

OKLAHOMA STATE BOARD OF OSTEOPATHIC EXAMINERS

Regular Quarterly Board Meeting
Thursday, March 18, 2021 09:00 a.m.
4848 N. Lincoln Blvd.
Oklahoma City, OK 73105-3340
(405) 528-8625 - Facsimile (405) 557-0653

(Hearings & appearances will not start prior to the scheduled time, but will continue until concluded)

ZOOM CALL INFORMATION – PASSWORD IS REQUIRED

Join Zoom Meeting:

<https://zoom.us/j/99619359869?pwd=Qnp1bUUyN2p4UE0yUHlta3lkVFFmQT09>

Meeting ID: 996 1935 9869

Password: 851879

Find your local number: <https://zoom.us/u/atzBUi7F3>

A public viewing space is available at the Board's office during the duration of the meeting where a screen will be set up to allow the public to view the meeting. Masks and social distancing are required. The location of the Board's office is 4848 N. Lincoln Blvd., Ste. 100, Oklahoma City, Oklahoma 73105.

If the Zoom meeting is disrupted and cannot be reconvened in one (1) hour, the meeting will be continued to March 25, 2021 at 9:00 am.

The following Board Members will be live in-person for the meeting and any executive session that is called for pursuant to 25 O.S. § 307(B): Katie Templeton, J.D.; Leroy Young, D.O.; Carl Pettigrew, D.O.; Bret Langerman, D.O.; Dale Derby, D.O.

The following Board Members will be participating by Zoom for the meeting and any executive session that is called for pursuant to 25 O.S. § 307(B): Jay Cunningham, D.O.; Duane Koehler, D.O.; Catherine Taylor, J.D.

AGENDA

Presiding: Katie Templeton, J.D., President

- | | | |
|-----------|--|------------------|
| 1. | ROLL CALL TO ESTABLISH QUORUM | 9:00 a.m. |
| 2. | APPROVAL OF PAST MINUTES
Regular Quarterly Meeting of 12-10-2020 | p. 5 |

3. **HEARING DOCKET** **9:00 a.m.**
 {Executive Session may be called – 25 O.S. § 307(B)(8)}
- Nichols, Regan G., D.O., # 3978** **p. 15**
 Case # 0614-80 (RZ)
 Hearing
- Price, James H., D.O., # 5172** **p. 42**
 Case No. 2020-21 (JM) Stephen McCaleb, J.D.
 Hearing
4. **PRESENTATIONS** **p. 53**
- DO NO HARM PRESENTATION**
Steve Crawford, M.D., University of Oklahoma Health Sciences Center
- NBOME PRESENTATION**
John Gimpel, D.O. & Douglas Murray, J.D.
- ~ LUNCH RECESS ~*
5. **LICENSURE HEARING & REPORTING DOCKET** **1:00 p.m.** **p. 56**
Christi Aquino, Director of Licensing
Michael T. Leake Jr., J.D., Executive Director
 {Executive Session may be called – 25 O.S. § 307(B)(8)}
- Applicants for Licensure – Appearing via Zoom**
- Amico, Frank**
- Hentges, Caleb Benjamin**
- Loria, Victor**
- Mort, Patricia Hogan**
- Ray, Trisza LeAnn**
- Robles, Guillermo**
6. **PROBATION & MONITORING HEARING DOCKET** **1:30 p.m.**
 {Executive Session may be called – 25 O.S. § 307(B)(8)}
- Chorley, David N., D.O., # 3346** **p. 63**
 Case No. 1131-111 (JM)
 Probationary Hearing Report

Davis, Dustin, D.O. # 7059		p. 87
Case No. 2020-72 (JM)		
Probationary Hearing Report		
Freeman, Michael S., D.O. # 5155	David J. Hyman, J.D.	p. 95
Case No.0319-20 (RZ)		
Probationary Hearing Report		
O’Meara, Michelle D., D.O., # 4221		p. 129
Case No. 0814-94 (RZ)		
Probationary Report Hearing		

7. DISCUSSION AND POSSIBLE ACTION

Request to contract with legal counsel to serve as *pro tem* Board legal advisor on a case-by-case basis due to general counsel’s conflict of interest on any future disciplinary case.

8. EXECUTIVE SESSION

Allowing confidential communication with legal counsel on a pending investigation, claim, or action and the Board determines disclosure will seriously impair the Board’s ability to conduct a pending investigation in the public interest, allowed by 25 O.S. Supp. 2020 § 307(B)(4)

9. REPORTS AND RECOMMENDED ACTIONS

-Michael T. Leake Jr., J.D., Executive Director:
 {Executive Session may be called – 25 O.S. § 307(B) (1-4)}

- | | |
|--|---------------|
| 1. Financial Report | p. 175 |
| 2. OSBOE Operational Audit Report 1/1/2014-6/30/2019 | p. 177 |
| 3. 2020-2021 OSBOE License Renewal | p. 190 |
| 4. Emergency Temporary Medical License and Expiration Date | |
| 5. Status of Waiver Requests for electronic prescribing under 63 O.S. § 2-309 effective 1/1/2020 | p. 191 |
| 6. Thentia Licensing Database Update | |
| 7. Legislative Update | |

-Daniel Gamino, J.D., General Counsel: **p. 192**
 {Executive Session may be called – 25 O.S. § 307(B)(4)}

-Allison LaBoeuf-Warren, J.D., OOA Executive Director **p. 193**

-John Kuhn, M.D., Oklahoma Health Professional Program **p. 194**

10. EXECUTIVE SESSION

Discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual or employee pursuant to 25 O.S. § 307(B)(1). (Annual Review of Executive Director)

11. OLD BUSINESS

{Executive Session may be called – 25 O.S. § 307(B)}

12. NEW BUSINESS

{Executive Session may be called – 25 O.S. § 307(B)}

13. PUBLIC COMMENT

(Limited to five minutes per person absent Board majority vote to extend time)

14. ADJOURNMENT

p. 199

APPROVAL OF MINUTES

**OKLAHOMA STATE BOARD OF OSTEOPATHIC EXAMINERS
REGULAR MEETING MINUTES**

DATE OF MEETING December 10, 2020

PLACE OF MEETING Oklahoma State Board of Osteopathic Examiners
4848 N. Lincoln Blvd.
Oklahoma City, OK 73105

MEMBERS PRESENT Jay D. Cunningham, D.O.
Dale Derby, D.O.
Duane G. Koehler, D.O.
Bret Langerman, D.O.
Carl B. Pettigrew, D.O.
Catherine Taylor, J.D., *via Zoom*
Katie Templeton, J.D.
LeRoy E. Young, D.O.

MEMBERS ABSENT

ALSO PRESENT In-Person Attendees:
Christi Aquino, *Board of Osteopathic Examiners*
Kim Contreras, *Board of Osteopathic Examiners*
Jeff Cooper, *OCPD*
Kelsey Devinney, *Board of Osteopathic Examiners*
Daniel Gamino, J.D., *Board Legal Advisor*
Dennis Ho, D.O.
Michael Leake Jr., J.D., *Board of Osteopathic Examiners*
John Mobley, CMBI, *Board of Osteopathic Examiners*
Elizabeth Scott, J.D.
Janis Womack, *Board of Osteopathic Examiners*
Richard Zimmer, CMBI, *Board of Osteopathic Examiners*

 Teleconference Attendees:
James Baucum, D.O.
Kash Biddle, D.O.
Paul Cheng, M.D., *OHPP*
Jeffrey Gerstel, D.O.
AJ Hofland, Esq.
Susan Jordan, J.D.
John Kuhn, M.D., *OHPP*
Jan Loftis
Kanika Manne, D.O.
Michelle O'Meara, D.O.
Lowell Robinson, M.D., *OHPP*
Corey Spence, D.O.
Jeremy Thomas, D.O.
Sherri Wise
General Public

PRESIDING: Katie Templeton, J.D., *President*

1. ROLL CALL TO ESTABLISH QUORUM

Katie Templeton, J.D., *President*, called the meeting to order at 9:00 a.m. and announced that a quorum was established.

2. APPROVAL OF PAST MINUTES

Ms. Templeton asked the members of the Board if they had reviewed the minutes from the Quarterly Board Meeting of September 17, 2020 and the Special Board Meeting of November 2, 2020. She asked for any additions, corrections or deletions to those minutes.

Dr. Koehler moved to approve the minutes of the September 17, 2020 Regular Board Meeting, and the November 2, 2020 Special Board Meeting as presented.
Dr. Pettigrew seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Cunningham, yes; Dr. Derby, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

3. HEARING DOCKET

Dennis Ho, D.O.

Ms. Templeton called the matter of Dennis Ho, D.O., to order. Dr. Ho appeared in person with counsel of record, Elizabeth Scott, J.D. Chief Investigator for the Board, Rick Zimmer, also appeared and gave testimony. Ms. Scott requested the Board dismiss the complaint against Dr. Ho, after reading the results in the evaluation from Dr. Rojas.

Dr. Pettigrew moved to Dismiss Dr. Ho's complaint with the stipulation he pay incurred investigation fees.
Dr. Koehler seconded the motion.

Ms. Templeton called for votes on the motion and a roll call.

The roll call/votes were: Dr. Cunningham, yes; Dr. Derby, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

4. LICENSURE HEARING & REPORTING DOCKET

Applicants for Licensure- Appearing via Zoom

James Baucum, D.O.

The Board considered Dr. Baucum's request for Licensure in Oklahoma. The application was considered, and testimony was taken.

Dr. Young moved to go into Executive Session.
Dr. Koehler seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Cunningham, yes; Dr. Derby, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Young moved to come out of Executive Session.
Dr. Koehler seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Cunningham, yes; Dr. Derby, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Young moved to table Dr. Baucum's application until Texas has finished their investigation regarding Dr. Baucum. Once that is finalized, an application may be re-submitted for review.
Dr. Koehler seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Cunningham, yes; Dr. Derby, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Jeffrey Gerstel, D.O.

The Board considered Dr. Gerstel's request for Licensure in Oklahoma. Dr. Gerstel returned as a follow-up to his September 2020 appearance. The Board reviewed the additional documents furnished by Dr. Gerstel.

Dr. Young moved to go into Executive Session.
Dr. Koehler seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Cunningham, yes; Dr. Derby, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Young moved to come out of Executive Session.
Dr. Koehler seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Cunningham, yes; Dr. Derby, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Cunningham moved to approve Dr. Gerstel's application for licensure.
Dr. Pettigrew seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Cunningham, yes; Dr. Derby, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, no.

The motion passed.

Corey Spence, D.O.

Due to COVID, Dr. Spence was unable to take his COMLEX-3 exam as previously scheduled. The Board granted Dr. Spence a one (1) year extension of his Resident Training license to obtain and notify the Board of a passing score of his COMLEX-3 exam for consideration of full licensure.

No motion was made.

Kanika Manne, D.O.

Due to COVID, Dr. Manne was unable to take her COMLEX-3 exam as previously scheduled. The Board granted Dr. Manne a one (1) year extension of her Resident Training license to obtain and notify the Board of a passing score of her COMLEX-3 exam for consideration of full licensure.

No motion was made.

5. PROBATION & MONITORING HEARING DOCKET

Kash K. Biddle, D.O.

Ms. Templeton called the matter of Kash Biddle, D.O., to order. Dr. Biddle appeared via Zoom with his counsel of record, Susan Jordan, J.D. Special Investigator for the Board, John Mobley, also appeared in person and gave testimony. The Board considered Dr. Biddle's tabled Motion to Terminate Agreed Order.

Dr. Derby moved to go into Executive Session.
Dr. Koehler seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Cunningham, yes; Dr. Derby, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Derby moved to come out of Executive Session.
Dr. Koehler seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Cunningham, yes; Dr. Derby, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Derby moved to grant termination of Dr. Biddle's Agreed Order as requested.
Dr. Cunningham seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Cunningham, yes; Dr. Derby, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Michelle D. O'Meara, D.O.

Ms. Templeton called the matter of Michelle D. O'Meara, D.O., to order. Dr. O'Meara appeared via Zoom without counsel. Investigator for the Board, Rick Zimmer appeared in person and

OSBOE Regular Meeting, December 10, 2020

gave testimony. John Kuhn, M.D. and Lowell Robertson, M.D., of OHPP also appeared via Zoom and gave testimony. The Board considered Dr. O'Meara's compliance with her Order Lifting Suspension of License and Restoring License with Conditions of Monitoring. Dr. O'Meara requested the Board reconsider her SoberLink fines, discussion was had by the Board regarding this request.

Dr. Koehler moved to go into Executive Session.
Dr. Langerman seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Cunningham, yes; Dr. Derby, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Koehler moved to come out of Executive Session.
Dr. Langerman seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Cunningham, yes; Dr. Derby, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Pettigrew moved to continue with the same probation terms and conditions Dr. O'Meara is currently under. Dr. O'Meara is to appear in six (6) months. The six (6) fines accrued from September 2020 – November 2020 will be held in abeyance and considered at the end of the probation period. Dr. O'Meara's previous six (6) fines still stand. Dr. O'Meara is also to provide proof of her attendance record of her counseling sessions.
Dr. Young seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Cunningham, yes; Dr. Derby, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Jeremy Thomas, D.O.

Ms. Templeton called the matter of Jeremy Thomas, D.O., to order. Dr. Thomas appeared via Zoom without counsel. Chief Investigator for the Board, Rick Zimmer, also appeared in person and gave testimony. The Board considered Dr. Thomas's compliance with his Order Reinstating License with Terms of Probation. The Board informed Dr. Thomas to next appear in June 2021.

No motion was made.

6. REPORTS AND RECOMMENDED ACTIONS

Michael T. Leake, Jr, J.D., Executive Director:

1. John Kuhn, M.D., of OHPP, presented and informed the Board that they have seen a downward trend in the number of Osteopathic Physicians enrolled in their program.
2. Mr. Leake informed the Board that he would like to begin the process of creating a mental health program for Osteopathic Physicians. Before this can begin, a few renewal questions will need to be reconstructed. Mr. Leake plans to present those at the March 2021 meeting.
3. Mr. Leake announced that the new licensure database, Thentia, had launched and a demonstration was provided to the Board.
4. Mr. Leake informed the Board that the financial documents were in their Board materials for review.
5. Mr. Leake provided the Board with the final extension date from the 2020-2021 renewals, all licenses not renewed by February 14, 2021 will be presented for cancellation at the March 2021 Board Meeting.
6. Mr. Leake provided the Board with information regarding E-Prescribing Waiver approvals. Board staff has processed seven (7) requests for approval since the September 17, 2020 meeting.
7. Mr. Leake gave an update on COVID office and remote work procedures. The office has continued the policy of a maximum of three (3) staff members in the office at one time. Masks are required in the building when staff is not at their desk or able to social distance.
8. Mr. Leake presented the Board with information on active Emergency Temporary Licenses that have been issued in accordance with Executive Order 2020-20. He also stated they have a current expiration date of December 16, 2020.
9. Mr. Leake announced that the date for the joint meeting of OSBOE and OBMLS was incoming and requested dates that would work best for the Board members.
10. Mr. Leake informed the Board that the letter to the Governor asking he rescind his CRNA Supervision Opt-Out to CMS had been sent after the Special Meeting of November 2, 2020.
11. Mr. Leake asked that Director of Licensing, Christi Aquino, present the Board with an update regarding NBOME COMLEX testing delays. She informed the Board that many residency coordinators are worried about the delays from testing and what that means for their incoming residents.

12. Mr. Leake asked the Board for discussion on whether suspended physicians should renew their licenses while they are in suspended status. The Board asked Mr. Gamino to consider and bring the matter back to the March 2021 meeting.
13. Mr. Leake announced that previous Board member, Dr. Paul Benien recently passed away. He carried license number 1466 for 53 years and served two terms on the Osteopathic Board in the 1990's.

General Counsel Gamino:

Mr. Gamino informed the Board he had no new reports.

7. OLD BUSINESS

No old business was discussed.

8. NEW BUSINESS

No new business was discussed.

9. PUBLIC COMMENT

No public comment was made.

10. ADJOURNMENT

The meeting was adjourned by consensus at 3:00 p.m. The next meeting is March 18, 2021, at 9:00 a.m.

HEARING DOCKET

**REGAN NICHOLS,
D.O., # 3978**



Oklahoma State Board of Osteopathic Examiners

BOARD MEMBERS

KATIE TEMPLETON, J.D.
PRESIDENT
OKLAHOMA CITY

BRET LANGERMAN, D.O.
VICE PRESIDENT
MUSTANG

CATHERINE C. TAYLOR, J.D.
SECRETARY-TREASURER
TULSA

LEROEY E. YOUNG, D.O.
OKLAHOMA CITY

JAY D. CUNNINGHAM, D.O.
OKLAHOMA CITY

CARL B. PETTIGREW, D.O.
OKLAHOMA CITY

DUANE KOEHLER, D.O.
TULSA

DALE DERBY, D.O.
OWASSO

February 23, 2021

VIA EMAIL regangnichols@gmail.com
AND U.S. MAIL

Regan Nichols, D.O. (#3978)

Re: Notice of Hearing re OSBOE v. Regan
Nichols, D.O. (No. 0614-80)

Dear Dr. Nichols:

Please be advised that you are required to appear on the Hearing Docket before the Oklahoma State Board of Osteopathic Examiners at its next meeting on **March 18, 2021. All such appearances for this docket are set for 9:00 a.m.** The Hearing Docket will be held in large meeting room at the Board's Office, 4848 N. Lincoln Blvd., Ste. 100, Oklahoma City, Oklahoma.

Be further advised that at the conclusion of the Hearing, the Board may take no action, or any action allowed by provisions of the Oklahoma Osteopathic Medicine Act, 59 O.S. Section 620 et. seq., including reprimand, probation, suspension or revocation.

If you are represented by counsel, a courtesy copy of this Notice has been provided to them. Please feel free to contact us if you have any questions.

Very truly yours,

OKLAHOMA STATE BOARD OF
OSTEOPATHIC EXAMINERS


Michael T. Leake Jr., J.D.

MTL/kc

OSBOE HISTORY SHEET

Regan Ganoung Nichols, D.O.

Family Practice

Okla. Lic Number: 3978

Case Number: 0614-80

Status: Probation

End of Probation September 2020

TOTAL COSTS AND FINES:

- X Costs: Assessed: \$ 10,518.00, Paid: PIF, Overdue: No
- Fines: Assessed: \$1000.00, Paid: PIF, Overdue: No

COMPLAINT:

- Overprescribing with deaths

9-17-2015 ORDER OF PROBATION WITH CONDITIONS

- X 5 year Probation
- X No CDS, effective 10-19-2015
- X CW Proper Prescribing 8 hrs (or equivalent) due 9-17-2016
- X CW Medical Record Keeping 8 hrs (or equivalent) due 9-17-2016
- X Appear quarterly before the Board for next 12 months, then regularly as directed by the Board
- X Close monitoring during probationary period
- X Permit any representative of the Board to enter office unannounced to verify compliance
- X Share Order in whole with any current or potential employer during probationary period
- X Costs \$10,518 due 9-17-2018

3-17-2016 ORDER CLARIFYING TERMS AND CONDITIONS OF PROBATION

- X Ineligible to supervise mid-level practitioners unless she has possession of a full and unrestricted license
- X Reminded to regularly initiate communication with the Board Staff
- X Contact the Executive Director for an appointment to discuss what is expected of a physician on probation and specifically all terms and conditions of Order
- X Follow through with the recommendations of CPEP with regard to improving medical record-keeping. Report progress to the Board at June 2016 Board Meeting
- X All other terms and conditions of 9-15-2015 Board Order remain in full force and effect

NICHOLS

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OSBOE HISTORY SHEET

6-16-2016 ORDER OF ADDITIONAL CONDITIONS

- X Effective Date 7-17-2016
- X License remains on Probation
- X Obtain and provide results of a cognitive evaluation from an entity selected by Board Staff. Sign appropriate releases so results are sent directly to Board. Complete timely so results may be reported by September 15, 2016 Board Meeting
- X Contact Board to make payment arrangements for Order of Probation costs
- X Administrative fine \$1000 for deliberate violation of Order Clarifying Terms and Conditions of 3/17/2016, due 8/17/2016

12-8-2016 INTERIM ORDER FOR EVALUATION

- X Request to re-take the cognitive evaluation previously performed by David Johnsen, PhD is granted
- X Take the COMVEX examination given by NBOME, working with Board Staff on the arrangements for the evaluation
- X Undergo a psychological examination and evaluation by Board approved Neuro-psychiatrist

3-16-2017 SECOND INTERIM ORDER WITH NOTICE OF POSSIBLE SUSPENSION

- X Effective 5-11-2017
- X Probation remains in effect
- X Complete a new cognitive evaluation with Dr. David Johnsen or one already completed will be used. Sign appropriate release and complete timely so results may be reported at 6-14-2017 Board Meeting
- X Complete a neuro-psychological evaluation by Dr. Rousseau. Sign appropriate release and complete timely so results may be reported at 6-14-2017 Board Meeting
- X Take and complete COMVEX Exam timely so results may be reported at 6-14-2017rd Meeting
- X Get caught up with CPEP requirements for improving medical record keeping. Dr. is responsible for seeing that CPEP communicates her results to the Board prior to 6-14-2017
- X If ordered requirements are not met timely for 6-14-2017 Board Meeting, license will be subject to immediate suspension

**Please note that the above listed Board Meeting date of 6-14-2017, as listed on the Order, was an incorrect date. The correct day was 6-15-2017

OSBOE HISTORY SHEET

6-15-2017 ORDER CONTINUING PROBATION

- X All terms and conditions of probation continue in full force and effect
- X Cause regular reports from neurologist be sent to the Board, including any changes in medication
- X Appear before Board December 2017, or as directed by Board Staff

NICHOLS

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IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.,)	
STATE BOARD OF OSTEOPATHIC)	
EXAMINERS,)	
)	
Petitioners,)	
v.	)	Case No. 0614-80
REGAN GANOUNG NICHOLS, D.O.)	
Osteopathic Medicine License, No. 3978.)	
)	
Respondent.)	

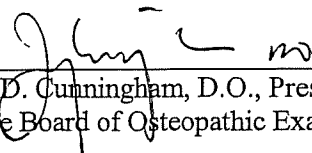
ORDER CONTINUING PROBATION

This matter comes on for hearing before the Oklahoma State Board of Osteopathic Examiners [Board] at a regular meeting of the Board on June 15, 2017, to review Dr. Nichols compliance with her Order of Probation of 9/15/15, the Order Clarifying Terms & Conditions of Probation of 3/17/16, Order of Additional Conditions of 6/16/16, the Interim Order of Evaluation of 12/8/16, and the Second Interim Order of 3/15/17.. Regan Ganoung Nichols, D.O. [Dr. Nichols] appears in person without counsel at the hearing on this date. Chief Investigator Richard Zimmer also appears and gives testimony. After reviewing the results of her testing and evaluations, the Board issues the following Order.

This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 640 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

1. Dr. Nichols Probation shall continue in full force and effect under all terms and conditions heretofore imposed by the Oklahoma Osteopathic Board of Examiners.
2. Dr. Nichol's shall cause regular reports from her neurologist to be sent to the Board. Said reports shall include any changes in her medications.
3. Dr. Nichols shall again appear before the Board as directed by Board Staff. Unless so directed, Dr. Nichols will not be expected to appear until December, 2017.
4. This Order is a public record and therefore subject to the Oklahoma Open Records Act.

IT IS SO ORDERED, ADJUDGED AND DECREED.
This date: June 15, 2017.



Jay D. Cunningham, D.O., President
State Board of Osteopathic Examiners

**IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel.,)	
STATE BOARD OF OSTEOPATHIC)	
EXAMINERS,)	
)	
Petitioners,)	
)	
v.	)	Case No. 0614-80
)	
REGAN GANOUNG NICHOLS, D.O.)	
Osteopathic Medicine License, No. 3978.)	
)	
Respondent.)	

SECOND INTERIM ORDER WITH NOTICE OF POSSIBLE SUSPENSION

This matter comes on for hearing before the Oklahoma State Board of Osteopathic Examiners [Board] at a regular meeting of the Board on March 16, 2017, to review Dr. Nichols compliance with her Order of Probation of 9/15/15, the Order Clarifying Terms & Conditions of Probation of 3/17/16, Order of Additional Conditions of 6/16/16, and the Interim Order of Evaluation of 12/8/16. Regan Ganoung Nichols, D.O. [Dr. Nichols] appears in person without counsel at the hearing on this date. Chief Investigator Richard Zimmer also appears and gives testimony.

On March 17, 2016, Dr. Nichols was admonished by the Board for failing to comply with the terms and conditions of her Order of Probation of 9/15/15. As a result, the Board issued an Order Clarifying Terms and Conditions of Probation on 3/17/16. The Board, having issued two additional Orders to Dr. Nichols has again admonished Dr. Nichols for failing to comply with all previous Orders.

This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 640 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

FINDINGS OF FACT

1. Dr. Nichols is the holder of a license to practice as an osteopathic physician and surgeon in the State of Oklahoma, license number 3978. As of this date, Dr. Nichols license is subject to an Order of Probation.

2. Proper notice of this hearing was served on Dr. Nichols as required by law.

3. Evidence at the compliance hearing included that Dr. Nichols has not only failed to take the COMVEX Exam or to be evaluated by a neuro-psychologist as ordered by the Board on December 8, 2016, she has failed to make even minimal arrangements for either evaluation. (Testimony of Dr. Nichols and the Board's Chief Investigator, Richard Zimmer.)

