

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

FILED

SEP 22 2022

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.*)
OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
)
EDWARD GERARD MELTON, M.D.,)
LICENSE NO. MD 24098,)
)
Defendant.)

Case No. 21-09-6046

ORDER ON MOTION TO DISMISS
AND
MOTION TO ORDER EXAMINATION

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (“Board”) on September 15, 2022, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and the rules of the Board.

Joseph L. Ashbaker, Assistant Attorney General (“AAG Ashbaker”), appeared for Plaintiff. Defendant, Edward Gerard Melton (“Defendant”), appeared *pro se*.

Before the Board were Defendant’s Motion to Dismiss, and Plaintiff’s Motion to Order Examination. The Board, having considered representations of counsel, sworn testimony of the witnesses, both Defendant and Board Investigator Robbin Roberts, as well as reviewing the exhibits admitted into evidence and being fully apprised of the premises, finds the following has been established by clear and convincing evidence.

FINDINGS OF FACT

1. In Oklahoma, Defendant holds medical license 24098.
2. A Verified Complaint was filed on December 7, 2021.
3. On January 24, 2022, Defendant filed a Motion to Dismiss the Verified Complaint.
4. On August 29, 2022, Plaintiff filed its Motion to Order Examination.

5. Any conclusion of law below which is more properly characterized as a finding of fact is hereby incorporated as a finding of fact.

CONCLUSIONS OF LAW

6. The Board has jurisdiction over the subject matter and 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. 59 O.S. § 480 *et seq.* and Okla. Admin. Code §§ 435:5-1-1 *et seq.*
7. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 504; Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.
8. 59 O.S. §509(15), (to which Okla. Admin. Code § 435:10-7-4(40) is substantially identical), reads as follows.

“15. The inability 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 physical condition. In enforcing this section the State Board of Medical Licensure and Supervision may, upon probable cause, request a physician to submit to a mental or physical examination by physicians designated by it. If the physician refuses to submit to the examination, the Board shall issue an order requiring the physician to show cause why the physician will not submit to the examination and shall schedule a hearing on the order within thirty (30) days after notice is served on the physician, exclusive of the day of service. The physician shall be notified by either personal service or by certified mail with return receipt requested. At the hearing, the physician and the physician's attorney are entitled to present any testimony and other evidence to show why the physician should not be required to submit to the examination. After a complete hearing, the Board shall issue an order either requiring the physician to submit to the examination or withdrawing the request for examination. The medical license of a physician ordered to submit for examination may be suspended until the results of the examination are received and reviewed by the Board;”


9. Any finding of fact above which is more properly characterized as a conclusion of law is hereby incorporated as a conclusion of law.

ORDER

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

1. Defendant's Motion to Dismiss is **DENIED**.
2. Plaintiff's Motion to Order Examination is **GRANTED**.
3. Defendant is ordered to submit to a mental and/or physical examination by physicians designated by the Board through Dr. Stout within thirty (30) days of this Order. If examination is not completed within thirty (30) days, Defendant's medical license is suspended until the results of such examination are received and reviewed by the Board.
4. Defendant is to pay all costs for the examination.
5. A copy of this Agreed Order shall be provided to Defendant as soon as it is processed.

Dated this 22nd day of September 2022.


Steven Katsis (Sep 22, 2022 12:57 CDT)

Sep 22, 2022

Steven Katsis, MD, Vice-President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Certificate of Service

This is to certify that on the 22nd day of September, 2022, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail

Edward Gerard Melton, MD
9220 E. 76th Pl.
Tulsa, OK 74133
Defendant

E-Mail

Joe Ashbaker, AAG
STATE OF OKLAHOMA
OFFICE OF ATTORNEY GENERAL
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105
(405) 522-0113
***Attorney for Plaintiff,
Oklahoma State Board of Medical
Licensure and Supervision***


Shelley Crowder