

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

STATE OF OKLAHOMA, ex rel.  
the OKLAHOMA BOARD OF  
MEDICAL LICENSURE AND  
SUPERVISION,

Plaintiff,

-vs-

MAYO D. GILSON, M.D.,  
Medical License # 8854,

Defendant.

Case No. 93-10-1561

**JOINT VOLUNTARY SUBMITTAL  
UNDER TERMS AND CONDITIONS**

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on \_\_\_\_\_, 1996, 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 Linda G. Scoggins and Kurt M. Rupert, Attorneys at Law, Hartzog Conger & Cason, 1600 Bank of Oklahoma Plaza, 201 Robert S. Kerr, Oklahoma City, Oklahoma 73102, appeared for the Defendant.

The Oklahoma Board of Medical Licensure and Supervision en banc reviewed pleadings and considered statements of legal counsel and the recommendation of the Hearing Examiner, and being fully advised in the premises, the Board of Medical Licensure and Supervision finds and orders as follows:

**FINDINGS OF FACT**

That Defendant, Mayo D. Gilson, M.D., holds Oklahoma Medical License No. 8854.

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. The allegations of the Complaint are based on an investigation conducted by the staff of the Board. The Defendant does not deny that on February 23, 1993, he administered an unchaperoned enema to J.S. at Baptist Medical Center. Additionally, the Defendant does not deny that he administered an unchaperoned enema to A.W. on December 15, 1992. The Defendant denies generally and specifically each and every other allegation of fact and law in the Complaint.

4. That the Board makes no finding of any kind on any of the allegations of the Complaint.

5. That the Defendant does not have any prior complaints before this Board and no new complaints that are under investigation.

6. That in the interest of resolution of this Complaint and the protection of public health, safety and welfare, the Plaintiff staff is willing to recommend this Joint Voluntary Submittal Under Terms and Conditions and the Defendant is willing to fulfill the terms and conditions set forth herein.

7. That in consideration for this Joint Voluntary Submittal Under Terms and Conditions the Defendant has already instituted and will continue to institute in all of his medical practice settings the following terms, to-wit:

- (a) Defendant's orders for the administration of enemas to patients shall be for self-administration by the patient or administration by an individual, other than a physician, competent in administration of enemas.
- (b) For a period of six (6) months following the date of this Order, a Board Compliance Consultant, at a fee of \$100.00 a month to be paid by Defendant, shall be allowed to make unannounced visits to any of Defendant's medical practice sites and to determine Defendant's fulfillment of the terms and conditions set forth herein.
- (c) That in the event the Defendant is in breach of any of these terms and conditions, the Board staff will consider the Defendant in contempt of this Board Order and may file contempt charges and may also refile the original Complaint and prosecute same upon providing service of process and notice to the Defendant.

8. That this Joint Voluntary Submittal Under Terms and Conditions is a public record.

#### CONCLUSIONS OF LAW

1. That upon recommendation of the Board staff and the Defendant and Defendant's legal counsel, the Board possesses legal authority to approve this Joint Voluntary Submittal Under Terms and Conditions pursuant to the Oklahoma Medical Practice Act, 59 O.S. Supp. 1995, Sec. 481 et seq., and the Board rules and regulations promulgated thereunder.

#### ORDER

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

1. That the Findings of Fact submitted herein are accepted pursuant to the following TERMS AND CONDITIONS, to-wit:

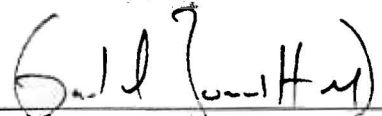
- (a) Defendant's orders for the administration of enemas to patients shall be for self-administration by the patient or administration by an individual, other than a physician, competent in administration of enemas.

- (b) For a period of six (6) months following the date of this Order, a Board Compliance Consultant, at a fee of \$100.00 a month to be paid by Defendant, shall be allowed to make unannounced visits to any of Defendant's medical practice sites and to determine Defendant's fulfillment of the terms and conditions set forth herein.
- (c) That in the event the Defendant is in breach of any of these terms and conditions, the Board staff will consider the Defendant in contempt of this Board Order and may file contempt charges and may also refile the original Complaint and prosecute same upon providing service of process and notice to the Defendant.

2. That this Joint Voluntary Submittal Under Terms and Conditions is a public record.

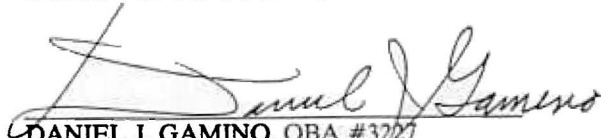
3. That the Board staff shall provide copies to Defendant and Defendant legal counsel as set forth below.

DATED this 24 day of April, 1996.



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

APPROVED AS TO FORM:



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MAYO D. GILSON, M.D.  
Oklahoma Medical License No. 8854  
DEFENDANT