4. Evidence also included that Dr. Nichols was ordered to follow through with CPEP to improve her medical record-keeping but had not complied with that condition. (Testimony of Dr. Nichols.) Exhibit: Board's Order of 3/17/16.)

CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear this matter pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 640 *et. seq.*, Rules of the Board, 510 OAC § 1-1-1 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

2. The Board concludes by clear and convincing evidence that Dr. Nichols is in violation of the provisions of the Oklahoma Osteopathic Medicine Act, including specifically, 59 O.S. § 637 (A)(2), (*l*), violating a probation agreement or order with this Board. The Board also concludes that such actions are grounds for imposing any sanction against Dr. Nichols' license authorized by statute and rules and regulations of the Board.

ORDER

IT IS THEREFORE ORDERED by the Board that Dr. Nichols' license to practice osteopathic medicine in the State of Oklahoma remains on Probation. However, prior to the Board Meeting on June 14, 2017, Dr. Nichols **must** complete the following:

1. Dr. Nichols shall complete a new cognitive evaluation with Dr. David Johnsen or the one already completed with Dr. Johnsen will be used. If Dr. Nichols chooses to have a new evaluation, she shall sign appropriate releases so that the results are sent directly to the Board. This evaluation is to be timely completed so that results may be reported by the June 14, 2017, Board Meeting. Dr. Nichols is to bear all costs incurred in complying with this provision.

2. Dr. Nichols is to complete a neuro-psychological evaluation by Dr. Rousseau. Dr. Nichols shall sign appropriate releases so that the results are sent directly to the Board. This

evaluation is to be timely completed so that results may be reported by the June 14, 2017, Board Meeting. Dr. Nichols is to bear all costs incurred in complying with this provision.

3. Dr. Nichols is to take and complete the COMVEX Exam so that the results may be reported by the June 14, 2017, Board Meeting. Dr. Nichols is to bear all costs incurred in complying with this provision.

4. Dr. Nichols is ordered to get caught up with the Center for Personalized Education for Physicians [CPEP] requirements for improving her medical record keeping. Dr. Nichols is responsible for seeing that CPEP communicates her results to the Board prior to the June 14, 2017, Board Meeting.

NOTICE OF POSSIBLE SUSPENSION OF LICENSE

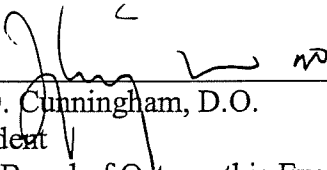
Dr. Nichols is admonished that it is her responsibility to complete each and every requirement the Board has placed upon her. If these requirements ordered above are not timely completed prior to the Board Meeting of June 14, 2017, Dr. Nichols is hereby notified that her license to practice osteopathic medicine in the state of Oklahoma is subject to immediate suspension. This Notice was passed unanimously by the Board.

This Order is a public record and therefore subject to the Oklahoma Open Records Act.

IT IS SO ORDERED, ADJUDGED AND DECREED.

This date: March 16, 2017.

Effective Date: This 17th day of ^{MAY}~~April~~, 2017.



Jay D. Cunningham, D.O.
President
State Board of Osteopathic Examiners

IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.,)
STATE BOARD OF OSTEOPATHIC)
EXAMINERS,)
Petitioners,)
v.) Case No. 0614-80
REGAN GANOUNG NICHOLS, D.O.)
Osteopathic Medicine License No. 3978.)
Respondent.)

INTERIM ORDER FOR EVALUATION

This matter comes on for hearing before the Oklahoma State Board of Osteopathic Examiners [Board] at a regular meeting of the Board on December 8, 2016. Regan Ganoung Nichols, D.O. [Dr. Nichols] appears in person without counsel at the hearing on this date. The Board's Chief Investigator, Richard Zimmer appears and gives testimony.

This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 640 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

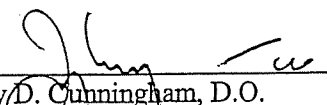
The Board, after reviewing evidence and hearing testimony about the effect of her medication on her test results, considers the request from Dr. Nichols to re-take the cognitive evaluation previously performed by David Johnson, PhD. The Board grants that request.

In addition, Dr. Nichols is hereby ordered to take the COMVEX examination given by the National Board of Osteopathic Medical Examiners [NBOME]. This exam measures the clinical skills of osteopathic practitioners. Dr. Nichols shall work with Board Staff on the arrangements for the examination and is to bear all expenses related thereto.

Further, Dr. Nichols is hereby ordered to undergo a psychological examination and evaluation administered by a neuro-psychiatrist who shall be chosen by the Board Staff. Upon completion, Dr. Nichols shall make arrangements for the summary, evaluation and any and all reports to be sent directly to the Board. Dr. Nichols shall bear all costs related to this requirement.

This Order is a public record and is therefore subject to the Oklahoma Open Records Act.
IT IS SO ORDERED, ADJGDGED AND DECREED.

Dated this 8th day of December, 2016.



Jay D. Cunningham, D.O.
President
State Board of Osteopathic Examiners

IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

STATE OF OKLAHOMA, <i>ex rel.</i> ,)	
STATE BOARD OF OSTEOPATHIC)	
EXAMINERS,)	
)	
Petitioners,)	
)	
v.	)	Case No. 0614-80
)	
REGAN GANOUNG NICHOLS, D.O.)	
Osteopathic Medicine License No. 3978.)	
)	
Respondent.)	

ORDER OF ADDITIONAL CONDITIONS

This matter comes on for hearing before the Oklahoma State Board of Osteopathic Examiners [Board] at a regular meeting of the Board on June 16, 2016 to review Dr. Nichols compliance with her Order of Probation of 9/15/15. Regan Ganoung Nichols, D.O. [Dr. Nichols] appears in person without counsel at the hearing on this date.

This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 640 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

On March 17, 2016, Dr. Nichols was admonished by the Board for failing to comply with the terms and conditions of her Order of Probation of 9/15/15. As a result, the Board issued an Order Clarifying Terms and Conditions of Probation

FINDINGS OF FACT

1. Dr. Nichols is the holder of a license to practice as an osteopathic physician and surgeon in the State of Oklahoma, license number 3978. As of this date, Dr. Nichols license is subject to an Order of Probation.

2. Proper notice of this hearing was served on Dr. Nichols as required by law.

3. Evidence at the compliance hearing included that Dr. Nichols was warned by the Board in the Order Clarifying Terms and Conditions of 3/17/16, that her license was restricted and she was not eligible to supervise any mid-level practitioner. Nevertheless, Dr. Nichols is still listed as a supervising physician and the mid-level practitioner still works in Dr. Nichol's

office. Dr. Nichols is the only physician in the office. (Testimony of Dr. Nichols and the Board's Chief Investigator, Richard Zimmer. Exhibits: Board's Order of 3/17/16 and Board of Nursing Supervising Physician List.)

4. Evidence at the hearing included that Dr. Nichols was warned by the Board in the Order Clarifying Terms and Conditions of 3/17/16, that she was to contact Board Staff for an appointment to discuss the terms and conditions of her Order of Probation. She did not call until the day before the Hearing of June 16, 2016, when it was not possible for staff to meet with her. (Testimony of Board Chief Investigator Richard Zimmer and Dr. Nichols. Exhibit: Board's Order of 3/17/16.)

5. Evidence also included that Dr. Nichols was ordered to follow through with the CPEP records to improve her medical record-keeping. Dr. Nichols stated she was not certain she had ever received an order that said that. (Testimony of Dr. Nichols. Exhibit: Board's Order of 3/17/16.)

CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear this matter pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 640 *et. seq.*, Rules of the Board, 510 OAC § 1-1-1 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

2. The Board concludes by clear and convincing evidence that Dr. Nichols is in violation of the provisions of the Oklahoma Osteopathic Medicine Act, including specifically, 59 O.S. § 637 (A)(2), (*l*), violating a probation agreement or order with this Board. The Board also concludes that such actions are grounds for imposing any sanction against Dr. Nichol's license authorized by statute and rules and regulations of the Board.

ORDER

IT IS THEREFORE ORDERED by the Board that Dr. Nichols' license to practice osteopathic medicine in the State of Oklahoma remains on Probation, and the following additional terms and conditions shall apply:

1. Dr. Nichols shall obtain and provide results of a cognitive evaluation from an entity selected by Board Staff. Dr. Nichols shall sign appropriate releases so that the results are sent directly to the Board. This evaluation is to be timely completed so that results may be reported by the September 15, 2016, Board Meeting. Dr. Nichols is to bear all costs incurred in complying with this provision.

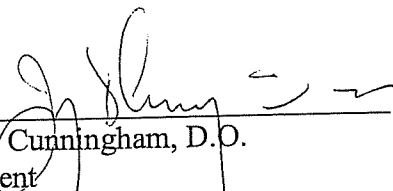
2. Dr. Nichols is to contact Board Staff and make arrangements to begin paying the costs outlined in her Order of Probation.

3. For deliberate violation of the Order Clarifying Terms and Conditions of 3/17/16, Dr. Nichols is assessed an administrative fine in the amount of One Thousand Dollars (\$1000.00). This fine is imposed pursuant to 59 O.S. § 637.1 (B). Dr. Nichols shall pay this administrative fine within thirty (30) days of the effective date of this Order.

This Order is a public record and therefore subject to the Oklahoma Open Records Act.

IT IS SO ORDERED, ADJUDGED AND DECREED.

This date: June 16, 2016. Effective: 17th day of July, 2016.



Jay D. Cunningham, D.O.
President
State Board of Osteopathic Examiners

**IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel.,)
STATE BOARD OF OSTEOPATHIC)
EXAMINERS,)
)
Petitioners,)
)
v.)
)
REGAN GANOUNG NICHOLS, D.O.)
Osteopathic Medicine License No. 3978.)
)
Respondent.)

Case No. 0614-80

ORDER CLARIFYING TERMS AND CONDITIONS OF PROBATION

This matter comes on for hearing before the Oklahoma State Board of Osteopathic Examiners [Board] at a regular meeting of the Board on March 17, 2016. Regan Ganoung Nichols, D.O. [Dr. Nichols] appears in person without counsel, at the hearing on this date. The purpose of this Hearing is to review Dr. Nichols compliance with her Order of Probation entered on 9/15/15. Upon full consideration, the Board enters this Order to clarify terms and conditions. The Board verbally and formally expresses their concern for her lack of progress in complying with her Order and reiterates the following:

1. Dr. Nichols is reminded that pursuant to OAC 510:10-4-3(1) of the Rules Promulgated by the Board, she is not eligible to supervise mid-level practitioners unless she has possession of a full and unrestricted license.

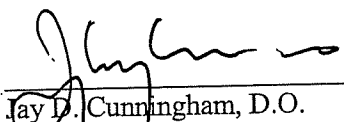
2. Dr. Nichols is reminded to regularly initiate communication with the Board Staff who has the responsibility to oversee her compliance with the Board's Order. Dr. Nichols is advised to contact the Executive Director for an appointment to discuss what is expected of her as a physician on probation, and specifically, all terms and conditions of her order.

3. Having completed an evaluation of her medical records by CPEP, Dr. Nichols is to follow through with the recommendations of CPEP with regard to improving her medical record-keeping. Dr. Nichols shall report to the Board on her progress in this area at the next Board Meeting set in June, 2016.

4. All other terms and conditions of the Boards Order of 9/15/15 remain in full force and effect.

This Order is a public record and therefore subject to the Oklahoma Open Records Act.

IT IS SO ORDERED this date, March 17, 2016.



Jay D. Cunningham, D.O.
President
State Board of Osteopathic Examiners

3. Evidence at the hearing included twenty (20) Exhibits and two witnesses for the State. Dr. Nichols testified on her own behalf. Dr. Dan Criswell also testified on behalf of Dr. Nichols.

4. Evidence at the hearing included that for a three (3) month period, April 1 through June 30, 2014, Dr. Nichols wrote 1,409 prescriptions for Controlled Dangerous Substances [CDS]. The number of prescriptions written during those three months, if extended over a 12 month period of time, assuming the rate of prescribing remained the same, would be 5,636 CDS prescriptions. If the same prescribing patterns were maintained, 654,061 dosage units per year would be administered. For those three months 1,302 new prescriptions of controlled dangerous substances (CDS, Schedules II – V) were issued or refilled, 584 of these prescriptions were for Schedule II CDS. During this period, Dr. Nichols' patients utilized 107 total pharmacies in 25 different cities. (Testimony of Board Investigator Alex Oblein and Exhibit 3)

5. Approximately thirty (30) patient charts were reviewed for compliance with Board Rules on prescribing for intractable pain. Twelve (12) were selected for review and analysis by the Board's Medical Consultant. Dr. Nichols patient records show little effort to do diagnostic studies to determine actual diagnosis and no effort is made to secure counseling or treatment for patients with psychological problems. Dr. Nichols frequently uses the diagnosis of "panic attacks" with no other diagnosis and may be using the term to justify the extensive use of Alprazolam. There is no significant review of a treatment plan. Six patients of Dr. Nichols have died from overdose of medication in twenty-six (26) months. None of the patient records complied with the Board's Rules. (Testimony of Dr. Thomas Pickard, D.O., Medical Consultant and Exhibits 8-14 C.)

6. The cause of death for three of Dr. Nichols' patients who had been prescribed large doses of controlled substances was listed by the Medical Examiner as caused by drug

toxicity. (Testimony of Board Investigator Alex Oblein, Medical Examiner Reports, Exhibits 4-6.)

7. The Board specifically found that there was clear and convincing evidence to support the allegations found in the complaint against Dr. Nichols.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear this matter pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 640 *et. seq.*, Rules of the Board, 510 OAC § 1-1-1 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

2. The Board concludes by clear and convincing evidence that Dr. Nichols is in violation of the provisions of the Oklahoma Osteopathic Medicine Act, including specifically, 59 O.S. § 637 (A)(2), (g), (3), (4) (7), OAC 510:5-7-1, and the Board's rules for Prescribing for Intractable Pain, OAC 510:5-9-2 *et seq.*

3. The Board also concludes that such actions are grounds for imposing any sanction against Dr. Nichols' license authorized by statute and rules and regulations of the Board. However, the Board further concludes that Dr. Nichols' license shall remain in effect on the terms and conditions as set forth in the Order below.

ORDER

IT IS THEREFORE ORDERED by the Board that Dr. Nichols' license to practice osteopathic medicine in the State of Oklahoma remains in effect, and the following terms and conditions shall apply:

1. Dr. Nichols' license, number 3978 is restricted under a five (5) year term of **PROBATION**. Said probation may be extended or continued at the discretion of the Board.

2. During the term of this Probation Dr. Nichols shall not administer, prescribe, or dispense any CDS. This provision becomes effective on October 19, 2015, in order to permit Dr. Nichols sufficient time to refer all her pain management patients to other physicians. Any administering, prescribing, or dispensing of CDS on or after October 19, 2015, will constitute a violation of this Order and may subject Dr. Nichols to further disciplinary action.

3. Within the next twelve (12) months, Dr. Nichols shall successfully complete a course in the Proper Prescribing of Controlled Substances. The course, at least eight (8) hours in length, is to be approved by Board Staff prior to enrollment. All expenses related to the taking of this course shall be borne by Dr. Nichols. This course is to be taken at Case Western University or its equivalent. Board Staff shall have approval over the provider, length and content of the program. Dr. Nichols shall furnish to the Board evidence of successful completion of the course.

4. Within the next twelve (12) months, Dr. Nichols shall successfully complete a course in Medical Record Keeping. The course, at least eight (8) hours in length, is to be approved by Board Staff prior to enrollment. All expenses related to the taking of this course shall be borne by Dr. Nichols. This course is to be taken at Case Western University or its equivalent. Board Staff shall have approval over the provider, length and content of the program. Dr. Nichols shall furnish to the Board evidence of successful completion of the course.

5. Dr. Nichols is to pay the costs and investigation charges for this case in the amount of TEN THOUSAND FIVE HUNDRED EIGHTEEN DOLLARS (\$10,518.00). She is to make payment arrangements for this amount with Board Staff and such costs shall be paid within the first three (3) years of this Probation.

6. For the next twelve months, Dr. Nichols shall appear quarterly before the Board to report on her status and her compliance with this Order of the Board. Thereafter, Dr. Nichols shall appear regularly as directed by the Board.

7. During the pendency of this probation period, Dr. Nichols shall be closely monitored to determine if she is in full compliance with this Order. She shall also permit any representative of the Board to enter her office unannounced to determine if her practice is satisfactory and in compliance with the Osteopathic Medicine Act or for other official duties.

8. During the pendency of this probation period, Dr. Nichols shall cause a copy of this Order to be shared in whole with any current or potential employer.

9. Board Staff shall have oversight of this Order on behalf of the Board, and the authority to direct Dr. Nichols to appear and provide all documents relevant to any appearance.

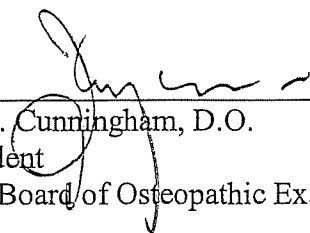
10. During the pendency of this Order, if Dr. Nichols should leave Oklahoma to practice in another venue, the terms and conditions of this Order shall be tolled until his return.

11. Dr. Nichols is not eligible for termination of this Order until all terms and conditions of this Order have been fully satisfied.

12. This Order is a public record and therefore subject to the Oklahoma Open Records Act.

IT IS SO ORDERED, ADJUDGED AND DECREED.

This date: September 17, 2015.



Jay D. Cunningham, D.O.
President
State Board of Osteopathic Examiners

IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.)
STATE BOARD OF OSTEOPATHIC)
EXAMINERS,)
)
Petitioners,)
)
v.) Case No. 0614-80
)
REGAN GANOUNG NICHOLS, D.O.)
Osteopathic Medicine License No. 3978.)
)
Respondent.)

COMPLAINT

The Interim Prosecutor for the State Board of Osteopathic Examiners [Board], Deborah J. Bruce, Executive Director, hereby states,

1. Dr. Regan Ganoung Nichols, D.O. [Dr. Nichols], is the holder of a license to practice as an osteopathic physician and surgeon in the State of Oklahoma, license number 3978. As of the date of this Complaint, the license issued to Dr. Nichols is in good standing.

2. Dr. Nichols is in violation of the Oklahoma Osteopathic Medicine Act, 59 O.S. § 637 (A)(2) (g), (3), (4) (7), OAC 510:5-7-1, 510:5-9 and 510:5-9-3, to wit:

A. The State Board of Osteopathic Examiners may refuse to admit a person for examination or may refuse to issue or reinstate or may suspend or revoke any license issued or reinstated by the Board upon proof that the applicant or holder of such a license:

2. Has engaged in the use or employment of dishonesty, fraud, misrepresentation, false promise, false pretense, unethical conduct or unprofessional conduct, as may be determined by the Board, in the performance of the functions or duties of an osteopathic physician, including, but not limited to the following:

g. signing a blank prescription form; or dispensing, prescribing, administering or otherwise dispensing any drug, controlled substance or other treatment without sufficient examination or the examination of a physician/patient relationship or for other than a medically accepted therapeutic . . .

3. Has engaged in gross negligence, gross malpractice or gross incompetence;

4. Has engaged in repeated acts of negligence, malpractice or incompetence; and

7. Has violated, or failed to comply with provisions of any act or regulation administered by the Board.

OAC 510:5-7-1, Unprofessional conduct relating to prescribing or dispensing dangerous drugs:

(1) Indiscriminate or excessive prescribing, dispensing or administering controlled dangerous drugs.

OAC 510:5-9. Prescribing for Intractable Pain

(2) Guidelines and Requirements

OAC 510-5-9-3. The violation of any provision of this subchapter shall constitute unprofessional conduct, for which an application for licensure or reinstatement may be denied and for which appropriate sanctions may be imposed.

3. During the period of 2014, Dr. Nichols was the only physician practicing at Sunshine Medical Clinic [Clinic] in Midwest City, OK. Dr. Nichols worked at the Clinic four days a week and had a physician's assistant who also worked there. One day a week Dr. Nichols worked at the Spectra Family Medical Clinic in Midwest City.

4. A Board Investigator reviewed a three (3) month physician profile printout from the OBNDD's Prescription Monitoring Program (PMP). The months covered by this PMP were April 1 through June 30, 2014. An analysis of this PMP printout found:

a. Dr. Nichols wrote 1,409 prescriptions for CDS.

b. The number of prescriptions written during those three months, if extended over a 12 month period of time, assuming the rate of prescribing remained the same, would be 5,636 CDS prescriptions.

c. If the same prescribing patterns were maintained, 654,061 dosage units per year would be administered.

d. 1,302 new prescriptions of controlled dangerous substances (CDS, Schedules II – V) were issued or refilled for those three months. 584 of these prescriptions were for Schedule II CDS.

e. During this period, Dr. Nichol's patients utilized 107 total pharmacies in 25 different cities.

5. The Board investigators reviewed approximately thirty (30) patient charts and selected twelve (12) for further review and analysis. In Dr. Nichols licensure file she reports her specialty as Family Practice. However, much of her treatment is with pain medication. In general, her patient records show little effort to do diagnostic studies to determine actual diagnosis. No effort is made to secure counseling or treatment for patients with psychological problems. Dr. Nichols frequently uses the diagnosis of "panic attacks" with no convincing evidence and may be using the diagnosis to justify the extensive use of Alprazolam. There is no significant review of a treatment plan. Six patients of Dr. Nichols have died from overdose of medication in twenty-six (26) months.

6. DH was a patient of Dr. Nichols being treated for low back pain, Hepatitis C, Diabetes Mellitus Type 2, panic attacks, bipolar disorder, knee pain, Fibromyalgia and multiple orthopedic abnormalities secondary to Thalidomide. Dr. Nichols prescribed Morphine, Oxycodone, Citalopram, Amitriptyline, Nortriptyline, Diazepam and Clonazepam. These drugs were prescribed at various times, but usually in large amounts. DH was referred to another doctor on October 10, 2013 to handle pain and psychiatric management. There was no clear treatment plan or goals discussed with DH. On October 24, 2013, DH was found dead in the bedroom of her residence. The Medical Examiner's Report listed the probable cause of death as Acute Multidrug Toxicity. The report also showed positive results for Oxycodone, Diazepam, Nordiazepam, Citalopram, Amitriptyline and Nortriptyline.

7. LN was a patient of Dr. Nichols. LN was diagnosed with past ACL repair, and DJD of the left knee, low back pain, migraines, obesity, panic attacks, major depression, hypothyroid and

asthma. Dr. Nichols prescribed significant amounts of Hydrocodone, Oxycodone, Alprazolam and Carisoprodol. The patient's chart did not reflect goals or a clear plan for treatment other than CDS. There was no referral for psychiatric or psychological treatment or pain management. On March 1, 2012, she was pronounced dead by the Oklahoma City Fire Department. According to the Medical Examiner's report, the probable cause of death was Combined Drug Toxicity, due to Hydrocodone, Oxycodone and Alprazolam.

8. CD was a patient of Dr. Nichols. CD regularly received large doses of Oxycodone and Carisoprodol. CD also received prescriptions from Dr. Nichols for Dilaudid, Hydrocodone and Alprazolam. There was no plan of treatment or goals discussed between physician and patient and no periodic review by either party. On August 4, 2013, CD died at Integris SW Medical Center in Oklahoma City, OK. An autopsy was conducted by the Office of the Chief Medical Examiner. The probable cause of death was Combined Oxycodone and Carisoprodol Toxicity.

9. SB was a patient of Dr. Nichols. There is a four year record of prescriptions for the "cocktail" of Hydrocodone, Alprazolam, and Carisoprodol, with the addition of Zolpidem, all in large amounts. In the medical record, there is no offer of other modalities for low back pain and no referral to pain management. SB was using a primary care physician and only using Dr. Nichols for pain medication. No psychiatric or psychological referral was offered, no plan of treatment or goals were discussed and no periodic review occurred. On November 21, 2012, SB died at Norman Regional Hospital. The Oklahoma Medical Examiner reported the probable cause of death was Multidrug Toxicity. The report also showed that SB tested positive for Carisoprodol, Meprobamate and Hydrocodone.

10. GC was a patient of Dr. Nichols. She was treated for pain in her left hip, Diabetes Mellitus Type 2, migraine, shoulder pain and panic attacks. She received large doses of Alprazolam, Oxycontin ER, Oxycodone, Carisoprodol, Endocet, and Morphine. No x-rays were done. Patient

stated diabetes was diet controlled, but no FBS or Hg A1C drug screens were done. No pain management referral was undertaken. There were three questionable urine drug screens without any recorded action by the physician.

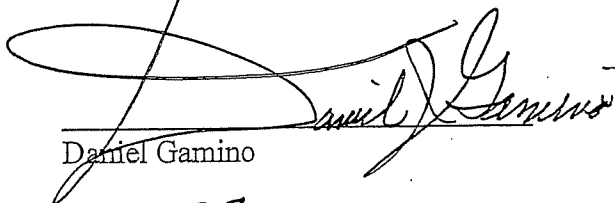
11. LD was a patient of Dr. Nichols. LD was the mother of CD. LD was being treated for failed back surgery, muscle spasm, headache, panic attacks, depression and possible carpal tunnel syndrome. LD was given Oxycodone, Morphine, Percocet, Soma, Tramadol, Xanax, Florinal, Topamax, Diclofenac, and Oxycodin, all in large amounts with early refills.

