

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

STATE OF OKLAHOMA

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

Plaintiff,

THERESA S. GARTON, M.D.  
Medical License No. 14513

CASE NO. 88-7-631

Defendant.

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision en banc on the 4th day of February, 1989, at the Holiday Inn, 3535 NW 39th Expressway, 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 C. Merle Gile, Attorney, appeared for the Defendant.

The Board of Medical Licensure and Supervision en banc heard testimony and announcements of counsel and reviewed the exhibits and being fully advised in the premises, the Board of Medical Licensure and Supervision therefore finds as follows:

FINDINGS OF FACT

1. That Defendant, Theresa S. Garton, M.D., holds Oklahoma Medical License No. 14513.
2. That the 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. Dr. Garton does not admit to any wrongdoing, but based upon an agreement with counsel for the Oklahoma State Board of Medical Licensure and Supervision and in an effort to resolve this dispute, chooses not to contest the allegations contained in the Complaint and does hereby voluntarily and of her own volition submit to the jurisdiction of the Oklahoma State Board of Medical Licensure and Supervision.
4. That beginning in the late summer or early fall of 1987, the Defendant, who was then living and practicing medicine in the State of Mississippi, entered into an agreement with the offices of psychologists Gene Hawkins, Ph.D., and Gale Hobson, Ph.D., 8241 South Walker, Oklahoma City, Oklahoma.
5. During trips to Oklahoma City, Defendant would consult professionally with Dr. Hawkins and Dr. Hobson and would sign insurance claim forms on persons that she did not personally treat or see as patients and then share a percentage of the subsequent insurance payment with the aforesaid psychologists. Defendant had no office space at the Hawkins-Hobson clinic.

CONCLUSIONS OF LAW

1. That Theresa S. Garton, M.D., holding Oklahoma Medical License No. 14513, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 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 Board of Medical Licensure and Supervision as follows:

1. That the Defendant, Theresa S. Garton, M.D., holding Oklahoma Medical License No. 14513, should be and is hereby placed on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of eighteen (18) months beginning on February 4, 1989, under the following terms and conditions:

- (a) Defendant will not sign any insurance claims as primary provider unless she in fact personally establishes a physician/patient relationship with that patient and personally provides the primary care or supervises another professional providing the primary care.
- (b) During the period of probation Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.
- (c) Defendant shall appear before the Board en banc or a designated member thereof whenever requested to do so.
- (d) During the period of probation Defendant will submit to the Investigative Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.
- (e) Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay upon receipt of invoice from the Investigative Division of the Board the costs of investigation, prosecution and probation of this case.
- (f) That violation of any the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.

2. That the jurisdiction of the Board in this individual proceeding will continue in this matter until the terms and conditions of probation are modified or lifted by the Oklahoma State Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

3. The Defendant further agrees that failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke

Defendant's Oklahoma Medical License, after additional due notice and hearing.

DATED this 13<sup>th</sup> day of July, 1989

Gerald C. Zumwalt  
GERALD C. ZUMWALT, M.D., Secretary  
State Board of ~~Medical~~ Licensure  
and Supervision

APPROVED AS TO FORM:

Daniel J. Gamino

DANIEL J. GAMINO OBA #3227  
Daniel J. Gamino & Associates, P.C  
3315 NW 63  
Oklahoma City, OK 73116  
(405) 840-3741  
ATTORNEY FOR PLAINTIFF

Merle Gile

C. MERLE GILE  
Gile & Gile  
3150 Liberty Tower  
100 North Broadway  
Oklahoma City, OK 73102  
(405) 232-3150  
ATTORNEY FOR DEFENDANT

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 21 day of July, 1989, to:

C. MERLE GILE  
Gile & Gile  
3150 Liberty Tower  
100 North Broadway  
Oklahoma City, OK 73102

Janet L Owens



CONCLUSIONS OF LAW

1. That Theresa S. Garton, M.D., holding Oklahoma Medical License No. 14513, though with no malicious or fraudulent intent is unintentionally in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 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 Board of Medical Licensure and Supervision as follows:

1. That the Defendant, Theresa S. Garton, M.D., holding Oklahoma Medical License No. 14513, should be and is hereby formally REPRIMANDED concerning the conduct set forth above.

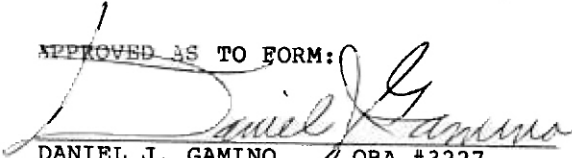
2. That as a portion of the reprimand, Defendant shall pay costs of the investigation and prosecution of this action upon receipt of invoice from the Investigation Division of the Oklahoma Board of Medical Licensure and Supervision.


3. That this Final Order Nunc Pro Tunc should and does hereby replace the Final Order issued herein following hearing on February 4, 1989. That a copy of this Final Order Nunc Pro Tunc should be placed in the Defendant's public licensure file at the Oklahoma State Board of Medical Licensure and Supervision and a copy forwarded to Defendant by and through her counsel by the Board staff as soon as possible.

DATED this 27 day of <sup>November</sup>~~October~~, 1989.

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

APPROVED AS TO FORM:

  
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