

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

FILED

STATE OF OKLAHOMA

OCT 30 1995

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

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case Number 94-10-1656

PHILLIP R. HARWELL, M.D.,)
Medical License No. 9695.)

FINAL ORDER OF REVOCATION OF LICENSE

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision on September 15, 1995 at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to the notice given as required by law and the rules of the Board.

Gregory J. Ryan, attorney, appeared for the plaintiff; Phillip R. Harwell, M.D., defendant, appeared in person and by counsel, Perry T. Marrs, Jr., Short, Wiggins, Margo and Adler, 3100 Oklahoma Tower, 210 Park Avenue, Oklahoma City, Oklahoma 73102.

The Oklahoma Board of Medical Licensure and Supervision reviewed all exhibits, heard all testimony and being fully advised in the premises, the Oklahoma Board finds and orders as follows:

FINDINGS OF FACT

1. That Defendant, Phillip R. Harwell, M.D. holds Oklahoma Medical License

number 9695.

2. That the Oklahoma State 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 about the 20th day of January, 1993, the Defendant Phillip R. Harwell, M.D. conducted a follow-up exam on the patient J.C.D. at his medical office. During said exam, the defendant lowered his pants and proceeded to show the patient his tattoo of a dragon located on his hip. This occurred in the examining room while the patient was merely clothed with a drape gown and no nurse or assistant was present.

4. That on or about the 28th day of January, 1993, the Defendant Dr. Harwell conducted another follow-up examination on the patient J.C.D. at his office wherein he started talking to the patient about a woman in a pornographic video tape who had a tattoo of a serpent. Later that same day he drove to the patient's residence and delivered a pornographic video tape to the patient.

5. That the above-referenced acts are dishonorable or immoral conduct which is likely to deceive or defraud the public.

6. That the Defendant Phillip R. Harwell, M.D. is perpetuating significant harm to the public, safety and welfare by continuing the acts and omissions set forth in the above findings.

CONCLUSIONS OF LAW

7. That Defendant Phillip R. Harwell, M.D., holding Oklahoma Medical License 9695, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1991, §509,

Paragraph 9, to wit:

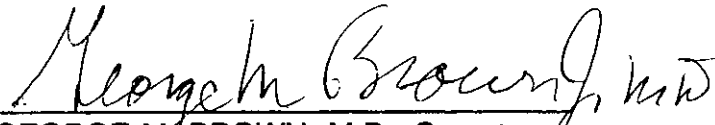
"9. Dishonorable or immoral conduct which is likely to deceive or defraud the public."

ORDER

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

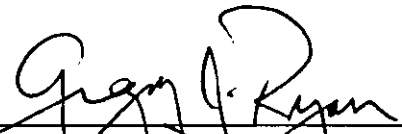
1. That the Oklahoma Medical License Number 9695 of the Defendant Phillip R. Harwell, M.D., should be and the same is hereby revoked effective September 15, 1995.

DATED THIS 30th DAY OF OCTOBER, 1995.



GEORGE M. BROWN, M.D., Secretary
Oklahoma State Board of Medical
Licensure and Supervision

APPROVED AS TO FORM:



GREGORY J. RYAN, OBA #7856
One Leadership Square
211 North Robinson, Suite 600
Oklahoma City, Oklahoma 73102
(405) 239-7046

CERTIFICATE OF MAILING

This is to certify that on this 30 day of October, 1995, I caused to be mailed a true, correct and exact copy of the above and foregoing instrument, postage thereon fully prepaid, to the following:

Perry T. Marrs, Jr.
Short, Wiggins, Margo & Adler
31st Floor, 210 Park Avenue
Oklahoma City, Oklahoma 73102

Janet L Owens