Respectfully submitted,



Deborah J. Bruce, OBA No. 13019
4848 N. Lincoln, Suite 100
Oklahoma City, Oklahoma 73105
(405) 528-8625
(405) 557-0653 Facsimile
INTERIM PROSECUTOR FOR THE
PETITIONER

Approved as to form:



Daniel Gamino

Date: 28 day of April, 2015

IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.)
OKLAHOMA STATE BOARD OF)
OSTEOPATHIC EXAMINERS,)
)
Petitioner,)
) No. 0614-80
v.)
)
REGAN GANOUNG NICHOLS, D.O.,)
Osteopathic Medical License No. 3978,)
)
Respondent.)

CITATION AND NOTICE OF HEARING

TO: Regan Ganoung Nichols, D.O.

YOU ARE HEREBY NOTIFIED that under the Oklahoma Osteopathic Medicine Act ("Osteopathic Act"), 59 O.S. 1991, § 620 *et seq.*, and the Oklahoma Administrative Procedures Act 75 O.S. 1991 § 301 *et seq.*, as amended, a hearing will be held before the Oklahoma State Board of Osteopathic Examiners ("Board"), at the offices of the Board, 4848 North Lincoln Boulevard, Suite 100, Oklahoma City, Oklahoma 73105, on June 18, 2015. All Hearings begin at 1:30 p.m. You are second on the docket.

PURPOSE OF HEARING

The purpose of the hearing will be to show cause why your license to practice osteopathic medicine in the State of Oklahoma, issued by this Board, should be revoked, or suspended or such other disciplinary action imposed by the Board as may be authorized by law for violation of the Osteopathic Act as specified in the Complaint issued against you.

A copy of said Complaint is attached hereto and made a part thereof.

LEGAL AUTHORITY FOR HEARING

This hearing is ordered pursuant to the authority and jurisdiction conferred upon the Oklahoma State Board of Osteopathic Examiners by 59 O.S. 1991 §§ 637, as amended, and 637.1 and will be conducted according to the procedures set forth in the Oklahoma Administrative Procedures Act, 75 O.S. 1991 § 301 et seq., as amended, and the Rules and Regulations of the Oklahoma State Board of Osteopathic Examiners.

RIGHTS OF RESPONDENT

Please be advised of your rights, to-wit:

- (1) To be represented by counsel at this hearing;
- (2) To respond and present evidence on any relevant issue;
- (3) To subpoena witnesses and documentary evidence through the Board; and
- (4) Such other rights as are conferred by the Board and the Rules and Regulations of the Board.

In addition to the foregoing, you are hereby notified that a written answer to this notice must be filed under oath within twenty (20) days after service of this Citation and Notice of Hearing at the address of the office of the Board.

Dated this 29th day of April, 2015.

Respectfully submitted,



Deborah J. Bruce, OBA No. 13019
4848 N. Lincoln, Suite 100
Oklahoma City, OK 73105
(405) 528-8625
Fax: 405-557-0653

INTERIM PROSECUTOR FOR THE
STATE BOARD OF OSTEOPATHIC
EXAMINERS

**JAMES H. PRICE,
D.O., # 5244**



Oklahoma State Board of Osteopathic Examiners

BOARD MEMBERS

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OKLAHOMA CITY

DUANE KOEHLER, D.O.
TULSA

DALE DERBY, D.O.
OWASSO

February 23, 2021

VIA EMAIL northernlightsanesthesia@yahoo.com
AND U.S. MAIL

James H. Price, D.O. (#5172)

Re: Notice of Hearing re OSBOE v. James H.
Price, D.O. (No. 2020-21)

Dear Dr. Price:

Please be advised that you are required to appear on the Hearing Docket before the Oklahoma State Board of Osteopathic Examiners at its next meeting on **March 18, 2021. All such appearances for this docket are set for 9:00 a.m.** The Hearing Docket will be held in large meeting room at the Board's Office, 4848 N. Lincoln Blvd., Ste. 100, Oklahoma City, Oklahoma.

Be further advised that at the conclusion of the Hearing, the Board may take no action, or any action allowed by provisions of the Oklahoma Osteopathic Medicine Act, 59 O.S. Section 620 et. seq., including reprimand, probation, suspension or revocation.

If you are represented by counsel, a courtesy copy of this Notice has been provided to them. Please feel free to contact us if you have any questions.

Very truly yours,

OKLAHOMA STATE BOARD OF
OSTEOPATHIC EXAMINERS

Michael T. Leake, Jr., J.D.

MTL/kc

CC: VIA Email steve@derryberrylaw.com
AND U.S. MAIL

Mr. Stephen McCaleb, J.D.
Derryberry & Naifeh, LLP
4800 North Lincoln Boulevard
Oklahoma City, OK 73105
405-528-6569
405-528-6462

IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.,)	
STATE BOARD OF OSTEOPATHIC)	
EXAMINERS,)	
)	
Petitioners,)	
)	
v.	)	Case No. 2020-21 (JM)
)	
JAMES PRICE, D.O., Osteopathic)	
Medicine License No. 5172,)	
)	
Respondent.)	

ORDER CONTINUING HEARING

This matter comes on for consideration before the State Board of Osteopathic Examiners ("Board") at a regular meeting of the Board on September 17, 2020. James Price, D.O. ("Dr. Price") has requested a continuance this hearing to provide him an opportunity to obtain and appear with legal counsel.


This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Board that, for good cause shown, Dr. Price's hearing is continued to the December 10, 2020, Board Meeting to provide an opportunity for Dr. Price to obtain and appear with legal counsel.

IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED by the Board that Dr. Price file an Answer to the Complaint at issue within thirty (30) days of the signing of this Order.

This Order is a public record and therefore subject to the Oklahoma Open Records Act.

IT IS SO ORDERED this 29th day of September 2020.



Katie Templeton, J.D.
Board President
State Board of Osteopathic Examiners

RECEIVED/FILED

STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

AUG 25 2020

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

STATE OF OKLAHOMA, ex rel.,)	
STATE BOARD OF OSTEOPATHIC)	
EXAMINERS,)	
)	
Petitioners,)	
)	
v.	)	Case No. 2020-21
)	
JAMES HAROLD PRICE, D.O.)	
Osteopathic Medicine License No. 5172.)	
)	
Respondent.)	

COMPLAINT

The Prosecutor for the State Board of Osteopathic Examiners (the "Board"), J. Patrick Quillian, states as follows:

1. Dr. James Harold Price, D.O., is the holder of a license to practice as an osteopathic physician in the State of Oklahoma, license number 5172. Dr. Price received his license as an osteopathic physician in Oklahoma from the Board in 2012. Dr. Price has also holds a license to practice osteopathic medicine in Alaska and previously held a license to practice osteopathic medicine in Wyoming. Dr. Price practices primarily as an anesthesiologist.

2. Dr. Price is in violation of the Oklahoma Osteopathic Medicine Act (the "Act"), Tit. 59 O.S. § 637(A)(2)(f) and (A)(6), which state:

A. The State Board of Osteopathic Examiners may ... suspend or revoke any license issued or reinstated by the Board upon proof that the applicant or holder of such a license:

...

2. Has engaged in the use or employment of ... unethical

conduct or unprofessional conduct, as may be determined by the Board, in the performance of the functions or duties of an osteopathic physician, including but not limited to:

...

f. acting in a manner which results in final disciplinary action by any professional society or association or hospital or medical staff of such hospital in this or any other state, whether agreed to voluntarily or not, if the action was in any way related to professional conduct ... or any other violation of the Oklahoma Osteopathic Medicine Act[.]

...

6. Has had the authority to engage in the activities regulated by the Board ... restricted, modified or limited ... by any other state or federal agency whether or not voluntarily agreed to by the physician....”

3. On April 27, 2017, the Wyoming Board of Medicine (the “Wyoming Board”) received a National Practitioner Data Bank report indicating that Dr. Price had been under investigation related to professional competence or conduct by his previous employer Campbell County Memorial Hospital (“CCMH”) and that Dr. Price had voluntarily surrendered his privileges and resigned in response to said investigation.

4. On May 24, 2017, Dr. Price provided the Wyoming Board a letter that confirmed his resignation from CCMH.

5. On April 12, 2018, Wyoming Board investigators interviewed Dr. Price in Person about his resignation from CCMH. Dr. Price, with counsel present, verified his resignation from CCMY and explained that he had resigned in order to pursue other employment opportunities in Alaska.

6. On June 30, 2018, Dr. Price allowed his Wyoming license to practice medicine to lapse, but Wyoming law permitted the Wyoming Board to retain continuing jurisdiction over Dr. Price's Wyoming medical license despite the lapse.

7. On February 6, 2019, the Wyoming Board filed a complaint and petition against Dr. Price and then filed an amended complaint and Petition in October 2019, relating to CCMH's investigation of Dr. Price as well as Dr. Price's failure to provide the Wyoming Board a current physical address.

8. On January 8, 2020, Dr. Price and the Wyoming Board executed a Stipulated Motion to Accept Voluntary Relinquishment of Wyoming Physician License (the "Stipulated Motion") in which Dr. Price moved to voluntarily relinquish his Wyoming medical license.

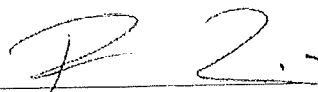
9. The Stipulated Motion conceded that Dr. Price "had voluntarily surrendered his clinical privileges while under investigation related to professional competence or conduct[]" and that "[a] precautionary Suspension was imposed [by CCMH] and the Hospital investigated several incidents involving the care that Dr. Price provided while he was appointed to the Hospital's staff."

10. On January 31, 2020, the Wyoming Board issued a Findings of Fact, Conclusions of Law and Order Accepting Voluntary Relinquishment of the Wyoming Physician License of James H. Price, D.O. in which the Wyoming Board accepted Dr. Price's relinquishment of his Wyoming medical license.

11. Dr. Price has violated Oklahoma Osteopathic Medicine Act, as cited herein, by: (1) having the authority to engage in the activities regulated by the Board revoked, suspended or otherwise disciplined by another state (to wit: voluntarily

surrendering his Wyoming medical license while under investigation); and 2) acting in a manner which results in final disciplinary action by a hospital in another state relating to professional conduct or competence (to wit: resigning from CCMH while being under investigation and/or precautionary suspension for issues concerning his competence and care for patients).

Respectfully submitted,



J. Patrick Quillian, OBA#20811
Phillips, Coventon, Quillian,
& Banner PLLC
1900 Northwest Expressway, Suite 601
Oklahoma City, Oklahoma 73118
Phone (405) 418-8888
Facsimile (405) 260-9573
jpatrickquillianpc@gmail.com
SPECIAL PROSECUTOR FOR
PETITIONER

RECEIVED/FILED

AUG 25 2020

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

**STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel.)	
OKLAHOMA STATE BOARD OF)	
OSTEOPATHIC EXAMINERS,)	
)	
Petitioners,)	
)	
v.	)	No. 2020-21
)	
JAMES HAROLD PRICE, D.O.,)	
Osteopathic Medical License No. 5172.)	
)	
Respondent.)	

CITATION AND NOTICE OF HEARING

TO: JAMES HAROLD PRICE, D.O. [Licensee]

YOU ARE GIVEN NOTICE that pursuant to the Oklahoma Osteopathic Medicine Act [Act], Title 59 O.S. 1991, § 620, *et seq*, and the Oklahoma Administrative Procedures Act Title 75 O.S. 1991 § 301, *et seq*, you are commanded to appear at a hearing held before the Oklahoma State Board of Osteopathic Examiners [Board], at the OSBOE Board Room, 4848 North Lincoln Blvd., Suite 100, Oklahoma City, Oklahoma 73105, on **September 17, 2020**. All hearings will begin at **9:00 o'clock a.m.**

NATURE OF THE HEARING

The purpose of the hearing will be to show cause why your license to practice osteopathic medicine in the State of Oklahoma, issued by the Board, should be suspended or revoked, or any other disciplinary action imposed by the Board as authorized by law for violation of the Act as specified in the Complaint containing the matters asserted and entered against you. A copy of said Complaint is included with this Citation and Notice and incorporated herein by reference. Licensee is the holder of the above-listed osteopathic medical license issued by the Board authorizing Licensee to practice as an

osteopathic physician in the State of Oklahoma. At the time of this Complaint, his license is in good standing.

LEGAL AUTHORITY AND JURISDICTION FOR HEARING

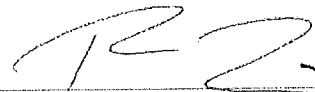
The hearing is ordered pursuant to the authority and jurisdiction conferred upon the Board by Title 59 O.S. 1991 § 637 and 631.1 and will be conducted according to the procedures set forth in the Oklahoma Administrative Procedures Act, Title 75 O.S. § 301, *et seq*, and the Rules and Regulations of the Board.

RIGHTS OF RESPONDENT

Be advised of your rights, which are as follows:

1. To be represented by legal counsel at this hearing;
2. To respond and present evidence on any relevant issue;
3. To subpoena witnesses and documentary evidence through the Board; and
4. Such other rights as are conferred by the Board and Board Rules and Regulations.

Respectfully submitted,



J. Patrick Quillian, OBA #20811
Phillips, Coventon, Quillian, & Banner, PLLC
1900 N.W. Expressway, Suite 601
Oklahoma City, OK 73118
Phone (405) 418-8888
Facsimile (405) 260-9573
jpatrickquillianpc@gmail.com
SPECIAL PROSECUTOR FOR PETITIONER

PRESENTATIONS

DO NO HARM PRESENTATION

STEVE CRAWFORD,
M.D.

**NBOME
PRESENTATION**

JOHN GIMPEL, D.O.

**DOUGLAS
MURRAY, J.D.**

LICENSURE HEARING AND REPORTING DOCKET



Oklahoma State Board of Osteopathic Examiners

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OKLAHOMA CITY

CARL B. PETTIGREW, D.O.
OKLAHOMA CITY

DUANE KOEHLER, D.O.
TULSA

DALE DERBY, D.O.
OWASSO

February 23, 2021

VIA EMAIL dchilds@moonlightingsolutions.com
AND U.S. MAIL

Frank Amico, D.O. (Applicant)

Re: Hearing Notice re Licensure Hearing and
Reporting Docket

Dear Dr. Amico:

Please be advised that you are required to appear on the Licensure Hearing and Reporting Docket before the Oklahoma Board of Osteopathic Examiners at its next meeting on **March 18, 2021. All such appearances for this docket are set for 1:00 p.m.**

Due to the on-going pandemic involving Covid-19, this Docket will be held via Zoom. The following is the necessary information to join the Zoom video conference. Please note that you will we required to enter a password for the meeting.

Join Zoom Meeting:

<https://zoom.us/j/99619359869?pwd=Qnp1bUUyN2p4UE0yUHlta3lkVFFmQT09>

Meeting ID: 996 1935 9869

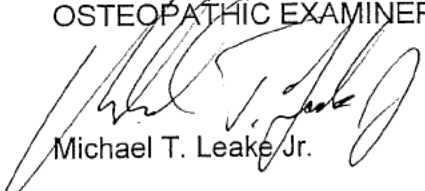
Password: 851879

Find your local number: <https://zoom.us/u/atzBUI7F3>

Be further advised that at the conclusion of the Hearing, the Board may take no action, or any action allowed by provisions of the Oklahoma Osteopathic Medicine Act, 59 O.S. Section 620 et. seq. Please feel free to contact us if you have any questions.

Very truly yours,

OKLAHOMA STATE BOARD OF
OSTEOPATHIC EXAMINERS


Michael T. Leake Jr.

MTL/kc

OSBOE Q1 BOARD MATERIALS 0057



Oklahoma State Board of Osteopathic Examiners

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OKLAHOMA CITY

DUANE KOEHLER, D.O.
TULSA

DALE DERBY, D.O.
OWASSO

February 23, 2021

VIA EMAIL calebhentgesdo@gmail.com
AND U.S. MAIL

Caleb Benjamin Hentges, D.O. (Applicant)

Re: Hearing Notice re Licensure Hearing and
Reporting Docket

Dear Dr. Hentges:

Please be advised that you are required to appear on the Licensure Hearing and Reporting Docket before the Oklahoma Board of Osteopathic Examiners at its next meeting on **March 18, 2021. All such appearances for this docket are set for 1:00 p.m.**

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Be further advised that at the conclusion of the Hearing, the Board may take no action, or any action allowed by provisions of the Oklahoma Osteopathic Medicine Act, 59 O.S. Section 620 et. seq. Please feel free to contact us if you have any questions.

Very truly yours,

OKLAHOMA STATE BOARD OF
OSTEOPATHIC EXAMINERS

Michael T. Leake Jr.

MTL/kc

OSBOE Q1 BOARD MATERIALS 0058



Oklahoma State Board of Osteopathic Examiners

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OKLAHOMA CITY

JAY D. CUNNINGHAM, D.O.
OKLAHOMA CITY

CARL B. PETTIGREW, D.O.
OKLAHOMA CITY

DUANE KOEHLER, D.O.
TULSA

DALE DERBY, D.O.
OWASSO

February 23, 2021

**VIA EMAIL lizeth.morales@loriamanagement.com
AND U.S. MAIL**

Victor Loria, D.O. (Applicant)



Re: Hearing Notice re Licensure Hearing and
Reporting Docket

Dear Dr. Loria:

Please be advised that you are required to appear on the Licensure Hearing and Reporting Docket before the Oklahoma Board of Osteopathic Examiners at its next meeting on **March 18, 2021. All such appearances for this docket are set for 1:00 p.m.**

Due to the on-going pandemic involving Covid-19, this Docket will be held via Zoom. The following is the necessary information to join the Zoom video conference. Please note that you will we required to enter a password for the meeting.

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Be further advised that at the conclusion of the Hearing, the Board may take no action, or any action allowed by provisions of the Oklahoma Osteopathic Medicine Act, 59 O.S. Section 620 et. seq. Please feel free to contact us if you have any questions.

Very truly yours,

OKLAHOMA STATE BOARD OF
OSTEOPATHIC EXAMINERS

Michael T. Leake Jr.

MTL/kc



Oklahoma State Board of Osteopathic Examiners

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OKLAHOMA CITY

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OKLAHOMA CITY

CARL B. PETTIGREW, D.O.
OKLAHOMA CITY

DUANE KOEHLER, D.O.
TULSA

DALE DERBY, D.O.
OWASSO

February 23, 2021

VIA EMAIL drpathogan@hotmail.com
AND U.S. MAIL

Patricia Mort, D.O. (Applicant)



Re: Hearing Notice re Licensure Hearing and
Reporting Docket

Dear Dr. Mort:

Please be advised that you are required to appear on the Licensure Hearing and Reporting Docket before the Oklahoma Board of Osteopathic Examiners at its next meeting on **March 18, 2021. All such appearances for this docket are set for 1:00 p.m.**

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Be further advised that at the conclusion of the Hearing, the Board may take no action, or any action allowed by provisions of the Oklahoma Osteopathic Medicine Act, 59 O.S. Section 620 et. seq. Please feel free to contact us if you have any questions.

Very truly yours,

OKLAHOMA STATE BOARD OF
OSTEOPATHIC EXAMINERS

Michael T. Leake Jr.

MTL/kc

OSBOE Q1 BOARD MATERIALS 0060



Oklahoma State Board of Osteopathic Examiners

BOARD MEMBERS

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OKLAHOMA CITY

JAY D. CUNNINGHAM, D.O.
OKLAHOMA CITY

CARL B. PETTIGREW, D.O.
OKLAHOMA CITY

DUANE KOEHLER, D.O.
TULSA

DALE DERBY, D.O.
OWASSO

February 23, 2021

VIA EMAIL trizalray@yahoo.com
AND U.S. MAIL

Trisza LeAnn Ray, D.O. (Applicant)

Re: Hearing Notice re Licensure Hearing and
Reporting Docket

Dear Dr. Ray:

Please be advised that you are required to appear on the Licensure Hearing and Reporting Docket before the Oklahoma Board of Osteopathic Examiners at its next meeting on **March 18, 2021. All such appearances for this docket are set for 1:00 p.m.**

Due to the on-going pandemic involving Covid-19, this Docket will be held via Zoom. The following is the necessary information to join the Zoom video conference. Please note that you will be required to enter a password for the meeting.

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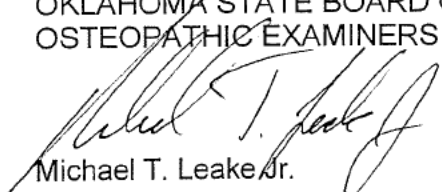
Password: 851879

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Be further advised that at the conclusion of the Hearing, the Board may take no action, or any action allowed by provisions of the Oklahoma Osteopathic Medicine Act, 59 O.S. Section 620 et. seq. Please feel free to contact us if you have any questions.

Very truly yours,

OKLAHOMA STATE BOARD OF
OSTEOPATHIC EXAMINERS


Michael T. Leake Jr.

MTL/kc

OSBOE Q1 BOARD MATERIALS 0061

PROBATION/ MONITORING HEARING DOCKET

DAVID N. CHORLEY,
D.O., # 3346



Oklahoma State Board of Osteopathic Examiners

BOARD MEMBERS

KATIE TEMPLETON, J.D.
PRESIDENT
OKLAHOMA CITY

BRET LANGERMAN, D.O.
VICE PRESIDENT
MUSTANG

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SECRETARY-TREASURER
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OKLAHOMA CITY

DUANE KOEHLER, D.O.
TULSA

DALE DERBY, D.O.
OWASSO

February 23, 2021

VIA EMAIL chorleydnc@gmail.com
AND U.S. MAIL

David N. Chorley, D.O. (#3346)

Re: Notice of Hearing re OSBOE v. David N.
Chorley, D.O. (No. 1131-111)

Dear Dr. Chorley:

Please be advised that you are required to appear on the Probation & Monitoring Hearing Docket before the Oklahoma Board of Osteopathic Examiners at its next meeting on **March 18, 2021. All such appearances for this docket are set for 1:30 p.m.**

Due to the on-going pandemic involving Covid-19, this Docket will be held via Zoom. The following is the necessary information to join the Zoom video conference. Please note that you will be required to enter a password for the meeting.

Join Zoom Meeting:

<https://zoom.us/j/99619359869?pwd=Qnp1bUUyN2p4UE0yUHlta3lkVFFmQT09>

Meeting ID: 996 1935 9869

Password: 851879

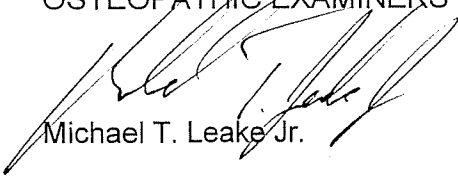
Find your local number: <https://zoom.us/u/atzBUi7F3>

Be further advised that at the conclusion of the Hearing, the Board may take no action, or any action allowed by provisions of the Oklahoma Osteopathic Medicine Act, 59 O.S. Section 620 et. seq., including reprimand, probation, suspension or revocation.

If you are represented by counsel, a courtesy copy of this Notice has been provided to them.
Please feel free to contact us if you have any questions.

Very truly yours,

OKLAHOMA STATE BOARD OF
OSTEOPATHIC EXAMINERS



Michael T. Leake Jr.

MTL/kc

OSBOE HISTORY SHEET

David N. Chorley, D.O.

Family Practice

Okla. Lic Number: 3346

Case Number: 1113-111

Status: Probation 5 years

End of Probation: March 2021

TOTAL COSTS AND FINES:

- X Costs: Assessed: \$10,000.00, Paid: PIF 6-14-2018, Overdue: No
- X Probation Maintenance Fee: \$100/month

AMENDED COMPLAINT:

- Overprescribing with deaths
- Disciplined by Professional Society or Hospital
- Unprofessional conduct relating to prescribing, dispensing, or administering CDS

1-29-2016 INTERIM ORDER OF SUSPENSION WITH CONDITIONS

- Suspended until completion of terms and conditions
- X CPEP or PACE Professional evaluation or equivalent
- X CW Proper Prescribing 8 hrs or equivalent
- X CW Charting and Medical Record Keeping 8 hrs or equivalent
- X Appear before Board upon completion

3-17-2016 ORDER OF PROBATION WITH CONDITIONS

- 5-year Probation
- X No CDS Rx
- X No pain management
- X Collegial discussion/communication with other Family Medicine physicians
- X Temple University Family Medicine review course
- X Retest of knowledge and modules following remedial education (substitution accepted)
- X Costs \$10,700 due 3-17-2019

9-20-2018 APPROVAL TO SUBSTITUTE PROGRAMS

- X May take and must successfully pass the Board re-certification exams in lieu of completing Lifeguard conditions

CHORLEY

1

OSBOE HISTORY SHEET

9-19-2019 ORDER MODIFYING TERMS

- X Authorization to prescribe CDS reinstated
- X Abide by MME maximum of 90 for men per day, 50 for women per day
- X No chronic pain patients
- X No opioid/benzodiazepine medication prescribed together in a combination
- X Provide regular monthly reports to the Board of all CDS (Schedule II-V) administered, prescribed, or dispensed
- X Monthly communication with Board staff regarding his progress and status
- X \$100/ month Administrative Maintenance fee for the duration of his probationary status due the 1st of every month
- X Appear at next regular Board meeting June 18, 2020

9-19-2020 ORDER CONTINUING MONITORING

- X Order continuing monitoring under present terms and conditions
- X Appear at 12-10-2020 Regularly Scheduled Board meeting for review

IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.)
OKLAHOMA STATE BOARD OF)
OSTEOPATHIC EXAMINERS,)

Petitioner,)

v.)

