other Boards under the auspices of the American Board of Medical Specialties.
7. That the Applicant was not Board certified in any related field by any ABMS Board.

8. Applicant argued that under Oklahoma Attorney General Opinion 78-257 his membership in the American Society of Cosmetic Breast Surgery was a property right and therefore he was entitled to the relief requested.

CONCLUSIONS OF LAW

1. That the Applicant failed to present evidence sufficient to document that the qualifications for certification by the American Society of Cosmetic Breast Surgery were equivalent to the qualifications for Board certification by a member Board of the American Board of Medical Specialties.

2. That the Board has jurisdiction under Board Rule XXIII to weigh the evidence and to make a determination, within its judgment and discretion, as to whether qualifications of a non-ABMS Board are equivalent to Board certification by an ABMS Board.


ORDER

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

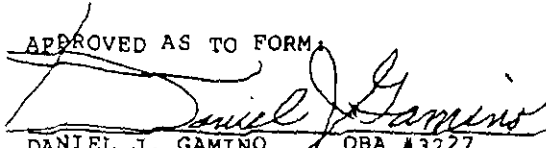
1. That the Application of J. Dan Metcalf, M.D., to hold himself out as Board certified by the American Society of Cosmetic Breast Surgery, should be and the same is hereby DENIED.

2. That the Applicant should receive a copy of this Order as soon as possible.

DATED this 13 day of September, 1990.


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

APPROVED AS TO FORM


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ATTORNEY FOR STAFF
OKLAHOMA BOARD OF MEDICAL
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CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 14 day of September, 1990, to:

J. DAN METCALF, M.D.
2610 NW Expressway, Suite B
Oklahoma City, OK 73112