DAVID N. CHORLEY, D.O.,)
Osteopathic Medical License No.)
3346,)

Respondent.)

Case No. 1131-111

RECEIVED/FILED

JUL 07 2020

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

ORDER CONTINUING MONITORING

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners ("Board") at a regular meeting of the Board on June 18, 2020. David N. Chorley, D.O. ("Dr. Chorley") appears at the hearing on this date via Zoom due to the on-going Covid-19 Pandemic. Dr. Chorley presents without counsel for his oral Motion to Terminate Probation. The Board's Special Investigator, John Mobley, also appeared and gave testimony.

This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. Sec.*

The Board, after reviewing the pleadings, prior Orders, hearing the oral Motion from Dr. Chorley to terminate his probation, and being fully advised, enters this Order continuing Dr. Chorley's monitoring under the present terms and conditions entered in any prior Orders by this Board. All prior Orders are hereby incorporated by reference as if it appeared in full herein.

Dr. Chorley is further Ordered to appear on at the Board's December meeting on **December 10, 2020**, for review.

This Order is a public record and therefore subject to the Oklahoma Open Records Act.

IT IS SO ORDERED this 7th day of July 2020.

DJ CARTER

Dennis Carter, D.O.
Board President
State Board of Osteopathic Examiners

**IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel.)	
OKLAHOMA STATE BOARD OF)	
OSTEOPATHIC EXAMINERS,)	
)	
Petitioner,)	
v.	)	No. 1113-111
)	
David N. Chorley, D.O.,)	
Osteopathic Medical License No. 3346,)	
)	
Respondent.)	

RECEIVED
OCT 04 2019
OKLAHOMA
OSTEOPATHIC EXAMINERS

ORDER MODIFYING TERMS

This matter comes before the Oklahoma State Board of Osteopathic Examiners [Board] at a hearing held before the Board on September 19, 2019, in the above-styled individual proceeding. The Respondent, David N. Chorley, D.O. [Dr. Chorley] appears to report on his compliance with his Order Of Probation With Conditions of March 17, 2016. Board Investigator, John D. Mobley, also appears and gives testimony.

This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 640 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

After reviewing and considering all of the evidence and being fully advised, the Board specifically finds that Dr. Chorley shall continue under all terms and conditions of the Order of March 17, 2016, with the following additional terms and conditions:

1. Dr. Chorley's license to practice as an osteopathic surgeon and physician in the State of Oklahoma with the authorization to prescribe controlled dangers substances [CDS] is **reinstated.**
2. Dr. Chorley is to abide by the morphine mille equivalent of a maximum of 90 MME for men per day, and 50 MME for women per day, when prescribing.
3. Dr. Chorley shall not treat patients with chronic pain.
4. Dr. Chorley shall not prescribe an opioid and benzodiazepine medication together in a combination.

5. Dr. Chorley shall provide regular monthly reports to the Board of all CDS Schedule II through Schedule V administered, prescribed, or dispensed.

6. Dr. Chorley shall communicate monthly with Board Staff regarding his progress and his status.

7. Dr. Chorley is assessed an ongoing monthly Administrative Maintenance fee of one hundred dollars (\$100), the first payment beginning on October 1, 2019, continuing during the pendency of his probationary status.

8. Dr. Chorley shall appear before the Board again at the December 12, 2019, Board meeting.

9. This Order is a public record and therefore subject to the Oklahoma Open Records Act.

IT IS SO ORDERED this 19th day of September, 2019.

DJ Carter

DENNIS J. CARTER, D.O., President

Oklahoma State Board of Osteopathic Examiners

IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.)
OKLAHOMA STATE BOARD OF)
OSTEOPATHIC EXAMINERS,)
)
Petitioner,) No. 1113-111
)
v.)
)
DAVID N. CHORLEY, D.O.,)
Osteopathic Medical License No. 3346,)
)
Respondent.)

APPROVAL TO SUBSTITUTE PROGRAMS

This matter comes on for hearing before the Oklahoma State Board of Osteopathic Examiners [Board] at a special meeting on September 20, 2018, to review the Respondent's compliance with the Interim Order of Suspension with Conditions entered against him on 1/29/16. Respondent, David N. Chorley, D.O. [Dr. Chorley], appears in person without counsel. Board Investigator John Mobley also appears and gives testimony.

Dr. Chorley again requested to substitute the LifeGuard Program and that of Temple University for an opportunity to review and sit for his Board Certification. The Board by consensus referred the matter to the Case Review Committee for a decision following consideration of all viable options for Dr. Chorley. The Board, on the record, indicated its support for the decision of the Case Review Committee.


It is the decision of the Case Review Committee, on behalf of the Board, that Dr. Chorley's request to substitute previously ordered programs is approved as follows:

1. Dr. Chorley may take and must successfully complete an intensive Family Practice review course.

2. Dr. Chorley may take and must successfully pass the re-certification examination(s).

Said Review Course and examinations may be taken as offered by either the American Academy of Family Practitioners [AAFP] or the American College of Osteopathic Family Physicians [ACOFPP].

IT IS SO DETERMINED this 11th day of October, 2018.


Deborah J. Bruce, J.D.
Executive Director

**IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel.)	
OKLAHOMA STATE BOARD OF)	
OSTEOPATHIC EXAMINERS,)	
)	
Petitioner,)	
	)	No. 1113-111
v.)	
)	
DAVID N. CHORLEY, D.O.,)	
Osteopathic Medical License No. 3346,)	
)	
Respondent.)	

ORDER OF PROBATION WITH CONDITIONS

This matter comes on for hearing before the Oklahoma State Board of Osteopathic Examiners [Board] at a regular meeting on March 17, 2016, to review the Respondent's compliance with the Interim Order of Suspension with Conditions entered against him on 1/29/16. Respondent, David N. Chorley, D.O. [Dr. Chorley], appears in person accompanied by counsel, Elizabeth Scott, of Crowe and Dunlevy, at the proceeding on this date. Board Investigator Tristan Walker also appears and gives testimony.

This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

The Board, after reviewing the pleadings, testimony at the hearing and considering all of the evidence and being fully advised enters the following Order.

ORDER

1. Dr. Chorley is the holder of a license issued by the Board authorizing him to practice as an osteopathic physician and surgeon in the State of Oklahoma, license number 3346. The suspension of said license is lifted and Dr. Chorley's license is hereby restored under the following terms and conditions:

2. Dr. Chorley's license is restricted under a five (5) year term of PROBATION. Said probation may be extended or continued at the discretion of the Board.

3. During the term of this Probation Dr. Chorley shall not administer, prescribe, or dispense any Scheduled Controlled Dangerous Substances [CDS]. Any administering, prescribing, or dispensing of CDS will constitute a violation of this Order and may subject Dr. Chorley to further disciplinary action.

4. During the pendency of this Probation, Dr. Chorley shall not practice pain management.

5. Dr. Chorley shall follow the first three (3) recommendations of the LifeGuard Evaluation. Specifically, Dr. Chorley shall, as a continuing source of learning, furnish evidence to the Board of ongoing and substantive collegial discussion and communication with other family medicine physicians. Secondly, he should furnish evidence to the Board of successful completion of a refresher Family Medicine course, specifically the Temple University School of Medicine Family Medicine review course which can be taken on-site or on-line. Finally, in order for Dr. Chorley to provide his employer and the Board with a measurement of his level of improvement, Dr. Chorley should complete and furnish a report to the Board of a re-test of those previously-administered knowledge and practice-based modules following the completion of the additional remedial education.

6. Dr. Chorley is to pay the costs and investigation charges for this case in the amount of TEN THOUSAND SEVEN HUNDRED DOLLARS (\$10,700.00). He is to make payment arrangements for this amount with Board Staff and such costs shall be paid within the first three (3) years of this Probation.

7. For the next twelve months, Dr. Chorley shall appear quarterly before the Board to report on his status and his compliance with this Order of the Board. Thereafter, Dr. Chorley shall appear regularly as directed by the Board.

8. During the pendency of this probation period, Dr. Chorley shall be closely monitored to determine if he is in full compliance with this Order. He shall also permit any representative of the Board to enter his office unannounced to determine if his practice is satisfactory and in compliance with the Osteopathic Medicine Act or for other official duties.

9. During the pendency of this probation period, Dr. Chorley shall cause a copy of this Order to be shared in whole with any current or potential employer.

10. Board Staff shall have oversight of this Order on behalf of the Board, and the authority to direct Dr. Chorley to appear and provide all documents relevant to any appearance.

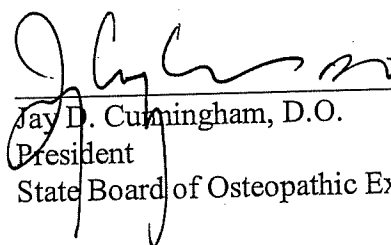
11. During the pendency of this Order, if Dr. Chorley should leave Oklahoma to practice in another venue, the terms and conditions of this Order shall be tolled until his return.

12. Dr. Chorley is not eligible for termination of this Order until all terms and conditions of this Order have been fully satisfied.

13. This Order is a public record and therefore subject to the Oklahoma Open Records Act.

IT IS SO ORDERED, ADJUDGED AND DECREED.

Dated this 17th day of March, 2016.



Jay D. Cunningham, D.O.
President
State Board of Osteopathic Examiners

IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.)	
OKLAHOMA STATE BOARD OF)	
OSTEOPATHIC EXAMINERS,)	
)	
Petitioner,)	
	)	No. 1131-111
v.)	
)	
DAVID N. CHORLEY, D.O.,)	
Osteopathic Medical License No. 3346,)	
)	
Respondent.)	

CITATION AND NOTICE OF HEARING

TO: David N. Chorley, D.O.

YOU ARE HEREBY NOTIFIED that under the Oklahoma Osteopathic Medicine Act ("Osteopathic Act"), 59 O.S. 1991, § 620 *et seq.*, and the Oklahoma Administrative Procedures Act 75 O.S. 1991 § 301 *et seq.*, as amended, a hearing will be held before the Oklahoma State Board of Osteopathic Examiners ("Board"), at the offices of the Board, 4848 North Lincoln Boulevard, Suite 100, Oklahoma City, Oklahoma 73105, on January 29, 2016, at 12:30 p.m.

PURPOSE OF HEARING

The purpose of the hearing will be to show cause why your license to practice osteopathic medicine in the State of Oklahoma, issued by this Board, should be revoked, or suspended or such other disciplinary action imposed by the Board as may be authorized by law for violation of the Osteopathic Act as specified in the Amended Complaint issued against you.

A copy of said Amended Complaint is included with this Citation and Notice.

LEGAL AUTHORITY FOR HEARING

This hearing is ordered pursuant to the authority and jurisdiction conferred upon the Oklahoma State Board of Osteopathic Examiners by 59 O.S. 1991 §§ 637, as amended, and 637.1 and will be conducted according to the procedures set forth in the Oklahoma Administrative Procedures Act, 75 O.S. 1991 § 301 et seq., as amended, and the Rules and Regulations of the Oklahoma State Board of Osteopathic Examiners.

RIGHTS OF RESPONDENT

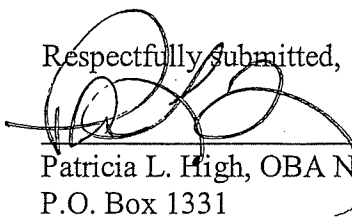
Please be advised of your rights, to-wit:

- (1) To be represented by counsel at this hearing;
- (2) To respond and present evidence on any relevant issue;
- (3) To subpoena witnesses and documentary evidence through the Board; and
- (4) Such other rights as are conferred by the Board and the Rules and Regulations of the Board.

In addition to the foregoing, you are hereby notified that a written answer to this notice must be filed under oath within twenty (20) days after service of this Citation and Notice of Hearing at the address of the office of the Board.

Dated this 6th day of January, 2016.

Respectfully submitted,



Patricia L. High, OBA No. 13414
P.O. Box 1331
Oklahoma City, Oklahoma 73101
(405) 343-4877
(866) 794-5742 Facsimile
SPECIAL PROSECUTOR

FOR THE BOARD
SPECIFICALLY DESIGNATED TO
EXECUTE THIS DOCUMENT

IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.)	
OKLAHOMA STATE BOARD OF)	
OSTEOPATHIC EXAMINERS,)	
)	
Petitioner,)	
	)	No. 1113-111
v.)	
)	
DAVID N. CHORLEY, D.O.,)	
Osteopathic Medical License No. 3346,)	
)	
Respondent.)	

INTERIM ORDER OF SUSPENSION WITH CONDITIONS

This matter comes on for hearing before the Oklahoma State Board of Osteopathic Examiners [Board] at a special meeting on January 29, 2016. The Board is represented by the Special Prosecutor for the Board, Patricia L. High of Patricia L. High, P.C. David N. Chorley, D.O., appears in person accompanied by counsel, Elizabeth Scott, of Crowe and Dunlevy, at the hearing on this date.

This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

The Board, after reviewing the pleadings, testimony at the hearing and considering all of the evidence and being fully advised specifically finds the following Findings of Fact and Conclusions of Law to be true and correct and proven by clear and convincing evidence.

FINDINGS OF FACT

1. David N. Chorley, D.O. [Dr. Chorley] is the holder of a license issued by the Board authorizing him to practice as an osteopathic physician and surgeon in the State of Oklahoma, license number 3346. At the time of this Hearing, his license is in good standing.

2. Proper notice of this hearing was served on Dr. Chorley as required by law.

3. Evidence at the Hearing included that Dr. Chorley is a board certified Family Practice Physician and works for Axis Health Care in Sapulpa, Oklahoma. He has provided service to patients who have followed him from previous places of employment. Dr. Chorley previously worked for St. John's Health System and an Oklahoma State University Clinic in

Tulsa, Oklahoma. (Testimony of Board Investigator Tristan Walker, Dr. Chorley and Exhibit 2.B.)

4. Testimony at the hearing also included that a Board Investigator reviewed a three (3) month physician profile printout from the OBNDD's Prescription Monitoring Program (PMP) for Dr. Chorley. The Drug Enforcement Agency [DEA] issued Dr. Chorley two DEA drug registration numbers: BC5107695 and FC2891390. An analysis of Dr. Chorley's prescribing under both DEA's numbers from **August 1, 2013 through October 31, 2013** and from **January 1, 2015, through April 1, 2015** showed significant amounts of controlled scheduled drugs [CDS] prescribed to a number of patients. During the first three-month period, Dr. Chorley wrote 885 new CDS prescriptions, 266 of these prescriptions were for Schedule II CDS. Also during the first period, Dr. Chorley's patients prescribed under DEA #BC5107695 utilized 84 total pharmacies in 18 different cities. Patients prescribed under DEA #FC2891390 utilized 110 total pharmacies in 26 different cities. During the latter three-month period, Dr. Chorley wrote 2,117 new prescriptions of CDS, 1,617 of these prescriptions were for Schedule II CDS. Also during this period, Dr. Chorley's patients prescribed under DEA #BC5107695 utilized 12 total pharmacies in 9 different cities. Patients prescribed under DEA #FC2891390 utilized 156 total pharmacies in 37 different cities. (Testimony of Board Investigator Tristan Walker and State's Exhibits 3 and 4.)

5. Testimony at the hearing also included that Board investigators collected patient medical records on Dr. Chorley patients. Five (5) of the medical records indicated significant amounts of controlled substances were prescribed to these patients. Four of the patients had died and the Medical Examiner reports indicated the patient deaths were due to acute drug toxicity. (Testimony of Board Investigator Tristan Walker, Exhibits 5.A.-5.D; 6.A.-6.D; 7.A.-7.C.; 8.A.-8.C and 9.A-9.D.)

6. Evidence at the hearing also included testimony that Dr. Chorley had made many improvements in his medical practice in the past few months. (Testimony of Dr. Chorley and Exhibits A-O.)

7. The Board specifically found that there was clear and convincing evidence in the Amended Complaint to support violation by Dr. Chorley of 59 O.S. §§ 637(A) (2) (g), (3), (4), (7), and the Board's rules for Unprofessional conduct relating to prescribing or dispensing dangerous drugs, OAC 510:5-7-1 *et seq.* The Board also specifically found there was clear and

convincing evidence to support the allegations found in the Amended Complaint, paragraphs 5 through 11, against Dr. Chorley.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear this matter pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 *et. seq.*, Rules of the Board, OAC 510 § 1-1-1 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

2. The Board concludes by clear and convincing evidence that Dr. Chorley is in violation of the provisions of the Oklahoma Osteopathic Medicine Act, including specifically, 59 O.S. §§ 637(A) (2) (g), (3), (4), and (7), and the Board's rules for Unprofessional conduct relating to prescribing or dispensing dangerous drugs, OAC 510:5-7-1 and 510:5-9-1 *et seq.*

3. The Board also concludes that such actions are grounds for imposing any sanction against Dr. Chorley's license authorized by statute and rules and regulations of the Board. However, the Board further concludes that Dr. Chorley's license shall be restricted on the terms and conditions as set forth in the Order below.

ORDER

IT IS THEREFORE ORDERED by the Board that Dr. Chorley's license, number 3346, to practice osteopathic medicine in the State of Oklahoma is suspended until completion of the following terms and conditions:

1. Dr. Chorley shall provide the results of a professional evaluation of his clinical skills by the Center for Personalized Education of Physicians [CPEP], Physician Assessment and Clinical Education [PACE] or an equivalent organization directly to the Board. Board Staff shall have oversight of this provision and Dr. Chorley must get approval from Board Staff prior to application to any evaluating entity.

2. Dr. Chorley shall furnish the Board with evidence of successful completion of a course in the Proper Prescribing of Controlled Substances provided by Case Western Reserve University or its equivalent. The course, at least eight (8) hours in length, is to be approved by Board Staff prior to enrollment. All expenses related to the taking of this course shall be borne by Dr. Chorley.

3. Dr. Chorley shall furnish the Board with evidence of successful completion of a course in Charting and Medical Record Keeping provided by Case Western Reserve University or its equivalent. The course, at least eight (8) hours in length, is to be approved by Board Staff

prior to enrollment. All expenses related to the taking of this course shall be borne by Dr. Chorley.

4. Upon completion of these requirements, Dr. Chorley shall appear before the Board for consideration of such further orders as the Board deems necessary and proper.

5. Nothing in this Order shall be interpreted to guarantee future licensure for Dr. Chorley.

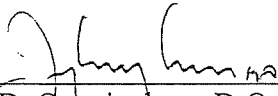
6. Dr. Chorley is not eligible for termination of this Interim Order until all terms and conditions of this Interim Order have been fully satisfied.

7. Respondent's oral Motion to Dismiss is denied.

8. This Order is a public record and therefore subject to the Oklahoma Open Records Act.

IT IS SO ORDERED, ADJUDGED AND DECREED.

Dated this 29th day of January, 2016.



Jay D. Cunningham, D.O.
President
State Board of Osteopathic Examiners

IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.)	
OKLAHOMA STATE BOARD OF)	
OSTEOPATHIC EXAMINERS,)	
)	
Petitioner,)	
	)	No. 1131-111
v.)	
)	
DAVID N. CHORLEY, D.O.,)	
Osteopathic Medical License No. 3346,)	
)	
Respondent.)	

AMENDED COMPLAINT

The Special Prosecutor for the Oklahoma State Board of Osteopathic Examiners [Board], Patricia L. High of Patricia L. High, P.C., alleges and files this Complaint.

1. David N. Chorley, D.O. [Dr. Chorley] is the holder of a license issued by the Oklahoma Board of Osteopathic Examiners [Board] authorizing him to practice as an osteopathic physician and surgeon in the State of Oklahoma, license number 3346. At the time of this Complaint, his license is in good standing.

2. As alleged in this Complaint, Dr. Chorley is in violation of the Rules and Regulations of the Board and the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 *et seq.* [Act]. Dr. Chorley is specifically in violation of § 637(A) (1) (2) (f) (g), (3), (4) and (7), to-wit:

A. The State Board of Osteopathic Examiners may refuse to admit a person to an examination or may refuse to issue or reinstate or may suspend or revoke an license issued or reinstated by the Board upon proof that the applicant or holder of such a license:

1. Has obtained a license, license renewal or authorization to sit for an examination, as the case may be, through fraud, deception, misrepresentation or bribery; or has been granted a license, license renewal or authorization to sit for an examination based upon a material mistake of fact;

2. Has engaged in the use of employment of dishonesty, fraud, misrepresentation, false promise, false pretense, unethical conduct, or unprofessional conduct, as may be determined by the Board, in the performance of the functions or duties of an osteopathic physician, including, but not limited to the following:

f. acting in a manner which results in final disciplinary action by any professional society or association or hospital or medical staff of such hospital in this or any other state, whether agreed to voluntarily or not, if the action was in any way related to professional conduct, professional competence, malpractice or any other violation of the Oklahoma Osteopathic Medicine Act,

g. signing a blank prescription form; or dispensing, prescribing, administering or otherwise distributing any drug, controlled substance or other treatment without sufficient examination or the establishment of a physician/patient relationship, or for other therapeutic or experimental or investigational purposes duly authorized by a state or federal agency, or nor good faith to release pain and suffering, or not to treat ailment, physical infirmity or disease, or violating any state or federal law on controlled dangerous substances,

3. Has engaged in gross negligence, gross malpractice or gross incompetence;
4. Has engaged in repeated acts of negligence, malpractice or incompetence;
7. Has violated, or failed to comply with provisions of any act or regulation administered by the Board;

OAC 510:5-7-1, Unprofessional conduct relating to prescribing or dispensing dangerous drug:

(1) Indiscriminate or excessive prescribing, dispensing or administering controlled dangerous drugs.

OAC 510:5-9, Prescribing for Intractable Pain

(2) Guidelines and Requirements

OAC 510-5-9-3, the violation of any provision of this subchapter shall constitute unprofessional conduct, for which an application for licensure or reinstatement may be denied and for which appropriate sanctions may be imposed.

3. Dr. Chorley, a board certified Family Practice Physician, works for Axis Health Care in Sapulpa, Oklahoma. He has provided service to patients who have followed him from previous places of employment. Dr. Chorley previously worked for St. John's Health System and an Oklahoma State University Clinic in Tulsa, Oklahoma.

4. A review of Dr. Chorley's license renewal for renewal period 2011-2012 showed Dr. Chorley answered "Yes" to the Professional Standard Question asking: "Within the last twelve (12) months, did you resign while under investigation; or were your privileges or contract not renewed in lieu of termination or firing". Dr. Chorley's written explanation was: "Contract was

not renewed by St. John's Sapulpa. This was a one year agreement and was not a good job fit". Dr. Chorley's hire date with St. John's was October 1, 2009, and his last day worked was September 10, 2010. Dr. Chorley was involuntarily terminated and was not eligible for re-employment due to prescribing narcotics issues.

5. The Drug Enforcement Agency [DEA] issued Dr. Chorley two DEA drug registration numbers: BC5107695 and FC2891390. A three (3) month physician profile printout of the Prescription Monitoring Program [PMP] from the Oklahoma Bureau of Narcotics and Dangerous Drugs [OBNDD] under Dr. Chorley's DEA #BC5107695 combined with DEA #FC2891390 from August 1, 2013 through October 31, 2013 showed:

a. Dr. Chorley wrote 1,468 prescriptions for CDS.

b. The number of prescriptions written during those three (3) months, if extended over a 12 month period of time, assuming the rate of prescribing remained the same, would be 5,872 CDS prescriptions.

c. If the same prescribing patterns were maintained, 577,084 dosage units per year would be prescribed.

d. 885 new prescriptions of controlled dangerous substances (CDS, Schedules II-V) were filled for those three (3) months. 266 of these prescriptions were for Schedule II CDS.

e. During this period, Dr. Chorley's patients prescribed under DEA #BC5107695 utilized 84 total pharmacies in 18 different cities. Patients prescribed under DEA #FC2891390 utilized 110 total pharmacies in 26 different cities.

6. A three (3) month physician profile printout of the PMP from the OBNDD for Dr. Chorley's prescribing patterns between January 1, 2015, through April 1, 2015 under DEA #BC5107695 combined with DEA #FC2891390 showed:

a. Dr. Chorley wrote 2,844 prescriptions for CDS.

b. The number of prescriptions written during those three (3) months, if extended over a 12 month period of time, assuming the rate of prescribing remained the same, would be 11,376 CDS prescriptions.

c. If the same prescribing patterns were maintained, 1,162,136 dosage units per year would be prescribed.

d. 2,117 new prescriptions of controlled dangerous substances (CDS, Schedules II-V) were filled for those three (3) months. 1,617 of these prescriptions were for Schedule II CDS.

e. During this period, Dr. Chorley's patients prescribed under DEA #BC5107695 utilized 12 total pharmacies in 9 different cities. Patients prescribed under DEA #FC2891390 utilized 156 total pharmacies in 37 different cities.

7. JD, a 52 year-old male, patient of Dr. Chorley since November 23, 2011, died on March 15, 2012. A medical examiner toxicology report showed the probable cause of death was "Acute Combined Drug Toxicity" due to "Oxycodone and Diazepam". On March 14, 2012, the day before JD's death, the PMP showed JD filled new prescriptions written by Dr. Chorley for Oxycodone 15 MG #180 and Diazepam 10 MG #90. A medication inventory of medications found at the scene where JD died showed 133 Oxycodone tablets and 76 Diazepam tablets were missing from the prescriptions filled the day before. JD was diagnosed with Polyarthrititis, Degenerative Joint Disease of the Cervical Spine, Bilateral Shoulder Pain, Chronic Obstructive Pulmonary Disease, Hypertension, Depression, Active Hepatitis C, a Deviated Nasal Septum and severe sleep Hypoxemia. Dr. Chorley's treatment of JD showed referrals were made to other physicians but there was no evidence of the referrals ever being accomplished. X-rays of JD's wrists, knees and ankles showed mild to moderate degenerative joint disease at best. No X-rays were taken of his shoulders or cervical spine. Other than Advil, Oxycodone and Hydrocodone in fairly large amounts, no other modalities were used. At the time of death, JD's wife told officers he had a long history of drug abuse. He was treated at least once in the emergency room for withdrawal symptoms.

8. BS, a 53 year-old female, patient of Dr. Chorley, died on April 10, 2014. A toxicology reported showed the probable cause of BS's death was due to "Acute Oxycodone Intoxication". BS was prescribed and filled a prescription written by Dr. Chorley for Oxycodone 30 MG # 60 eight (8) days prior to her death. BS was being treated by Dr. Chorley for Chronic Obstructive Pulmonary Disease, Peripheral Vascular Disease, Fibromyalgia, Chronic back pain and there was a mention of Lupus. There were no X-rays in the patient medical record. There was no referral for psychiatric or psychological care. The only other modality of treatment was one trigger point injection in the sacral area. BS was treated with Oxycodone, Alprazolam, Carisoprodol, Relafen, and inhalers for COPD. Dr. Chorley would write prescriptions for

Alprazolam # 60 and # 30 on the same day. There was no plan of treatment discussed with the patient and no discussion of the dangers of using controlled dangerous substances. There were no previous medical records obtained in Dr. Chorley's patient medical records for BS.

9. SK, a 43 year-old female, began seeing Dr. Chorley in 2011. SK was treated for Chronic Knee Pain due to Osteoarthritis, Anemia, Anxiety/Depression, Hypertension, Chronic Back Pain, Rheumatoid Arthritis, Cardiogenic Syncope, and Fatigue. In 2012, SK was charged with "Distribution of Controlled Dangerous Substance" by the District Court of Creek County. SK pled guilty to the charge in December 2012. SK had several urine drug screens showing inconsistencies. These inconsistencies indicated she was not taking her medications as prescribed. There were no X-Rays of her knees or back. No previous medical records were obtained. The only other modality of treatment offered was a onetime injection of both knees with steroids. The PMP showed within a 21 day time period for the month of February 2013, SK filled the following prescriptions prescribed by Dr. Chorley:

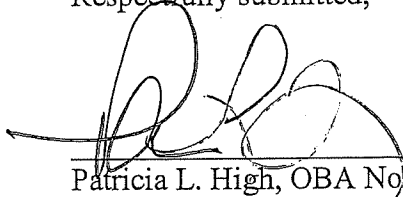
- a. Two (2) prescriptions for Oxycodone 15MG equaling #480 tablets
- b. Two (2) prescriptions for Oxycodone 10 MG equaling #360 tablets
- c. One (1) prescriptions for Diazepam 10 MG equaling #60 tablets
- d. Two (2) prescriptions for Alprazolam 2 MG equaling #100 tablets

10. FD, a 41 year-old male, saw Dr. Chorley on August 12, 2015, and received prescriptions for morphine sulfate, 60 mg, #60, hydromorphone, #120, and butalbital, #180. He died two days later on August 14, 2015. FD was being treated for chronic pain, amputated right ankle, depression, ulcerative colitis and migraines. FD's medical record contained few periodic reviews, no diagnostic evaluations or imaging, and no discussion of risk and benefits of CDS until his medical records were converted to EMR's. During an office visit on November 6, 2013, FD suffered an apparent overdose and was transferred to the hospital by ambulance. Nevertheless, on that date, Dr. Chorley wrote prescriptions for hydromorphone, #120, Ritalin, #90, morphine sulfate, 60 mg, #90 and morphine sulfate, IR, #120. The Medical Examiner's report indicated FD died of acute intoxication by butalbital, diphenhydramine and morphine.

11. RF, a 51 year-old female saw Dr. Chorley on January 23, 2015, and was written a prescription for #120 oxycodone 10 mg. Just prior to that visit she had refilled a prescription for #120 alprazolam. She died on January 25, 2015. At the time of her death the oxycodone bottle

was empty. Five (5) of the alprazolam tablets were left in the bottle. The medical records for RF indicated Dr. Chorley was treating her for Ehlers Danlos Syndrome [EDS], low back pain, lupus, and anxiety. There was no record of discussion of risks and benefits of CDS and no treatment plan. There was no regular assessment of pain, physical and psychological function and no other modalities of treatment offered. The Medical Examiners report indicated RF died of acute combined drug (oxycodone, alprazolam) toxicity.

Respectfully submitted,



Patricia L. High, OBA No. 13414
P.O. Box 1331
Oklahoma City, Oklahoma 73101
(405) 343-4877
(866) 794-5742 Facsimile
SPECIAL PROSECUTOR FOR
THE BOARD

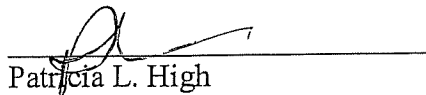
Date: This 6th day of January, 2016.

CERTIFICATE OF SERVICE

I certify that on the 6th day of January, 2016, a true and correct copy of the above and foregoing was deposited in the U. S. mail, first class postage pre-paid to the following:

Elizabeth A. Scott
Crowe, Dunlevy
324 S. Broadway, Suite 100
Oklahoma City, OK 73104

David N. Chorley, D.O.
303 E. Taft
Sapulpa, OK 74066



Patricia L. High

**DUSTIN DAVIS,
D.O., # 7059**



Oklahoma State Board of Osteopathic Examiners

BOARD MEMBERS

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OKLAHOMA CITY

CARL B. PETTIGREW, D.O.
OKLAHOMA CITY

DUANE KOEHLER, D.O.
TULSA

DALE DERBY, D.O.
OWASSO

February 23, 2021

VIA EMAIL duswdav@gmail.com
AND U.S. MAIL

Dustin Davis, D.O. (#7059)

Re: Notice of Hearing re OSBOE v. Dustin
Davis, D.O. (No. 2020-72)

Dear Dr. Davis:

Please be advised that you are required to appear on the Probation & Monitoring Hearing Docket before the Oklahoma Board of Osteopathic Examiners at its next meeting on **March 18, 2021. All such appearances for this docket are set for 1:30 p.m.**

Due to the on-going pandemic involving Covid-19, this Docket will be held via Zoom. The following is the necessary information to join the Zoom video conference. Please note that you will be required to enter a password for the meeting.

Join Zoom Meeting:

<https://zoom.us/j/99619359869?pwd=Qnp1bUUyN2p4UE0yUHlta3lkVFFmQT09>

Meeting ID: 996 1935 9869

Password: 851879

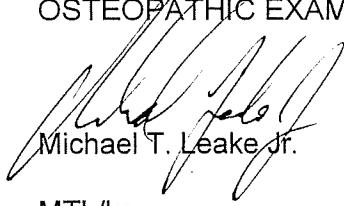
Find your local number: <https://zoom.us/u/atzBUi7F3>

Be further advised that at the conclusion of the Hearing, the Board may take no action, or any action allowed by provisions of the Oklahoma Osteopathic Medicine Act, 59 O.S. Section 620 et. seq., including reprimand, probation, suspension or revocation.

If you are represented by counsel, a courtesy copy of this Notice has been provided to them.
Please feel free to contact us if you have any questions.

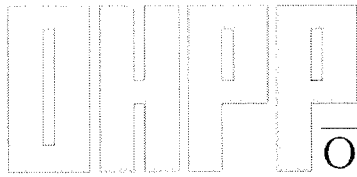
Very truly yours,

OKLAHOMA STATE BOARD OF
OSTEOPATHIC EXAMINERS



Michael T. Leake Jr.

MTL/kc



OKLAHOMA HEALTH PROFESSIONALS PROGRAM

March 4, 2021

Oklahoma State Board of Osteopathic Examiners
4848 N Lincoln Blvd # 100
Oklahoma City, OK 73105

Regarding: Dustin Davis, DO

This letter is in reference to Dustin Davis, DO. Dr. Davis signed a 3-year contract with the Oklahoma Health Professionals Program (OHPP) on July 9th, 2020. He is required to submit breathalyzer three times daily, attend caduceus meetings weekly, additional recovery support meetings and random drug/alcohol screens. All alcohol/drug screens have been negative, he is current on all recovery support meetings and logs, and 4th QTR 2020 Caduceus attendance was 85%, currently 1st QTR 2021 Caduceus attendance is 78%.

In my opinion, Dr. Davis is in compliance with his OHPP requirements. Please feel free to contact OHPP at (405) 601-2536 if you have any questions or need anything further.

If you need further information, please do not hesitate to contact our office.

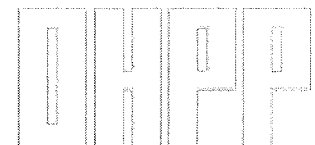
Sincerely,

A handwritten signature in black ink, appearing to read "John Kuhn", is written over a horizontal line.

John Kuhn, MD
OHPP Director

JK/ab

313 Northeast 50th, Oklahoma City, Oklahoma 73105
(405) 601-2536 • (405) 605-0394 (fax)



OSBOE HISTORY SHEET

Dustin Davis, D.O.

Family Practice

Okla. Lic Number: 7059

Case Number: 2020-72

Status: Licensed with terms of Monitoring

TOTAL COSTS AND FINES:

- Costs: Assessed: \$0.00
- Monthly Administrative Fee: \$100/month

7-7-2020 ORDER GRANTING APPLICATION FOR LICENSURE WITH TERMS OF MONITORING

- License granted with conditions
- X Sign and complete 3 year OHPP contract. Sign a release for the Board to obtain any records from, or communicate with OHPP
- X Continue to see counselor during the entirety of monitoring period. Counselor will send quarterly reports to the Board; Dr. will sign release for the Board to obtain any records from or communicate with counselor.
- X Any authorization for release of records shall instruct records be sent directly to 4848 N. Lincoln Blvd, Oklahoma City, OK 73105; shall instruct releasing facility to communicate directly with the Board staff
- X Complete a Compliance Information Request form and submit to Board within 30 days of Order
- X Complete a Monthly Supervision Self-Report form that is required to be submitted by 10th of each month
- X Maintain monthly contact with Board Investigator
- X Administrative Maintenance fee \$100/month for duration of monitoring, due 1st of each month
- X Appear at regularly scheduled Board meeting as requested by Board/per Dr.'s written request

IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

RECEIVED/FILED

IN THE MATTER OF DUSTIN DAVIS,)
D.O., APPLICANT FOR LICENSURE)
)

Case No. 2020-72

JUL 07 2020

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

ORDER GRANTING APPLICATION FOR LICENSURE WITH
TERMS OF MONITORING

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners ("Board") at a regular meeting of the Board on June 18, 2020. Dustin Davis, D.O. ("Dr. Davis") appears at the hearing on this date via Zoom due to the on-going Covid-19 Pandemic. Dr. Davis presented without counsel for the hearing on his Application for Licensure to practice osteopathic medicine in the State of Oklahoma.

This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

The Board, after reviewing Dr. Davis's Application for Licensure and hearing sworn testimony from Dr. Davis, enters this Order Granting Application for Licensure with Terms of Monitoring.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Board that Dr. Davis's Application for Licensure is hereby GRANTED and subject to the following terms and conditions:

1. That Dr. Davis will sign and complete a three (3) year contract with Oklahoma Health Professional Program ("OHPP") where he is required to follow all terms and conditions of the contract. Dr. Davis shall sign a release for the Board to obtain any records from, or communicate with, OHPP regarding Dr. Davis.

2. That Dr. Davis will continue to see his counselor during the entirety of his monitoring period. Dr. Davis's counselor is required to send quarterly reports to the Board on Dr. Davis. Dr. Davis shall sign a release for the Board to obtain any records from, or communicate with, Dr. Davis's counselor.
3. That any authorization for the release of records signed by Dr. Davis pursuant to this Order shall instruct that records be sent directly to the Board at 4848 N. Lincoln Blvd., Ste. 100, Oklahoma City, Oklahoma 73105.
4. That any authorization for the release of records signed by Dr. Davis pursuant to this Order shall instruct the releasing facility that they are permitted to communicate directly with OSBOE Board Staff.
5. That Board staff shall have oversight of this Order on behalf of the Board, and the authority to direct Dr. Davis to provide any and all documents and records relevant to this matter, including but not limited to, the signing of any authorizations necessary for the release any and all reports from OHPP or Dr. Davis's counselor directly to the Board.
6. That Dr. Davis complete a Compliance Information Request form that is required to be submitted to Board staff within 30 days of this Order. (Exhibit A, Compliance Information Request Form.)
7. That Dr. Davis will complete a Monthly Supervision Self-Report form that is required to be submitted to Board staff by the 10th day of each month. (Exhibit B, Monthly Supervision Self-Report).
8. That Dr. Davis will maintain monthly contact with his Board Investigator.
9. That Dr. Davis is required to notify the Board within fourteen (14) days of any

changes to his residential or practice address.

10. That Dr. Davis is required to notify the Board within fourteen (14) days of any changes to his cell phone number.

11. That Dr. Davis is assessed an ongoing monthly Administrative Maintenance fee of one hundred dollars (\$100) due by the first day of each month. Dr. Davis's first monthly fee payment is due on September 1, 2020, and continues monthly during the pendency of his monitoring.

12. That Dr. Davis is only required to appear at any future Board Meetings if specifically requested by the Board. Dr. Davis may request, in writing and at any time, to appear before the Board at a regularly scheduled Board Meeting.

13. Any violation of this Order may result in discipline of Dr. Davis's license to practice osteopathic medicine in the State of Oklahoma.

This Order is a public record and therefore subject to the Oklahoma Open Records Act.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED this 7th day of July 2020.

DJ CARTER

Dennis Carter, D.O.
Board President
State Board of Osteopathic Examiners

MICHAEL S.
FREEMAN, D.O.,
5155

DAVID J. HYMAN,
J.D.



Oklahoma State Board of Osteopathic Examiners

BOARD MEMBERS

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OKLAHOMA CITY

CARL B. PETTIGREW, D.O.
OKLAHOMA CITY

DUANE KOEHLER, D.O.
TULSA

DALE DERBY, D.O.
OWASSO

February 23, 2021

VIA EMAIL doc07@cox.net
AND U.S. MAIL

Michael S. Freeman, D.O. (#5155)

Re: Notice of Hearing re OSBOE v. Michael S.
Freeman, D.O. (No. 0319-20)

Dear Dr. Freeman:

Please be advised that you are required to appear on the Probation & Monitoring Hearing Docket before the Oklahoma Board of Osteopathic Examiners at its next meeting on **March 18, 2021. All such appearances for this docket are set for 1:30 p.m.**

Due to the on-going pandemic involving Covid-19, this Docket will be held via Zoom. The following is the necessary information to join the Zoom video conference. Please note that you will be required to enter a password for the meeting.

Join Zoom Meeting:

<https://zoom.us/j/99619359869?pwd=Qnp1bUUyN2p4UE0yUHlta3lkVFFmQT09>

Meeting ID: 996 1935 9869

Password: 851879

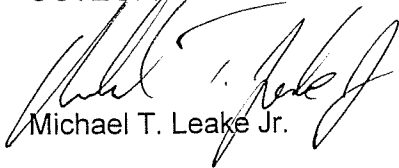
Find your local number: <https://zoom.us/u/atzBUi7F3>

Be further advised that at the conclusion of the Hearing, the Board may take no action, or any action allowed by provisions of the Oklahoma Osteopathic Medicine Act, 59 O.S. Section 620 et. seq., including reprimand, probation, suspension or revocation.

If you are represented by counsel, a courtesy copy of this Notice has been provided to them.
Please feel free to contact us if you have any questions.

Very truly yours,

OKLAHOMA STATE BOARD OF
OSTEOPATHIC EXAMINERS



Michael T. Leake Jr.

MTL/kc

CC: VIA Email david hyman@mac.com

David J. Hyman, J.D.
2240 E. 31st St.
Tulsa, OK 74105
(918) 629-1592



OKLAHOMA HEALTH PROFESSIONALS PROGRAM

March 4, 2021

Oklahoma State Board of Osteopathic Examiners
4848 N Lincoln Blvd # 100
Oklahoma City, OK 73105

Re: Michael Freeman, DO

This letter is regarding Michael Freeman, DO. Dr. Freeman signed a five-year recovery monitoring agreement (RMA) with the Oklahoma Health Professionals Program (OHPP) on November 13, 2020, Dr. Freeman's five-year RMA requires cooperation with completion of random drug screens, breathalyzer three times daily, participation in weekly Caduceus meetings, weekly support meeting and regular sessions with a therapist. All drug screens have been negative and caduceus attendance for the 4th QTR 2020 was 100%, currently 1st QTR 2021 caduceus attendance is 86%.

Please feel free to contact OHPP at (405) 601-2536 if you have any questions or need anything further.

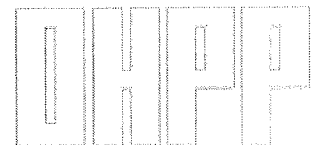
Sincerely,

A handwritten signature in black ink, appearing to read 'John Kuhn', is written over a faint grid background.

John Kuhn, MD
OHPP Director

JK/ab

313 Northeast 50th, Oklahoma City, Oklahoma 73105
(405) 601-2536 • (405) 605-0394 (fax)



OSBOE HISTORY SHEET

Michael Scott Freeman, D.O.

Surgery-General

Okla. Lic Number: 5155

Case Number: 0319-20 (RZ)

Status: Probation (ending 10-6-2025)

TOTAL COSTS AND FINES:

- Costs: Assessed: \$6,491.90, Paid: 0.00, Due: 10-6-2021
- Monthly Administrative Fee, \$100.00

COMPLAINT:

- Obtained a license renewal through misrepresentation

3-12-2020 INTERIM ORDER

- Board decision deferred until June 2020 so they Board has opportunity to review Dr.'s PRC report
- X Shall sign release and authorization with PRC authorizing them to provide complete report to the Board staff

10-6-2020 ORDER OF PROBATION WITH TERMS AND CONDITIONS

- Probation – 5 years
- X Sign up with OHPP and comply with all recommendations and requirements
- X Specifically follow and incorporate PRC recommendations (pgs. 18, 19)
- Provide a copy of this Order to any employer, contractor, hospital where permitted to work or obtain privileges
- Be under monitoring in the workplace by a physician at the hospital or practice group where employed/contracted. Notify the Board staff of monitoring physician's name, practice location, phone number
- Sign all necessary releases and provide all documents and records as directed by Board staff and instruct releasing facilities to communicate directly with Board staff
- X Complete and submit a Compliance Information Request by 11-6-2020
- X Complete and submit a Monthly Supervision Self-Report by the 10th of every month (1st due 11-10-2020)
- X Maintain monthly contact with assigned Board Investigator (Rick Zimmer)
- X \$100/month Administrative Maintenance Fee by 5th of every month
- Pay \$6,491.90 recovery costs due 10-6-2021
- This order and period of probation will be tolled if Dr. Freeman leaves OK to practice/leave until he has returned

FREEMAN

OSBOE HISTORY SHEET

- Order is ineligible for termination until all terms and conditions have been fully satisfied

IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

RECEIVED/FILED*

STATE OF OKLAHOMA, ex rel.)
OKLAHOMA STATE BOARD OF)
OSTEOPATHIC EXAMINERS,)

OCT 06 2020

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

Petitioner,)

Case No. 0319-20 (RZ)

v.)

MICHAEL S. FREEMAN, D.O.,)
Osteopathic Medical License No.)
5155,)

Respondent.)

ORDER OF PROBATION WITH TERMS AND CONDITIONS

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners ("Board") at a regular meeting of the Board on September 17, 2020. Michael S. Freeman, D.O. ("Dr. Freeman") had previously appeared before the Board on March 12, 2020, at which time the Board issued an Interim Order, attached hereto as Exhibit A (the "Interim Order"), in which it deferred its decision on the merits of the evidence until the Board had the opportunity to review certain reports relating to Dr. Freeman. (Exhibit A, pp 5-6). Dr. Freeman appeared before the Board on September 17, 2020 via Zoom due to the on-going Covid-19 Pandemic with his counsel David J. Hyman, J.D.

This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 et. seq. and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 et. seq.

The Board, after reviewing the pleadings, hearing testimony, questioning witnesses, and considering all of the evidence presented and being fully advised specifically finds the following Findings of Fact and Conclusions of Law to be true and

correct and proven by clear and convincing evidence.

FINDINGS OF FACT

1. The Board adopts and integrates by reference the Board's Findings of Fact from the Interim Order. (Exhibit A, pp. 2-5).

2. Proper notice of this hearing was served on Dr. Freeman as required by law.

3. Dr. Freeman was excused, at his request, from the previously-scheduled June 18, 2020 Board hearing and appeared at the September 17, 2020 hearing in this matter (the "Hearing") via Zoom with his counsel David Hyman, J.D.

5. Chief Investigator for the Board Rick Zimmer gave testimony at the hearing regarding Dr. Freeman's evaluations and the Board's receipt thereof.

6. Dr. Freeman gave testimony at the hearing as well as John Kuhn, M.D., of the Oklahoma Health Professional Program.

7. The Board reviewed Dr. Freeman's reports from the Professional Renewal Center and the Florida Recovery Center that were previously stipulated to by the parties.

8. After hearing the above-referenced sworn testimony, reviewing the above-referenced reports and relevant pleadings, and considering the oral argument of counsel, the Board found by specific motion that there was clear and convincing evidence to support the allegations found in the Interim Order and Findings of Fact in this matter against Dr. Freeman.

CONCLUSIONS OF LAW

1. The Board adopts and integrates by reference the Board's Conclusions of Law from the March 12, 2020 Interim Order in this matter. (Exhibit A, p. 5).

2. The Board has jurisdiction to hear this matter pursuant to the Oklahoma

Osteopathic Medicine Act, 59 O.S. § 640 *et. seq.*, Rules of the Board, 510 OAC § 1-1-1 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

3. The Board concludes by specific motion that Dr. Freeman has violated 59 O.S. §§ 637(A)(1), and (2) by clear and convincing evidence.

4. The Board also concludes that such actions are grounds for imposing appropriate sanction against Dr. Freeman's license as authorized by statute and the administrative rules of the Board. The Board further concludes that Dr. Freeman's license shall remain in effect pursuant to the terms and conditions as set forth in the Order below.

The Board, after reviewing the pleadings and previous Orders, hearing testimony, and being fully advised enters this Order of Probation with Terms and Conditions, as set forth below.

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Board that Dr. Freeman's license to practice osteopathic medicine in the State of Oklahoma remains in effect, and the following terms and conditions shall apply:

1. That Dr. Freeman's license, number 5155, is restricted under a five (5) year term of PROBATION. Said probation may be extended or continued at the discretion of the Board.
2. That, during the term of this Probation, Dr. Freeman will sign up with, and comply with, all recommendations and requirements of the Oklahoma Health Professional's Program ("OHPP"), including but not limited to, any SoberLink, AA meetings, Caduceus meetings, or any other treatment obligations that are imposed by OHPP.

3. That Dr. Freeman specifically follow and incorporate, by reference, the recommendations in the Professional Renewal Center (“PRC”) report, pages eighteen (18) and nineteen (19).
4. That Dr. Freeman must provide a copy of this Order to any employer, contractor, and/or hospital where he is permitted to work or obtains privileges.
5. That Dr. Freeman be under monitoring in the workplace by a physician at the hospital or practice group where he is employed and/or contracted. Dr. Freeman shall notify the Board Staff of the name, practice location, and phone number for the monitoring physician.
6. That Board staff shall have oversight of this Order on behalf of the Board, and the authority to direct Dr. Freeman to provide any and all documents and records relevant to this matter, including but not limited to, the signing of any authorizations necessary for the release any and all reports from OHPP and/or their consultants directly to the Board.
7. That any authorization for the release of records signed by Dr. Freeman pursuant to this Order shall instruct that records be sent directly to the Board at 4848 N. Lincoln Blvd., Ste. 100, Oklahoma City, Oklahoma 73105.
8. That any authorization for the release of records signed by Dr. Freeman pursuant to this Order shall instruct the releasing facility that they are permitted to communicate directly with OSBOE Board Staff.
9. That Dr. Freeman complete a Compliance Information Request form that is required to be submitted to Board staff within 30 days of the signing of this Order. (Exhibit B, Compliance Information Request Form.)


10. That Dr. Freeman will complete a Monthly Supervision Self-Report form that is required to be submitted to Board staff by the 10th day of each month. (Exhibit C, Monthly Supervision Self-Report). Dr. Freeman's first Monthly Supervision Self-Report is due by November 10, 2020.
11. That Dr. Freeman will maintain monthly contact with his Board Investigator, Richard Zimmer.
12. That Dr. Freeman is required to notify the Board within fourteen (14) days of any changes to his residential or practice address.
13. That Dr. Freeman is required to notify the Board within fourteen (14) days of any changes to his cell phone number.
14. That Dr. Freeman is assessed an ongoing monthly Administrative Maintenance fee of one hundred dollars (\$100) due by the fifth (5th) day of each month. Dr. Freeman's first monthly fee payment is due by November 5, 2020, and continues monthly during the pendency of his monitoring.
15. That Dr. Freeman is to pay the recovery costs and investigation fees for this case in the amount of SIX THOUSAND FOUR HUNDRED AND NINETY-ONE DOLLARS AND NINETY CENTS (\$6,491.90). He is to make payment arrangements for this amount with Board Staff and such costs shall be paid within one (1) year of the issuance of this Order.
16. That, in the event Dr. Freeman leaves the State of Oklahoma to practice and/or live elsewhere before this period of probation ends, this Order and the period of probation will be tolled and not continue until Dr. Freeman returns to Oklahoma to live or practice osteopathic medicine.

17. That Dr. Freeman is not eligible for termination of this Order and/or his Probation until all terms and conditions of this Order have been fully satisfied.
18. That Dr. Freeman is required to appear at the December 10, 2020, Board Meeting. Any violation of this Order may result in additional discipline of Dr. Freeman's license to practice osteopathic medicine in the State of Oklahoma.

This Order is reportable to the National Practitioner Data Bank ("NPDB") pursuant to federal law, including but not limited to, 45 CFR Part 60.

This Order is a public record and therefore subject to the Oklahoma Open Records Act.

IT IS SO ORDERED this 10th day of October 2020.



Katie Templeton, J.D.
Board President
State Board of Osteopathic Examiners

Conclusions of Law to be true and correct and proven by clear and convincing evidence.

FINDINGS OF FACT

The Board finds there was clear and convincing evidence to prove the following facts, to-wit.

1. Dr. Michael Scott Freeman, D.O., is the holder of a license to practice as an osteopathic physician in the State of Oklahoma, license number 5155. Dr. Freeman received his license as an osteopathic physician in Oklahoma from the Board in 2011. Dr. Freeman currently works for Wagoner Community Hospital (“Wagoner Hospital”) as a general surgeon.

2. On or about March 4, 2019, the Board received an envelope with no return address containing a jail book-in photo dated February 26, 2019 of an individual named Michael Scott Freeman. The individual in the photograph was wearing what appeared to be black and white striped jail inmate clothing. Board Investigator Rick Zimmer identified the individual in the photo as the above-referenced Dr. Michael Scott Freeman. Investigator Zimmer later found that Dr. Freeman was booked into the Wagoner County Jail on February 25, 2019 for Driving Under the Influence of Alcohol (“DUI”), and that Oklahoma Highway Patrol Trooper Chris Arnell was the arresting officer.

3. The incident began when Trp. Arnell pulled Dr. Freeman over for weaving and crossing the centerline as well as yellow line on the right side of the road. Trp. Arnell observed Dr. Freeman's speech to be slow and somewhat slurred, and his movement lethargic. Dr. Freeman stated to Trp. Arnell that he had consumed two (2) beers. Trp. Arnell located a firearm in Dr. Freeman's car and observed a vial of clear liquid in the console in plain view, which Dr. Freeman identified as lidocaine he used for surgeries. Trp. Arnell conducted a Standard Field Sobriety Test, which Dr. Freeman failed. Dr. Freeman also failed a breath test, blowing a 0.134 at the location of the traffic stop.

4. As a result, Trp. Arnell placed Dr. Freeman under arrest and transported him to Wagoner Police Department, where Dr. Freeman took two (2) more breath tests, both of which he failed. Trp. Arnell then transported Dr. Freeman to Wagoner County Jail, where he was booked into custody.

5. Dr. Freeman had two (2) surgeries scheduled for February 26, 2019 that had to be rescheduled as a result of his DUI arrest.

6. Trp. Arnell presented charges for DUI to the Wagoner County District Attorney's office. Wagoner County District Attorney Jim Thorpe later emailed Trp. Arnell and indicated that he was not going to formally charge Dr. Freeman or require him to enter into a deferred prosecution agreement because he felt that "mercy was warranted." The Wagoner County District Attorney's office later received a letter

from Dr. Freeman dated May 6, 2019, in which he admitted to his criminal conduct, stating in part:

My name is Michael Freeman. I was charged with, and guilty of, driving under the influence of alcohol on February 25, 2019. I am writing this letter to express my deep regret and remorse for this reckless action....

7. On May 31, 2019 Jimmy Leopard, CEO of Wagoner Hospital, reminded Dr. Freeman in an email that he must disclose any DUI arrest to the Board in seeking renewal of his license. Mr. Leopard provided a copy of this email to Investigator Zimmer.

8. On June 25, 2019, Dr. Freeman submitted his 2019 OSBOE Medical License Renewal (the "Renewal") to the Board. Professional Standards Question No. 9 of the Renewal asks:

Within the last twelve months, were [you] convicted, indicated **arrested**, or charged with a felony or other crimes? Pleas of guilty, non-fault, nolo contendere or other such pleas for alleged criminal activity shall be deemed a conviction. (Emphasis added).

Mr. Freeman responded "No" to this question. Based upon the answers provided in the Renewal, the Board renewed Dr. Freeman's license.

9. By failing to disclose the February 25, 2019 arrest in the Renewal, Dr. Freeman received a renewal of his medical licensure based upon a misrepresentation as well as a material mistake of fact by the Board.

10. Evidence showed Respondent did not fully inform his prior legal counsel of all relevant facts and circumstances in the process of obtaining an oral legal opinion from prior counsel on how the Respondent should lawfully answer Board questions.

11. That Respondent voluntarily submitted himself to the Professional Review Center, Lawrence, Kansas for evaluation in February, 2020 but has not yet received any report or evaluation from that institution.

CONCLUSIONS OF LAW

1. Dr. Freeman is in violation of the Oklahoma Osteopathic Medicine Act, Tit. 59 O.S. §637(A)(1) and (2), which states:

A. The State Board of Osteopathic Examiners may revoke any license issued or reinstated by the Board upon proof that the applicant or holder of such a license:

1. Has obtained a license, license renewal or authorization to sit for examination, as the case may be, through fraud, deception, misrepresentation or bribery; or has been granted a license renewal or authorization to sit for an examination based upon a material mistake of fact;

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Board as follows, to-wit:

1. The Board will defer any decision on the merits of the evidence until the Board meeting in June, 2020, after the Board has opportunity to review the report

on the Respondent compiled by the Professional Review Center (“PRC”), Lawrence, Kansas and to consider any conclusions, recommendations, or direction included therein.

2. The Respondent shall promptly sign release and authorization with PRC to authorize PRC to provide a copy of a complete, unredacted report on the Respondent, including but not limited to the discharge summary, directly to the Board staff.

3. Respondent shall notify the Board office within 14 calendar days of any change of address, practice name, name, or phone number.

4. Respondent shall comply in all respects with the Oklahoma Osteopathic Medicine Practice Act, 59 O.S. 2011, §620 et seq. and the Administrative Rules of the Board.

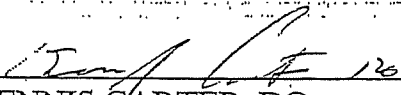
5. Any failure to comply with this submission of documentation by third-parties, including late reports, and/or unsatisfactory reports and/or other violations of the Oklahoma Osteopathic Medicine Practice Act by the Respondent will require Respondent to make additional appearances before the Board to show cause why the Respondent’s license should not be revoked or such other action taken as the Board deems necessary.

6. Nothing in this Order shall preclude Board or Board staff from initiating another disciplinary action against the Respondent for actions that were not part of this Order.

7. This Interim Order may be used in any subsequent hearing by the Board. In the event other misconduct by Respondent is reported to the Board, this Order may be used as evidence against Respondent to establish a pattern of behavior and for the purpose of proving additional acts of misconduct.

8. This Interim Order constitutes a public record and is subject to release by the Board staff.

IT IS SO ORDERED, ADJUDGED AND DECREED on the aforesaid date.



DENNIS CARTER, DO
President
State Board of Osteopathic Examiners

Oklahoma State Board of Osteopathic Examiners

4848 N. Lincoln Blvd., Suite 100 Oklahoma City, OK 73105

Phone: 405-528-8625

Fax: 405-557-0653



COMPLIANCE INFORMATION REQUEST

PLEASE COMPLETE AND RETURN THIS FORM AS SOON AS POSSIBLE. THIS INFORMATION WILL BE USED BY THE BOARD INVESTIGATOR, AND WILL NOT BECOME PART OF YOUR PUBLIC FILE.

NAME: _____ LICENSE NO. _____

DOB: _____ SEX: _____ SSN: _____

MAILING ADDRESS: _____

BUSINESS ADDRESS: _____

RESIDENCE ADDRESS: _____

ADD'L BUSINESS ADDRESS(ES): _____

RESIDENCE TELEPHONE: _____

CELL PHONE: _____

BUSINESS TELEPHONE: _____

EMAIL ADDRESS: _____

OTHER STATES LICENSED IN: _____

HOSPITAL PRIVILEGES: _____

tabbles®
EXHIBIT
B

Name: _____

Reporting Period (MO/YR): _____

MONTHLY SUPERVISION SELF-REPORT

Please complete this report and return to the office of the Board, 4848 N. Lincoln Blvd., Suite 100, Oklahoma City, OK 73105 (Fax 405.557.0653) by the 10th of the month following the reporting period. Failure to do so may result in a Citation. Please use additional paper as necessary.

- 1.) Has your home, practice address or telephone number changed since your last report?
_____ If yes, please list your current address and telephone number.

HOME: _____

PRACTICE: _____

CELL: _____

EMAIL: _____

- 2.) How many hours do you typically work per week? _____

- 3.) If you are planning to take vacation, please provide the dates and location: _____

- 4.) **Since your last report:** List any hospitals, licensing authorities, governmental agencies, or other entities that have taken action to limit, suspend, revoke, or modify privileges: _____

- 5.) What is the current status of your OBN/DEA narcotics permits? _____

- 6.) **Since your last report:** Describe any previously unreported legal actions pending or actions resolved (criminal and civil): _____

- 7.) **Since your last report:** If you have been treated by a health care provider, who provided the care and what was the reason? _____

- 8.) If any medications were prescribed for your use, what were the medications, the quantities, and dosage. _____

- 9.) Please communicate any progress you've made in addressing the terms and conditions of your board order(s): _____

- 10.) If your Board Order requires attendance in OHPP meetings or therapy, attach attendance sheets showing meetings attended.

Signature: _____

**IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel.,)
STATE BOARD OF OSTEOPATHIC)
EXAMINERS,)
))
Petitioners,)
))
v.)
))
MICHAEL SCOTT FREEMAN, D.O.,)
Osteopathic Medicine License No. 5155,)
))
Respondent.)

RECEIVED FILED
APR 10 2020
OKLA. BOARD OF OSTEOPATHIC EXAMINERS

Case No. 0319-20

INTERIM ORDER

This matter comes on for hearing before the Oklahoma State Board of Osteopathic Examiners (“Board”) on the 12th day of March, 2020. The Board is represented by Patrick Quillian, Oklahoma City. Respondent appears in person and by and through counsel David J. Hyman, Tulsa, Oklahoma.

This Interim Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. 2011, §620 et seq. and the Oklahoma Administrative Procedures Act, 75 O.S. 2011, §250 et seq.

The Board, after reviewing the pleadings, hearing the sworn testimony, questioning witnesses at the hearing and considering oral argument of counsel and being fully advised in the premises finds the following Findings of Fact and

Conclusions of Law to be true and correct and proven by clear and convincing evidence.

FINDINGS OF FACT

The Board finds there was clear and convincing evidence to prove the following facts, to-wit.

1. Dr. Michael Scott Freeman, D.O., is the holder of a license to practice as an osteopathic physician in the State of Oklahoma, license number 5155. Dr. Freeman received his license as an osteopathic physician in Oklahoma from the Board in 2011. Dr. Freeman currently works for Wagoner Community Hospital (“Wagoner Hospital”) as a general surgeon.

2. On or about March 4, 2019, the Board received an envelope with no return address containing a jail book-in photo dated February 26, 2019 of an individual named Michael Scott Freeman. The individual in the photograph was wearing what appeared to be black and white striped jail inmate clothing. Board Investigator Rick Zimmer identified the individual in the photo as the above-referenced Dr. Michael Scott Freeman. Investigator Zimmer later found that Dr. Freeman was booked into the Wagoner County Jail on February 25, 2019 for Driving Under the Influence of Alcohol (“DUI”), and that Oklahoma Highway Patrol Trooper Chris Arnell was the arresting officer.

3. The incident began when Trp. Arnell pulled Dr. Freeman over for weaving and crossing the centerline as well as yellow line on the right side of the road. Trp. Arnell observed Dr. Freeman's speech to be slow and somewhat slurred, and his movement lethargic. Dr. Freeman stated to Trp. Arnell that he had consumed two (2) beers. Trp. Arnell located a firearm in Dr. Freeman's car and observed a vial of clear liquid in the console in plain view, which Dr. Freeman identified as lidocaine he used for surgeries. Trp. Arnell conducted a Standard Field Sobriety Test, which Dr. Freeman failed. Dr. Freeman also failed a breath test, blowing a 0.134 at the location of the traffic stop.

4. As a result, Trp. Arnell placed Dr. Freeman under arrest and transported him to Wagoner Police Department, where Dr. Freeman took two (2) more breath tests, both of which he failed. Trp. Arnell then transported Dr. Freeman to Wagoner County Jail, where he was booked into custody.

5. Dr. Freeman had two (2) surgeries scheduled for February 26, 2019 that had to be rescheduled as a result of his DUI arrest.

6. Trp. Arnell presented charges for DUI to the Wagoner County District Attorney's office. Wagoner County District Attorney Jim Thorpe later emailed Trp. Arnell and indicated that he was not going to formally charge Dr. Freeman or require him to enter into a deferred prosecution agreement because he felt that "mercy was warranted." The Wagoner County District Attorney's office later received a letter

from Dr. Freeman dated May 6, 2019, in which he admitted to his criminal conduct, stating in part:

My name is Michael Freeman. I was charged with, and guilty of, driving under the influence of alcohol on February 25, 2019. I am writing this letter to express my deep regret and remorse for this reckless action....

7. On May 31, 2019 Jimmy Leopard, CEO of Wagoner Hospital, reminded Dr. Freeman in an email that he must disclose any DUI arrest to the Board in seeking renewal of his license. Mr. Leopard provided a copy of this email to Investigator Zimmer.

8. On June 25, 2019, Dr. Freeman submitted his 2019 OSBOE Medical License Renewal (the “Renewal”) to the Board. Professional Standards Question No. 9 of the Renewal asks:

Within the last twelve months, were [you] convicted, indicated **arrested**, or charged with a felony or other crimes? Pleas of guilty, non-fault, nolo contendere or other such pleas for alleged criminal activity shall be deemed a conviction. (Emphasis added).

Mr. Freeman responded “No” to this question. Based upon the answers provided in the Renewal, the Board renewed Dr. Freeman’s license.

9. By failing to disclose the February 25, 2019 arrest in the Renewal, Dr. Freeman received a renewal of his medical licensure based upon a misrepresentation as well as a material mistake of fact by the Board.

10. Evidence showed Respondent did not fully inform his prior legal counsel of all relevant facts and circumstances in the process of obtaining an oral legal opinion from prior counsel on how the Respondent should lawfully answer Board questions.

11. That Respondent voluntarily submitted himself to the Professional Review Center, Lawrence, Kansas for evaluation in February, 2020 but has not yet received any report or evaluation from that institution.

CONCLUSIONS OF LAW

1. Dr. Freeman is in violation of the Oklahoma Osteopathic Medicine Act, Tit. 59 O.S. §637(A)(1) and (2), which states:

A. The State Board of Osteopathic Examiners may revoke any license issued or reinstated by the Board upon proof that the applicant or holder of such a license:

1. Has obtained a license, license renewal or authorization to sit for examination, as the case may be, through fraud, deception, misrepresentation or bribery; or has been granted a license renewal or authorization to sit for an examination based upon a material mistake of fact;

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on the Respondent compiled by the Professional Review Center (“PRC”), Lawrence, Kansas and to consider any conclusions, recommendations, or direction included therein.

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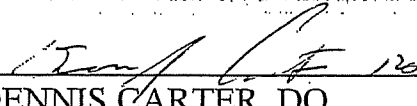
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DENNIS CARTER, DO
President
State Board of Osteopathic Examiners

....

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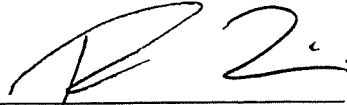
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10. By failing to disclose the February 25, 2019 arrest in the Renewal, Dr. Freeman received a renewal of his medical license based upon a misrepresentation as well as a material mistake of fact by the Board.

Respectfully submitted,



J. Patrick Quillian, OBA#20811
Phillips, Coventon, Quillian & Banner PLLC
1900 Northwest Expressway, Suite 601
Oklahoma City, Oklahoma 73118
Phone (405) 418-8888 Facsimile (405) 260-9573
jpatrickquillianpc@gmail.com
SPECIAL PROSECUTOR FOR PETITIONER

RECEIVED/FILED

NOV 19 2019

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS
OKLAHOMA STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.)
OKLAHOMA STATE BOARD OF)
OSTEOPATHIC EXAMINERS,)

Petitioners,)

v.)

No. 0319-20

MICHAEL SCOTT FREEMAN, D.O.,)
Osteopathic Medical License No. 5155.)

Respondent.)

CITATION AND NOTICE OF HEARING

TO: MICHAEL SCOTT FREEMAN, D.O. [Licensee]

YOU ARE GIVEN NOTICE that pursuant to the Oklahoma Osteopathic Medicine Act [Act], Title 59 O.S. 1991, § 620, *et seq.*, and the Oklahoma Administrative Procedures Act Title 75 O.S. 1991 § 301, *et seq.*, you are commanded to appear at a hearing held before the Oklahoma State Board of Osteopathic Examiners [Board], at the OSBOE Board Room, 4848 North Lincoln Blvd., Suite 100, Oklahoma City, Oklahoma 73105, on **December 12, 2019**. All hearings will begin at **9:00 o'clock a.m.**

NATURE OF THE HEARING

The purpose of the hearing will be to show cause why your license to practice osteopathic medicine in the State of Oklahoma, issued by the Board, should be suspended or revoked, or any other disciplinary action imposed by the Board as authorized by law for violation of the Act as specified in the Complaint containing the matters asserted and entered against you. A copy of said Complaint is included with this Citation and Notice and incorporated herein by reference. Licensee is the holder of the above-listed osteopathic medical license issued by the Board authorizing Licensee to practice as an

osteopathic physician and surgeon in the State of Oklahoma. At the time of this Complaint, his license is in good standing.

LEGAL AUTHORITY AND JURISDICTION FOR HEARING

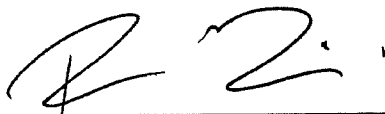
The hearing is ordered pursuant to the authority and jurisdiction conferred upon the Board by Title 59 O.S. 1991 § 637 and 631.1 and will be conducted according to the procedures set forth in the Oklahoma Administrative Procedures Act, Title 75 O.S. § 301, *et seq*, and the Rules and Regulations of the Board.

RIGHTS OF RESPONDENT

Be advised of your rights, which are as follows:

1. To be represented by legal counsel at this hearing;
2. To respond and present evidence on any relevant issue;
3. To subpoena witnesses and documentary evidence through the Board; and
4. Such other rights as are conferred by the Board and Board Rules and Regulations.

Respectfully submitted,



J. Patrick Quillian, OBA #20811
Phillips, Coventon, Quillian, & Banner, PLLC
1900 N.W. Expressway, Suite 601
Oklahoma City, OK 73118
(405) 418-8888 - (405) 260-9573 Facsimile
jpatrickquillianpc@gmail.com
SPECIAL PROSECUTOR FOR PETITIONER

MICHELLE D.
O'MEARA, D.O.,
4221



Oklahoma State Board of Osteopathic Examiners

BOARD MEMBERS

KATIE TEMPLETON, J.D.
PRESIDENT
OKLAHOMA CITY

BRET LANGERMAN, D.O.
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OKLAHOMA CITY

CARL B. PETTIGREW, D.O.
OKLAHOMA CITY

DUANE KOEHLER, D.O.
TULSA

DALE DERBY, D.O.
OWASSO

February 23, 2021

VIA EMAIL mdodo1957@outlook.com
AND U.S. MAIL

Michelle D. O'Meara, D.O. (#4221)

Re: Notice of Hearing re OSBOE v. Michelle D.
O'Meara, D.O. (No. 0814-94)

Dear Dr. O'Meara:

Please be advised that you are required to appear on the Probation & Monitoring Hearing Docket before the Oklahoma Board of Osteopathic Examiners at its next meeting on **March 18, 2021. All such appearances for this docket are set for 1:30 p.m.**

Due to the on-going pandemic involving Covid-19, this Docket will be held via Zoom. The following is the necessary information to join the Zoom video conference. Please note that you will be required to enter a password for the meeting.

Join Zoom Meeting:

<https://zoom.us/j/99619359869?pwd=Qnp1bUUyN2p4UE0yUHIta3lkVFFmQT09>

Meeting ID: 996 1935 9869

Password: 851879

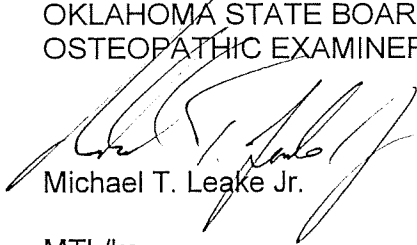
Find your local number: <https://zoom.us/u/atzBUI7F3>

Be further advised that at the conclusion of the Hearing, the Board may take no action, or any action allowed by provisions of the Oklahoma Osteopathic Medicine Act, 59 O.S. Section 620 et. seq., including reprimand, probation, suspension or revocation.

If you are represented by counsel, a courtesy copy of this Notice has been provided to them.
Please feel free to contact us if you have any questions.

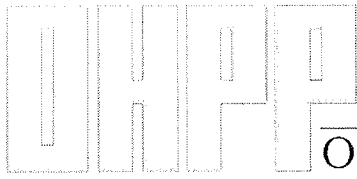
Very truly yours,

OKLAHOMA STATE BOARD OF
OSTEOPATHIC EXAMINERS



Michael T. Leake Jr.

MTL/kc



OKLAHOMA HEALTH PROFESSIONALS PROGRAM

March 4, 2021

Oklahoma State Board of Osteopathic Examiners
4848 N Lincoln Blvd # 100
Oklahoma City, OK 73105

Regarding: Michelle O'Meara, DO

This letter is in reference to Michelle O'Meara, DO. Dr. O'Meara signed a five-year contract with the Oklahoma Health Professionals Program (OHPP) on October 2, 2018. She is required to submit Soberlink breathalyzer three times daily and to random alcohol/drug screens and attend weekly support group meetings and attend therapy. All alcohol/drug screens have been negative. Caduceus attendance 4th QTR 2020 was 79%, her current caduceus attendance rate is 100%.

In my opinion, Dr. O'Meara is compliant with her OHPP contract. Please feel free to contact OHPP at (405) 601-2536 if you have any questions or need anything further.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Kuhn', is written over a horizontal line.

John Kuhn, MD
OHPP Director

JK/ab

313 Northeast 50th, Oklahoma City, Oklahoma 73105
(405) 601-2536 • (405) 605-0394 (fax)



OSBOE HISTORY SHEET

Michelle D. O'Meara, D.O.

Family Practice

Okla. Lic Number: 4221

Case Number: 0814-94 (RZ)

Status: Active – Monitoring

Monitoring ends when Board orders termination

TOTAL COSTS AND FINES:

- X Costs: Assessed: \$3,800.00, Paid: PIF 9-15-2016, Overdue: No
 - Monthly Administrative Fee: \$100/Month
- X Admin. Penalty: \$1,000.00, Paid: PIF 9-19-2019 Overdue: No
 - 2-2-2020 Admin. Penalty: \$1,000.00, Paid: \$0.00, Due: 7-6-2020 **OVERDUE**
 - 2-20-2020 Admin. Penalty: \$1,000.00, Paid: \$0.00, Due: 7-22-2020 **OVERDUE**
 - 3-4-2020 Admin. Penalty: \$1,000.00, Paid: \$0.00, Due: 6-30-2020 **OVERDUE**
 - 3-28-2020 Admin. Penalty: \$1,000.00, Paid: \$0.00, Due: 6-30-2020 **OVERDUE**
 - 6-11-2020 Admin. Penalty: \$1,000.00, Paid: \$0.00, Due: 10-12-2020 **OVERDUE**
 - 8-12-2020 Admin. Penalty: \$1,000.00, Paid: \$0.00, Due: 12-29-2020 **OVERDUE**
 - 9-3-2020 Admin. Penalty: \$1,000.00, Paid: \$0.00,
Due: UNDER BOARD REVIEW
 - 9-6-2020 Admin. Penalty: \$1,000.00, Paid: \$0.00,
Due: UNDER BOARD REVIEW
 - 9-25-2020 Admin. Penalty: \$1,000.00, Paid: \$0.00,
Due: UNDER BOARD REVIEW
 - 11-9-2020 Admin. Penalty: \$1,000.00, Paid: \$0.00,
Due: UNDER BOARD REVIEW
 - 11-22-2020 Admin. Penalty: \$1,000.00, Paid: \$0.00,
Due: UNDER BOARD REVIEW
 - 11-27-2020 Admin. Penalty: \$1,000.00, Paid: \$0.00,
Due: UNDER BOARD REVIEW

COMPLAINT:

- 5-year deferred sentence for DUI, child endangerment and two other counts

9-18-2014 ORDER

- X 1 year Monitoring
- X Quarterly board meetings as requested
- X Continue with out-patient therapy (unless relapse)
- X Regularly attend AA meetings

O'MEARA

1

OSBOE HISTORY SHEET

- X Regularly attend caduceus meetings (is permitted by OHPP)
- X Costs \$3,800 due 9-18-2015

12-31-2014 ORDER OF MODIFICATION

- X 5-year OHPP contract

9-17-2015 ORDER TERMINATING MONITORING

- X Termination of Order of Monitoring
- X Continue OHPP contract

9-15-2016 ORDER OF FINAL TERMINATION OF MONITORING

- X Termination of all conditions except continue OHPP contract

8-21-2018 NOTICE OF NON-COMPLIANCE AND ORDER TO APPEAR AND SHOW CAUSE

- X Appear at Special Board Meeting Sept. 20, 2018

9-20-2018 FINDING OF FACTS, CONCLUSION OF LAW AND ORDER

- Effective Date 11-5-2018
- X Fitness and psychological evaluation from Dr. Julio Rojas and sign appropriate releases
- X Undergo intensive out-patient treatment from Board approved provider
- X 5-year OHPP contract
- X Continue in Soberlink system
- X Continue AA program
- X Administrative Penalty \$1000 due 9-20-2019 (Paid \$500 11-21-2018) (Balance due 9-2019)
- X Quarterly Board meeting appearances until 9-20-2019
- X Provide copy of Order to all current or potential future employers

12-13-2018 INTERIM ORDER OF SUSPENSION WITH CONDITIONS

- X 90 day in-patient treatment at Board staff selected facility
- X Sign release for discharge summary, all evaluations and results to be provided to Board from in-patient treatment program
- X 2-years addiction therapy participation (Board staff approved provider)
- Obtain a sponsor; sponsor will complete monthly monitoring form
- Increase communication with employer, especially Dr. Kirk
- Notify all medical providers of recovery status and involvement in OHPP

O'MEARA

OSBOE HISTORY SHEET

- X Increase urine drug testing to at least monthly by OHPP
- Consider Al-Anon, Adult Children of Alcoholics, and Co-Dependents Anonymous literature and meetings
- X Upon completion, Dr. may make motion to appear at next regular meeting to seek reinstatement

6-20-2019 ORDER LIFTING SUSPENSION OF LICENSE AND RESTORING LICENSE WITH CONDITIONS OF MONITORING

- X Suspension lifted and immediately restored
- X Continue all terms and conditions with OHPP contract
- X Reimburse Board for all associated prosecution costs – Owe \$500 due 9-2019
- X Pay the balance of all administrative fees and costs incurred to date
- X Continue regular contact with Board Staff
- X Regular appearances as requested by Board

12-12-2019 ORDER AMENDING CONDITIONS OF MONITORING

- \$1,000 fine for every failed SoberLink test this point forward
- X \$100/month maintenance fee due by 5th of each month
- X Monthly self report due by the 10th of each month

3-3-2020 ADMINISTRATIVE FINES

- Missed SoberLink test 2-2-2020, fined \$1,000.00, due 7-6-2020
- Missed SoberLink test 2-20-2020, fined \$1,000.00, due 7-22-2020

4-8-2020 ADMINISTRATIVE FINES

- Missed SoberLink test 3-4-2020, fined \$1,000.00, due 6-30-2020
- Missed SoberLink test 3-28-2020, fined \$1,000.00, due 6-30-2020

7-7-2020 ORDER CONTINUING MONITORING

- X Continue monitoring under present terms and conditions
- X Appear at next regularly scheduled Board meeting, 9-17-2020

7-13-2020 ADMINISTRATIVE FINES

- Non-compliant SoberLink test 6-11-2020, fined \$1,000.00 due 10-12-2020

9-29-2020.1 ORDER AMENDING CONDITIONS OF MONITORING

- X Comply with all conditions of her contract with OHPP
- X SoberLink testing 3x/day, 7 days/week (7-8am, 5-6pm, 8-9pm cst)

OSBOE HISTORY SHEET

- X \$1,000 fine for any failed, missed, late, positive, or non-compliant SoberLink test, due 90 days after said violation
- X Sign an authorization for the release of records related to participation in OHPP
- X Board staff has oversight, authority to direct provision of any and all documents and records relevant to this matter, and signing of authorizations necessary for the release of any and all evaluations directly to the Board
- X Complete a Compliance Information Request form due 10-29-2020
- X Complete a Monthly Supervision Self-Report due 10th of each month
- X Maintain monthly contact with Board Investigator (RZ)
- X \$100/month Administrative Maintenance Fee due 5th of each month
- \$1,000 Admin. Penalty fine for non-complaint/failed SoberLink test 8-12-2020 due 12-29-2020

1-12-2021 THIRD ORDER AMENDING CONDITIONS OF MONITORING

- Comply with all conditions of 6-20-2019, 12-12-2019, and 9-17-2020 Orders (except as amended)
 - Submit letter indicating attendance days of "Daring Greatly" workshop, signed by either Rev. Barbara Prose or Rev. Seth Carrier-Ladd due 4-1-2021
 - \$6,000 prior fines and violations owed
 - New fines issued pursuant to 9-17-2020 Order held in abeyance until the termination of probation and monitoring, at which time the Board will consider whether or not fines will be issued
 - Fines and violations for 4 non-compliant SoberLink tests in 9-2020 and 11-2020 will be held in abeyance until the termination of probation and monitoring, at which time the Board will consider whether or not fines will be issued
 - Board staff has oversight, authority to direct provision of any and all documents and records relevant to this matter, and signing of authorizations necessary for the release of any and all evaluations directly to the Board
-
- X Complete a Compliance Information Request form due 2-12-2020
 - X Complete a Monthly Supervision Self-Report due 10th of each month
 - X Maintain monthly contact with Board Investigator (RZ)
 - X \$100/month Administrative Maintenance Fee due 5th of each month

IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

RECEIVED/FILED

STATE OF OKLAHOMA, ex rel.)
OKLAHOMA STATE BOARD OF)
OSTEOPATHIC EXAMINERS,)

JAN 12 2021

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

Petitioner,)

Case No. 0814-94 (RZ)

v.)

MICHELLE O'MEARA, D.O.,)
Osteopathic Medical License No.)
4221,)

Respondent.)

THIRD ORDER AMENDING CONDITIONS OF MONITORING

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners ("Board") at a regular meeting of the Board on December 10, 2020. Michelle O'Meara, D.O. ("Dr. O'Meara") appears at the hearing on this date via Zoom due to the on-going Covid-19 Pandemic. Dr. O'Meara presents without counsel.

John Kuhn, M.D., and Lowell Roberson, M.D., of the Oklahoma Health Professionals Program ("OHPP") appeared and offered sworn testimony. The Board's Chief Investigator, Richard Zimmer, also appeared and gave sworn testimony.

This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. Sec.* Further, this Order is a public record and is subject to the Oklahoma Open Records Act. Moreover, this Order may be reportable to the National Practitioner Data Bank ("NPDB") pursuant to federal law, including but not limited to, 45 CFR Part 60.

The Board, after reviewing Dr. O'Meara's compliance with her previous Board Orders entered on June 20, 2019, December 12, 2019, and September 17, 2020, wherein

conditions were placed on Dr. O'Meara's Oklahoma Osteopathic medical license, and amends the previous Orders by modifying the conditions of her probation and monitoring as set for below.

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Board that Dr. O'Meara's license to practice osteopathic medicine in the State of Oklahoma remains in effect, and the following terms and conditions of shall apply:

1. That Dr. O'Meara complies with all conditions of June 20, 2019, December 12, 2019, and September 17, 2020, Orders, except as amended herein.
2. That Dr. O'Meara is permitted to attend the "Daring Greatly" workshop offered by Rev. Barbara Prose and/or Rev. Seth Carrier-Ladd between January 23, 2021, and March 15, 2021, on condition that a letter is sent to the Board Staff indicating each day Dr. O'Meara attended the workshop. The letter must be signed by either Rev. Barbara Prose or Rev. Seth Carrier-Ladd. This letter may be sent by mail, email or fax to the Board Staff and is due by April 1, 2021.
3. That Dr. O'Meara currently owes the State Board of Osteopathic Examiners a total of \$6,000 for prior fines and violations.
4. Any new fines issued pursuant to the September 17, 2020, Order, or this current Order, shall be held in abeyance until the termination of Dr. O'Meara's probation and monitoring at which time the Board will consider whether to issue any fines for violation of the Board Orders. This paragraph has no impact to the \$6,000 in monies currently owed by Dr. O'Meara for prior fines and violations as set out in Paragraph 3 of this Order.
5. That the fines and violations for four (4) non-compliant SoberLink tests in

September 2020 and November 2020 will be held in abeyance until the termination of Dr. O'Meara's probation and monitoring at which time the Board will consider whether to issue any fines for violation of the Board Orders. This paragraph has no impact to the \$6,000 in monies currently owed by Dr. O'Meara for prior fines and violations as set out in Paragraph 3 of this Order.

6. That Board staff shall have oversight of this Order on behalf of the Board, and the authority to direct Dr. O'Meara to provide any and all documents and records relevant to this matter, including but not limited to, the signing of any authorizations necessary for the release any and all evaluations directly to the Board that Dr. O'Meara was required to undergo by OHPP or for the approved workshop as set forth in Paragraph 2 of this Order.
7. That any authorization for the release of records signed by Dr. O'Meara pursuant to this Order shall instruct that records be sent directly to the Board at 4848 N. Lincoln Blvd., Ste. 100, Oklahoma City, Oklahoma 73105.
8. That Dr. O'Meara complete a Compliance Information Request form that is required to be submitted to Board staff within 30 days of this Order. (Exhibit A, Compliance Information Request Form.)
9. That Dr. O'Meara will complete a Monthly Supervision Self-Report form that is required to be submitted to Board staff by the 10th day of each month. Dr. O'Meara's next Monthly Supervision Self-Report is due on February 10, 2021. (Exhibit B, Monthly Supervision Self-Report).
10. That Dr. O'Meara will continue to maintain monthly contact with her Board Investigator, Richard Zimmer.
11. That Dr. O'Meara is required to notify the Board within fourteen (14) days of any

changes to her residential or practice address.

12. That Dr. O'Meara is required to notify the Board within fourteen (14) days of any changes to her cell phone number.
13. That Dr. O'Meara continue to be assessed an ongoing monthly Administrative Maintenance fee of one hundred dollars (\$100) per month that is due by the fifth day of each month. Dr. O'Meara's next monthly fee payment is due on February 5, 2021, and continues monthly during the pendency of her probationary and monitoring.
14. That Dr. O'Meara's appear at the June 17, 2021, Board Meeting.

Any violation of this Order may result in further discipline of Dr. O'Meara's license to practice osteopathic medicine in the State of Oklahoma.

This Order may be reportable to the National Practitioner Data Bank ("NPDB") pursuant to federal law, including but not limited to, 45 CFR Part 60.

This Order is a public record and therefore subject to the Oklahoma Open Records Act.

IT IS SO ORDERED this 12th day of January 2021.



Katie Templeton, J.D.
Board President
State Board of Osteopathic Examiners

IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.)	
OKLAHOMA STATE BOARD OF)	
OSTEOPATHIC EXAMINERS,)	
)	
Petitioner,)	
	)	Case No. 0814-94 (RZ)
v.)	
)	
MICHELLE O'MEARA, D.O.,)	
Osteopathic Medical License No.)	
4221,)	
)	
Respondent.)	

ORDER AMENDING CONDITIONS OF MONITORING

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners ("Board") at a regular meeting of the Board on September 17, 2020. Michelle O'Meara, D.O. ("Dr. O'Meara") appears at the hearing on this date via Zoom due to the on-going Covid-19 Pandemic. Dr. O'Meara presents without counsel.

John Kuhn, M.D., of the Oklahoma Health Professionals Program ("OHPP") appeared and offered sworn testimony. The Board's Chief Investigator, Richard Zimmer, also appeared and gave sworn testimony.

This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. Sec.*

The Board, after reviewing Dr. O'Meara's compliance with her previous Board Orders entered on June 20, 2019, and December 12, 2019, wherein conditions were placed on Dr. O'Meara's Oklahoma Osteopathic medical license, and amends the previous Orders of June 20, 2019, and December 12, 2019, by modifying the conditions of her probation and monitoring as set for below.

necessary for the release any and all evaluations directly to the Board that Dr. O'Meara was required to undergo by OHPP.

7. That Dr. O'Meara complete a Compliance Information Request form that is required to be submitted to Board staff within 30 days of this Order. (Exhibit A, Compliance Information Request Form.)
8. That Dr. O'Meara will complete a Monthly Supervision Self-Report form that is required to be submitted to Board staff by the 10th day of each month. Dr. O'Meara's next Monthly Supervision Self-Report is due on November 10, 2020. (Exhibit B, Monthly Supervision Self-Report).
9. That Dr. O'Meara will continue to maintain monthly contact with her Board Investigator, Richard Zimmer.
10. That Dr. O'Meara is required to notify the Board within fourteen (14) days of any changes to her residential or practice address.
11. That Dr. O'Meara is required to notify the Board within fourteen (14) days of any changes to her cell phone number.
12. That Dr. O'Meara continue to be assessed an ongoing monthly Administrative Maintenance fee of one hundred dollars (\$100) per month that is due by the fifth day of each month. Dr. O'Meara's next monthly fee payment is due on November 5, 2020, and continues monthly during the pendency of her probationary and monitoring.
13. That Dr. O'Meara's is assessed a one thousand dollar (\$1,000) fine for a non-compliant/failed SoberLink test on or about August 12, 2020. Dr. O'Meara's fine

shall be paid within ninety days (90) of the signing of this Order.

Any violation of this Order may result in further discipline of Dr. O'Meara's license to practice osteopathic medicine in the State of Oklahoma.

This Order may be reportable to the National Practitioner Data Bank ("NPDB") pursuant to federal law, including but not limited to, 45 CFR Part 60.

This Order is a public record and therefore subject to the Oklahoma Open Records Act.

IT IS SO ORDERED this 29th day of September 2020.



Katie Templeton, J.D.
Board President
State Board of Osteopathic Examiners

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Board that Dr. O'Meara's license to practice osteopathic medicine in the State of Oklahoma remains in effect, and the following terms and conditions of shall apply:

1. That Dr. O'Meara complies with all conditions of her contract with OHPP.
2. That Dr. O'Meara is required to undergo SoberLink testing three (3) times per day, seven (7) days per week, between the one (1) hour windows of: 7:00 a.m. to 8:00 a.m.; 5:00 p.m. to 6:00 p.m.; and 8:00 p.m. to 9:00 p.m. All time frames in this Order are subject to the Central Time Zone.
3. That, from the date of this Order, any failed, missed, late, positive, or non-compliant SoberLink test, as referenced above, shall result in a one thousand (\$1,000) dollar fine, as statutorily allowed by the Board, per incident. Any fines issued pursuant to this Order shall be paid within ninety (90) days of the said violation.
4. That Dr. O'Meara sign an authorization for the release of records related to the Board's Order that she participated in OHPP.
5. That any authorization for the release of records signed by Dr. O'Meara pursuant to this Order shall instruct that records be sent directly to the Board at 4848 N. Lincoln Blvd., Ste. 100, Oklahoma City, Oklahoma 73105.
6. That Board staff shall have oversight of this Order on behalf of the Board, and the authority to direct Dr. O'Meara to provide any and all documents and records relevant to this matter, including but not limited to, the signing of any authorizations

IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.)
OKLAHOMA STATE BOARD OF)
OSTEOPATHIC EXAMINERS,)
)
Petitioner,)
)
v.)
)
MICHELLE O'MEARA, D.O.,)
Osteopathic Medical License No.)
4221,)
)
Respondent.)

Case No. 0814-94

RECEIVED/FILED

JUL 07 2020

CLERK OF COURT

ORDER CONTINUING MONITORING

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners ("Board") at a regular meeting of the Board on June 18, 2020. Michelle O'Meara, D.O. ("Dr. O'Meara") appears at the hearing on this date via Zoom due to the on-going Covid-19 Pandemic. Dr. O'Meara presents without counsel. The Board's Chief Investigator, Richard Zimmer, also appeared and gave testimony.

This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. Sec.*

The Board, after reviewing the pleadings and the previous Orders, and being fully advised, enters this Order continuing Dr. O'Meara's monitoring under the present terms and conditions entered on June 20, 2019, and December 12, 2019. Those Orders are hereby incorporated by reference as if it appeared in full herein.

Dr. O'Meara is further Ordered to appear on at the Board's next meeting on **September 17, 2020**, for review.

This Order is a public record and therefore subject to the Oklahoma Open Records Act.

IT IS SO ORDERED this 7th day of July 2020.

DJ CARTER

Denms Carter, D.O.
Board President
State Board of Osteopathic Examiners

JAN 2 2020

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.)	
OKLAHOMA STATE BOARD OF)	
OSTEOPATHIC EXAMINERS,)	
)	
Petitioner,)	
	)	No. 0814-94
v.)	
)	
MICHELLE D. O'MEARA, D.O.,)	
Osteopathic Medical License No. 4221,)	
)	
Respondent.)	

ORDER AMENDING CONDITIONS OF MONITORING

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners [Board] at a regular meeting of the Board on December 12, 2019. Michelle D. O'Meara, D.O. [Licensee] appears pro se at the hearing on this date. Dr. Merlin Kilbury of OHPP appears offering sworn testimony. Chief Investigator for the Board, Richard Zimmer, CMBI, also appears offering sworn testimony.

The Board, after reviewing the pleadings, evaluations, and sworn testimony and considering all of the evidence and being fully advised issues the following Order Lifting Suspension of the license to practice medicine in the state of Oklahoma held by Licensee restoring it under certain terms and conditions.

This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 640 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

BACKGROUND

1. On June 20, 2019, suspension of Licensee's license to practice osteopathic medicine was lifted and her license was immediately restored to active status without restriction under terms and conditions.

2. On September 19, 2019, the Board adopted all terms and conditions of Licensee's contract with OHPP. Licensee was directed to continue to fully abide by the conditions of that OHPP contract.

3. On September 19, 2019, Licensee was ordered to reimburse the Board for all costs associated with the prosecution of this case, paying the balance of all administrative fees and costs

incurred to date, making payment arrangements with the Board staff for the balance amount. That payment was made on September 19, 2019.

4. On September 19, 2019, Licensee was directed to assist with any request for information requested by Board Staff and to continue to initiate regular contact with Board Staff and regular appearances as may be requested by the Board.

FINDINGS OF FACT

5. Licensee is the holder of a license issued by the Board authorizing her to practice as an osteopathic physician and surgeon in the State of Oklahoma under osteopathic medical license number 4221.

6. Licensee retains authorization to practice osteopathic medicine without restriction under terms and conditions.

7. The Board considers Licensee's compliance with her Order Lifting Suspension of License and Restoring License with Conditions of Monitoring June 20, 2019.

8. On October 17, 2019, OHPP notified Board staff by correspondence that Licensee had failed a SoberLink test on October 2, 2019 and October 3, 2019, by having a positive test result for alcohol resulting in a violation of her OHPP contract.

9. On October 21, 2019, OHPP required Licensee to submit to a PEth test. OHPP notified Board Staff that the PEth test results showed negative for alcohol ingestion.

CONCLUSIONS OF LAW

10. The Board finds, by clear and convincing evidence, that Licensee is in violation of the Rules and Regulations of the Board and the Oklahoma Osteopathic Medicine Act, Title 59 O.S. §§ 620, *et seq* [the Act]. Licensee is specifically in violation of § 637 Refusal, Suspension, or Revocation of License - Witnesses and Evidence ¶(2)(1) for: "violating a probation agreement or order with this Board or any other agency" as further set forth herein.

11. From this date forward, every failed SoberLink test will result in a one thousand (\$1,000) dollar fine, as statutorily allowed by the Board per incident, to be paid by Licensee within ninety (90) days of each failed SoberLink test.

12. Licensee is to begin paying a one hundred dollar (\$100.00) monthly maintenance fee while under Order of the Board, due by the 5th day of each month.

IT IS SO ORDERED, ADJUDGED, AND DECREED this 12th day of December 2019.

DJ CARTER

DENNIS J. CARTER, D.O., President
Oklahoma State Board of Osteopathic Examiners

**IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA**

RECEIVED/FILED
AUG 03 2019
OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

STATE OF OKLAHOMA, ex rel.)
OKLAHOMA STATE BOARD OF)
OSTEOPATHIC EXAMINERS,)
)
Petitioner,)
)
v.)
)
MICHELLE D. O'MEARA, D.O.,)
Osteopathic Medical License No. 4221,)
)
Respondent.)

No. 0814-94

**ORDER LIFTING SUSPENSION OF LICENSE AND
RESTORING LICENSE WITH CONDITIONS OF MONITORING**

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners ("Board") at a regular meeting of the Board on June 20, 2019.. Michelle D. O'Meara, D.O. ("Dr. O'Meara") appears in person without counsel at the hearing on this date. Dr. Merlin Kilbury of OHPP appears giving sworn testimony. Chief Investigator for the Board, Richard Zimmer also appears giving sworn testimony.

This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 640 et. seq. and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 et. seq. The Board, after reviewing the pleadings, evaluations, and sworn testimony and considering all of the evidence and being fully advised issues the following Order Lifting Suspension of the license to practice medicine in the state of Oklahoma held by Dr. O'Meara restoring it under certain terms and conditions.

This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 640 et. seq. and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 et. seq.

The Suspension of Dr. O'Meara's license, No. 4221, is hereby lifted and immediately restored to active status without restriction under the following terms and conditions:

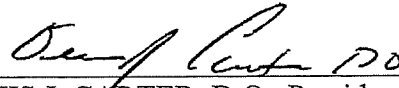
1. The Board hereby adopts all terms and conditions of Dr. O'Meara's contract with OHPP. Dr. O'Meara shall continue to fully abide by the conditions of that contract;

2. Dr. O'Meara shall reimburse the Board for all costs associated with the prosecution of this case, paying the balance of all administrative fees and costs incurred to date, making payment arrangements with the Board staff for the balance amount; and

3. Dr. O'Meara shall assist with any request for information requested by Board Staff and continue to initiate regular contact with Board Staff and regular appearances as may be requested by the Board.

This Order constitutes a public record, is subject to the Oklahoma Open Records Act, and is not a final determination of the Board, and is therefore not appealable as a Final Order.

IT IS SO ORDERED, ADJUDGED, AND DECREED this 20th day of June, 2019.



DENNIS J. CARTER, D.O., President
Oklahoma State Board of Osteopathic Examiners

**IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel.)	
OKLAHOMA STATE BOARD OF)	
OSTEOPATHIC EXAMINERS,)	
)	
Petitioner,)	
	)	No. 0814-94
v.)	
)	
MICHELLE D. O'MEARA, D.O.,)	
Osteopathic Medical License No. 4221,)	
)	
Respondent.)	

INTERIM ORDER OF SUSPENSION WITH CONDITIONS

This matter comes on for hearing before the Oklahoma State Board of Osteopathic Examiners [Board] at a special meeting on December 13, 2018. Michelle D. O'Meara appears in person without counsel. Dr. Merlin Kilbury of the Oklahoma Health Professionals Program [OHPP] appears with Dr. O'Meara. Chief Investigator for the Board, Richard Zimmer also appears and gives testimony. The purpose of the Hearing is to review the fitness and psychological evaluation of Dr. O'Meara by Dr. Julio Rojas, Ph.D., LADC, Director, OU ExecuCare Programs, OU College of Medicine, Department of Psychiatry and Behavioral Sciences and to hear her response.

This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 640 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

The Board, after reviewing the pleadings, and based upon the Evaluation of Dr. Rojas, testimony at the hearing and considering all of the evidence and being fully advised specifically finds the evidence against Dr. O'Meara to have been proven by clear and convincing evidence and enters this Interim Order of Suspension with Conditions. The Findings of Fact, Conclusions of Law and Order of September 20, 2018, is hereby incorporated by reference as if it appears in full herein.

ORDER

The Board, having heard the testimony, read and considered all the evidence, and being fully advised, issues this Interim Order of Suspension with Conditions.

IT IS THEREFORE ORDERED that the license to practice osteopathic medicine in the State of Oklahoma held by Dr. Michelle D. O'Meara, license number 4221, is hereby **suspended** until Dr. O'Meara provides evidence of successful completion of the following recommendations by Dr. Rojas:

1. Dr. O'Meara shall obtain and successfully complete a 90 day period of in-patient treatment for substance and alcohol abuse. Said treatment facility shall be selected by Board Staff with consideration for the recommendation of the OHPP.

2. All expenses related to this treatment shall be borne by Dr. O'Meara. Dr. O'Meara shall sign full releases so that the Board may receive copies of the in-patient discharge summary and any and all other evaluation or results directly from the physicians conducting any summary, treatment or evaluation.

3. Upon successful completion of the in-patient treatment, Dr. O'Meara shall participate in individual therapy for at least two (2) years with a skilled addiction provider. Board staff shall approve the provider prior to Dr. O'Meara enrolling for treatment with the counselor/physician.

4. Dr. O'Meara shall obtain a sponsor and have that sponsor complete a monthly sponsor monitoring form.

5. Dr. O'Meara should have greater communication with her employer, especially Dr. Kirk.

6. Dr. O'Meara shall notify all medical providers of her recovery status and involvement in the OHPP program. She should increase the transparency about any medical care she receives including medications, office visits, and pre-and-post surgical notes/records. Her urine drug testing with OHPP should be increased to at least monthly.

7. It is recommended Dr. O'Meara consider Al-Anon, Adult Children of Alcoholics and Co-Dependents Anonymous literature and meetings to address other aspects of her recovery that play a role in her prognosis for long-term sobriety.

8. Upon completion of in-patient treatment, Dr. O'Meara may make a Motion to Appear at the next regular meeting of the Board to seek reinstatement and such further Orders as the Board deems necessary and proper.

9. Board Staff is charged with oversight of all provisions of this order on behalf of the Board

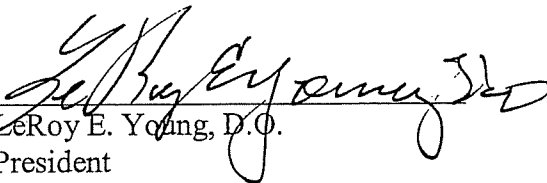
10. This Interim Order is not a final determination by this Board and is therefore not appealable as a final order.

11. This Order is a public record and therefore subject to the Oklahoma Open Records Act.

IT IS SO ORDERED, ADJUDGED AND DECREED.

Dated this 13th day of December, 2018.

Effective: The 1st day of Feb, 2018.


Leroy E. Young, D.O.
President
State Board of Osteopathic Examiners

IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.)	
OKLAHOMA STATE BOARD OF)	
OSTEOPATHIC EXAMINERS,)	
)	
Petitioner,)	
v.	)	No. 0814-94
)	
)	
MICHELLE D. O'MEARA, D.O.,)	
Osteopathic Medical License No. 4221,)	

Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners [Board] at a special meeting of the Board on September 20, 2018. Michelle D. O'Meara, D.O. [Dr. O'Meara] appears at the hearing on this date without counsel. The purpose for the hearing was to address the Notice of Non-Compliance and Order to Show Cause served on Dr. O'Meara for failing to comply with the previous Board's Order of Final Termination of Monitoring of September 15, 2016. Dr. Robert Westcott and Dr. Merlin Kilbury of the Oklahoma Health Professionals Program [OHPP] appear and give testimony. The Board's Chief Investigator, Richard Zimmer, also appears and gives testimony.

This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

The Board, after reviewing the pleadings, hearing the testimony and questioning witnesses at the hearing and considering all of the evidence and being fully advised finds by specific motion the following Findings of Fact and Conclusions of Law to be true and correct and proven by clear and convincing evidence.

FINDINGS OF FACT

1. Michelle D. O'Meara, D.O., is the holder of a license to practice osteopathic medicine in the State of Oklahoma, license number 4221. Said license was placed on monitoring

status by the Board on September 18, 2014, and an Order of Final Termination of Monitoring was entered on September 15, 2016. That Order is hereby incorporated by reference as if it appeared in full herein.

2. A Notice of Non-Compliance and Order to Show Cause filed on August 21, 2018, was served on Dr. O'Meara for failing to comply with the previous Board's Order of Final Termination of Monitoring of September 15, 2016. Said Notice included proper notice of hearing as required by law.

3. Evidence at the hearing included that pursuant to routine procedures of the Board, the Board's Staff is charged by the Board with oversight of all orders of the Board including Dr. O'Meara's Order of Final Termination of Monitoring of September 15, 2016. [Order]. Evidence also included that Dr. O'Meara has failed to wholly comply with the terms and conditions of this Order, to wit:

Order, numbered paragraph 3: *"Dr. O'Meara is ordered to continue her contract with OHPP and to comply with the terms of that contract..."* Dr. O'Meara entered into a five (5) year Contract with the Oklahoma Health Professionals Program [OHPP] on 12/11/2014, which provided that she submit to quarterly random drug screenings. The contract further provides that should there be a positive urine drug test, the appropriate licensing Board may be notified. Such Order and term is authorized by 59 O.S. § 637.1. (Testimony of Dr. Westcott, Dr. Kilbury and Richard Zimmer.)

3. Evidence at the hearing also included that on 6/18/18, Dr. O'Meara tested positive for alcohol and the Board was notified in writing by OHPP. This action is a violation of the Board's Order of 9/15/2016. (Testimony of Dr. Westcott, Dr. Kilbury and Richard Zimmer.)

4. Evidence at the Hearing also included that Dr. O'Meara wholly failed to observe the requirements of her soberlink device and that Dr. O'Meara violated the provisions of the Order of September 15, 2016, by failing a drug screen and by failing to personally have those results forwarded to the Board. (Testimony of Dr. Westcott, Dr. Kilbury and Richard Zimmer.)

5. The Board, by specific motion, found these Findings of Fact to be proven by clear and convincing evidence.

CONCLUSIONS OF LAW

1. The Board has authority to hear this matter pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 *et. seq.*, Rules of the Board, 510 OAC § 1-1-1 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

2. The Board concludes by specific motion there is clear and convincing evidence to support the allegations that Dr. O'Meara is in violation of the provisions of the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 *et. seq.* including specifically 59 O.S. § 637 (A)(11).

3. The Board also concludes that such actions are grounds for imposing any sanction against Dr. O'Meara's license authorized by statute and rules and regulations of the Board. However, the Board further concludes that this conduct of Dr. O'Meara warrants renewed discipline of her license to practice osteopathic medicine and that she shall be further disciplined under the terms and conditions as set forth in the Order below.

ORDER

IT IS THEREFORE ORDERED by the Board that Dr. O'Meara's license to practice osteopathic medicine in the State of Oklahoma is subject to the following terms and conditions:

1. Dr. O'Meara shall take immediate steps to obtain a fitness and psychological evaluation from Dr. Julio Rojas. Dr. O'Meara shall contact Board Staff to assist her in providing contact information and other arrangements as needed. Dr. O'Meara shall sign the appropriate releases to allow the evaluation to be sent directly from Dr. Rojas to the Board. All expenses related to obtaining this evaluation shall be borne by Dr. O'Meara. Following receipt of this evaluation, the Board may issue such further orders as they deem necessary and proper.

2. Dr. O'Meara shall make arrangements to undergo intensive out-patient treatment from a provider approved by Board Staff prior to the onset of any treatment. Dr. O'Meara shall bear all expenses relating to this treatment.

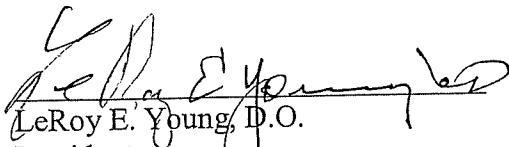
3. Dr. O'Meara shall sign a new 5 year contract with OHPP.

4. Dr. O'Meara shall continue in the soberlink system.

5. Dr. O'Meara shall continue in the Alcohol Anonymous program.
6. Nothing in this Order shall preclude the Board from taking a harder look at Dr. O'Meara's conduct if some future problem should arise.
7. Dr. O'Meara shall, within the next twelve (12) months, pay an administrative penalty of One Thousand Dollars (\$1000.00). She is to make payment arrangements for this amount with Board Staff.
8. For the next twelve months, Dr. O'Meara shall appear quarterly before the Board to report on her status. Thereafter, she shall appear regularly as directed by the Board.
9. During the pendency of this Order, Dr. O'Meara shall be closely monitored to determine if she is in full compliance with this Order.
10. Dr. O'Meara shall provide a copy of this Order to all current or potential future employers.
11. Board Staff shall have oversight of this Order on behalf of the Board, and the authority to direct Dr. O'Meara to appear and provide all documents relevant to any appearance.
12. Dr. O'Meara is not eligible for termination of this Order until all terms and conditions of this Order have been fully satisfied.
13. This Order is a public record and therefore subject to the Oklahoma Open Records Act.

Dated this 20th Day of September, 2018.

Effective Date: *November 5, 2018*


LeRoy E. Young, D.O.
President
State Board of Osteopathic Examiners

4. Pursuant to routine procedures of the Board, the Board's Staff is charged by the Board with oversight of all orders of the Board including Dr. O'Meara's Order of Final Termination of Monitoring of September 15, 2016. [Order]. Dr. O'Meara's compliance with this Order has been reviewed. Dr. O'Meara has failed to wholly comply with the terms and conditions of this Order, to wit:

Order, numbered paragraph 3: *"Dr. O'Meara is ordered to continue her contract with OHPP and to comply with the terms of that contract.."* Dr. O'Meara entered into a five (5) year Contract with the Oklahoma Health Professionals Program [OHPP] on 12/11/2014, which provided that she submit to quarterly random drug screenings. The contract further provides that should there be a positive urine drug test, the appropriate licensing Board may be notified.

5. Such Order and term is authorized by 59 O.S. § 637.1.

6. On 6/18/18, Dr. O'Meara tested positive for alcohol and the Board was notified in writing by OHPP. This action can be viewed as a violation of the Board's Order of 9/15/2016.

ALLEGED CONCLUSIONS OF LAW

7. Dr. O'Meara has violated the provisions of the Order of September 15, 2016, by failing a drug screen and by failing to personally have those results forwarded to the Board.

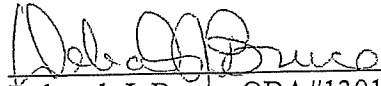
8. This conduct of Dr. O'Meara warrants renewed discipline of her license to practice osteopathic medicine in the State of Oklahoma and a fine levied of one thousand (\$1000) dollars.

ORDER

WHEREFORE, premises considered, Dr. O'Meara is hereby given notice to appear before the Board on **September 20, 2018 at 1:00 p.m.** and to show cause why her license to practice osteopathic medicine in the state of Oklahoma should not be further disciplined for violating or refusing to comply with a lawful order of the Board as required by 59 O.S. § 637 (A)(11). **The Hearing will be held at the OSU Medical Center – 2nd Floor Auditorium at 744 West 9th Street in Tulsa, Oklahoma.**

Dated this 20th Day of August, 2018.

Respectfully submitted,




Deborah J. Bruce, OBA#13019
Executive Director
State Board of Osteopathic Examiners
4848 N. Lincoln, Suite 100
Oklahoma City, OK 73105
(405) 528-8625 (phone)
(405) 557-0653 (facsimile)

CERTIFICATE OF SERVICE

This certifies that a true and correct copy of the above and foregoing Notice of Non-Compliance and Order to Show Cause was mailed to the following on this date, August 21, 2018, by placing it in the U.S. Mail, postage pre-paid:

Michelle D. O'Meara, D.O.
5414 E. 35th Street
Tulsa, OK 74135


Deborah J. Bruce

**IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, <i>ex rel.</i>)	
OKLAHOMA STATE BOARD OF)	
OSTEOPATHIC EXAMINERS,)	
)	
Petitioner,)	
)	
v.	)	Case No. 0814-94
)	
MICHELLE D. O'MEARA, D.O.,)	
Osteopathic Medical License No. 4221,)	
)	
Respondent.)	

ORDER OF FINAL TERMINATION OF MONITORING

This matter comes on for hearing before the Oklahoma State Board of Osteopathic Examiners [Board] at a regular meeting of the Board on September 15, 2016. Michelle D. O'Meara, D.O. [Dr. O'Meara] appears in person without counsel at the compliance hearing on this date. Dr. Merlin Kilbury of the Oklahoma Health Professionals Program [OHPP] appears on behalf of Dr. O'Meara. The Board's Chief Investigator, Richard Zimmer, also appears and provides testimony.

This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

The Board, after reviewing Dr. O'Meara's compliance with her Order of Monitoring of September 18, 2014, enters this Order of Final Termination.

1. The monitoring of Dr. O'Meara required in the Order of Monitoring of September 18, 2014 is hereby **TERMINATED**.

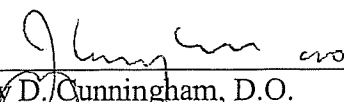
2. Dr. O'Meara has successfully completed all other terms and conditions of the Order of September 18, 2014.

3. Dr. O'Meara is ordered to continue her contract with OHPP and to comply with the terms of that contract.

4. This Order is a matter of public record and subject to disclosure under the Oklahoma Open Records Act.

IT IS SO ORDERED, ADJUDGED AND DECREED.

This date: September 15, 2016.



Jay D. Cunningham, D.O.
President
State Board of Osteopathic Examiners

IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

STATE OF OKLAHOMA, *ex rel.*)
OKLAHOMA STATE BOARD OF)
OSTEOPATHIC EXAMINERS,)
)
Petitioner,)
)
v.) Case No. 0814-94
)
MICHELLE D. O'MEARA, D.O.,)
Osteopathic Medical License No. 4221,)
)
Respondent.)

ORDER TERMINATING MONITORING

This matter comes on for hearing before the Oklahoma State Board of Osteopathic Examiners [Board] at a regular meeting of the Board on September 17, 2015. Michelle D. O'Meara, D.O. [Dr. O'Meara] appears in person without counsel at the compliance hearing on this date. Dr. Merlin Kilbury of the Oklahoma Health Professionals Program [OHPP] appears on behalf of Dr. O'Meara. Board Investigator, Tristan Walker, also appears and provides testimony.

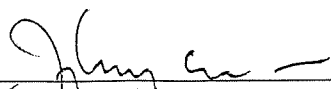
This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

The Board, after reviewing Dr. O'Meara's compliance with her Order of Monitoring of September 18, 2014, enters this Order **TERMINATING** Monitoring.

1. The monitoring of Dr. O'Meara required in the Order of Monitoring of September 18, 2014 is hereby **TERMINATED**.
2. Dr. O'Meara is ordered to continue her contract with OHPP and to comply with the terms of that contract.
3. All other terms and conditions of the Order of September 18, 2014, remain in full force and effect.
4. Dr. O'Meara shall again appear before the Board on September 15, 2016.
5. This Order is a matter of public record and subject to disclosure under the Oklahoma Open Records Act.

IT IS SO ORDERED, ADJUDGED AND DECREED.

This date: September 17, 2015.



Jay D. Cunningham, D.O.
President
State Board of Osteopathic Examiners
OSBOE Q1 BOARD MATERIALS 0162

IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

STATE OF OKLAHOMA, *ex rel.*)
OKLAHOMA STATE BOARD OF)
OSTEOPATHIC EXAMINERS,)
)
Petitioner,)
)
v.)
)
MICHELLE D. O'MEARA, D.O.,)
Osteopathic Medical License No. 4221,)
)
Respondent.)

Case No. 0814-94

ORDER OF MODIFICATION

This matter comes on for hearing before the Oklahoma State Board of Osteopathic Examiners ("Board") at a regular meeting of the Board on December 11, 2014. The Board is represented by the Special Prosecutor for the Board, Richard A. Mildren of Riggs, Abney, Neal, Turpen, Orbison & Lewis. Michelle D. O'Meara, D.O. ("Dr. O'Meara") voluntarily appears in person without counsel at the compliance hearing on this date.

This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*


The Board, after reviewing Dr. O'Meara's compliance with her Order of Monitoring of September 18, 2014, enters this Order of Modification.

1. An Order of Monitoring was issued to Dr. O'Meara on September 18, 2014. The following additional terms and conditions are added to that Order:
2. Dr. O'Meara is ordered to enter into a five (5) year contract with the Oklahoma Health Professionals Program and to comply with the terms of that contract.
3. All other terms and conditions of the Order of September 18, 2014, remain in full force and effect.
4. This Order of Modification is a matter of public record and subject to disclosure under the Oklahoma Open Records Act.

IT IS SO ORDERED, ADJUDGED AND DECREED.

Dated this 11th day of December, 2014.

This Order becomes effective on December 31, 2014.



Carl B. Pettigrew, D.O.
President
State Board of Osteopathic Examiners
OSBOE Q1 BOARD MATERIALS 0163

**IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, <i>ex rel.</i>)	
OKLAHOMA STATE BOARD OF)	
OSTEOPATHIC EXAMINERS,)	
)	
Petitioner,)	
)	
v.	)	Case No. 0814-94
)	
MICHELLE D. O'MEARA, D.O.,)	
Osteopathic Medical License No. 4221,)	
)	
Respondent.)	

ORDER

This matter comes on for hearing before the Oklahoma State Board of Osteopathic Examiners ("Board") at a regular meeting of the Board on September 18, 2014. The Board is represented by the Special Prosecutor for the Board, Richard A. Mildren of Riggs, Abney, Neal, Turpen, Orbison & Lewis. Michelle D. O'Meara, D.O. ("Dr. O'Meara") voluntarily appears in person without counsel at the hearing on this date and waives notice and service.

This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 640 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

The Board, after reviewing the pleadings, testimony at the hearing and considering all of the evidence and being fully advised specifically finds the following Findings of Fact and Conclusions of Law to be true and correct and proven by clear and convincing evidence.

FINDINGS OF FACT

1. Dr. O'Meara is the holder of a license issued by the Board authorizing her to practice as an osteopathic physician and surgeon in the State of Oklahoma, license number 4221. At the time this Order was issued by the Board, Dr. O'Meara's license was in good standing.

2. Evidence at the hearing included that Dr. O'Meara did not contest the allegations contained in the Board's Complaint that she had been granted a five-year deferred sentence in Tulsa County for DUI, child endangerment and two other counts. (Testimony of Dr. O'Meara, Chief Investigator Richard Zimmer and State's Exhibit 1)

3. Evidence at the hearing also included that her employer, St. John's Hospital had imposed an Amendment to her Employment Agreement with OMNI Medical Group that included extensive conditions on her continued employment. In addition, Dr. O'Meara apologized for her unprofessional conduct toward Tulsa police officers. (Testimony of Dr. O'Meara, Chief Investigator Richard Zimmer and Respondent's Exhibit 1, 2 and 5)

4. Testimony also included that Dr. O'Meara was in compliance with all conditions imposed by the Tulsa County District Court and had been attending AA and caduceus meetings. (Testimony of Dr. O'Meara, Chief Investigator Richard Zimmer and State's Exhibit 3)

5. The Board finds the allegations in the complaint have been proven by clear and convincing evidence.

CONCLUSIONS OF LAW

1. The Board concludes it has jurisdiction to hear this matter pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 640 *et. seq.*, Rules of the Board, 510 OAC § 1-1-1 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

2. The Board also concludes that it has been proven by clear and convincing evidence that Dr. O'Meara is in violation of the Oklahoma Osteopathic Medicine Act, 59 O.S. §§ 620 *et seq.*, and specifically in violation of § 637(A) (2), § 637 (A) (2) (f), and § 637(A)(5), (13).

3. The Board also concludes that such actions are grounds for imposing any sanction against Dr. O'Meara's license authorized by statute and rules and regulations of the Board.

ORDER

1. Dr. O'Meara's license to practice as an osteopathic surgeon and physician in the State of Oklahoma remains unrestricted.

2. For the next twelve months the Board will monitor Dr. O'Meara's compliance with this Order, the Amendment to the Physicians Employment Agreement of the OMNI Medical Group and to the Order of the District Court of Tulsa County. Dr. O'Meara shall cause copies of all reports regarding her continued compliance with these entities be sent to the Board.

3. During the pendency of this Order, Dr. O'Meara shall regularly appear before the Board when requested by the Board or the staff of the Board.

4. Dr. O'Meara will continue with out-patient therapy unless she suffers a relapse. If such occurs, the Board may, in its discretion, order Dr. O'Meara to inpatient treatment.

5. Dr. O'Meara is to continue to attend regular AA meetings. If permitted by OHPP, Dr. O'Meara is to regularly attend caduceus meetings.

6. Dr. O'Meara is to pay for the costs of this administrative proceeding in the amount of \$3,800.00. Said administrative costs will be paid within one year of the date of this Order. If necessary, payment arrangements may be made with Board Staff.

7. At all times Board Staff is to monitor Dr. O'Meara to ensure compliance with this Order; the Order of the District Court of Tulsa County; and the Amendment to her Employment Agreement with OMNI Medical Group.

8. This Agreed Order is a public record and subject to the Oklahoma Open Records Act.

9. Nothing in this Agreed Order shall prohibit the Board from initiating any action against Dr. O'Meara for actions that were not a part of the actions that gave rise to the Agreed Order.

It is ORDERED, ADJUDGED AND DECREED.

Dated this 18th day of September, 2014.



C.B. Pettigrew, D.O.

President

Oklahoma Osteopathic Board

IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.)	
OKLAHOMA STATE BOARD OF)	
OSTEOPATHIC EXAMINERS,)	
)	
Petitioner,)	
	)	No. 0814-94
v.)	
)	
MICHELLE DIANE O'MEARA, D.O.,)	
Osteopathic Medical License No. 4221,)	
)	
Respondent.)	

COMPLAINT

The Special Prosecutor, Richard A. Mildren of Riggs, Abney, Neal, Turpen, Orbison & Lewis, for the Oklahoma State Board of Osteopathic Examiners ("Board") and states:

1. Michelle Diane O'Meara, D.O. ("Dr. O'Meara") is the holder of a license issued by the Board authorizing her to practice as an osteopathic physician and surgeon in the State of Oklahoma, license number 4221. At the time this Complaint was issued, her license to practice osteopathic medicine in the State of Oklahoma is in good standing.

2. As alleged in this Complaint, Dr. O'Meara is in violation of the Oklahoma Osteopathic Medicine Act, 59 O.S. §§ 620 *et seq.* ("Act") and specifically in violation of § 637(A)(2)(f)(5), and (13), to-wit:

A. The State Board of Osteopathic Examiners may refuse to admit a person to an examination or may refuse to issue or reinstate or may suspend or revoke an license issued or reinstated by the Board upon proof that the applicant or holder of such a license:

2. Has engaged in the use of employment of dishonesty, fraud, misrepresentation, false promise, false pretense, unethical conduct, or unprofessional conduct, as may be determined by the Board, in the performance of the functions or duties of an osteopathic physician, including, but not limited to the following:

f. acting in a manner which results in final disciplinary action by any professional society or association or hospital or medical staff of such hospital in this or any other state, whether agreed to voluntarily or not, if the action was in any way related to professional conduct, professional competence, malpractice or any other violation of the Oklahoma Osteopathic Medicine Act,

5. Has been finally adjudicated and found guilty, or entered a plea of guilty, or Nolo Contendere in a criminal prosecution, for any offense reasonably related to the qualifications, functions or duties of and osteopathic physician, or of any offense involving moral turpitude, whether or not sentence is imposed, regardless of the pendency of an appeal;

13. Has been guilty of personal offensive behavior, which would include, but not be limited to obscenity, lewdness, molestation and other acts of moral turpitude.

3. At the time of these allegations in this Complaint, Dr. O'Meara was employed at St. John's Hospital. Dr. O'Meara remains employed at St John's Hospital.

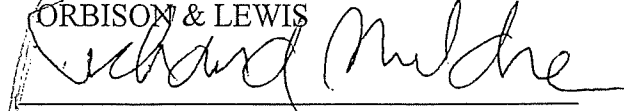
4. On July 4, 2014 Dr. O'Meara was arrested in Bixby, Oklahoma for Driving Under the Influence. Dr. O'Meara registered a .17 and .16 on the breathalyzer tests. Dr. O'Meara had two grandchildren with her in the vehicle when she was arrested. Dr. O'Meara was charged with child endangerment, DUI, no insurance verification and unsafe lane usage.

5. Dr. O'Meara notified St. John's Hospital of her arrest. During Dr. O'MEAR'S arrest, she indicated it could be harmful to the officers should they find themselves as patients in her hospital. St. John's Hospital required Dr. O'Meara write letters of apology to the arresting officers and deliver the letter to their offices. St. John's allowed Dr. O'Meara to return to work.

6. On August 21, 2014, Dr. O'Meara pled guilty to Counts 1 and 2, Child Endangerment and DUI and Nolo Contendere to the other two Counts of No Insurance Verification and Unsafe Lane Use against her. Dr. O'Meara received a five year deferred sentence on each of these four counts, to run concurrently.

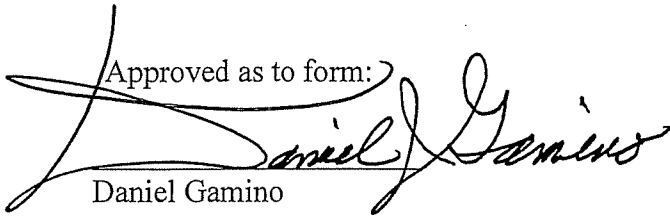
Respectfully submitted,

RIGGS, ABNEY, NEAL, TURPEN,
ORBISON & LEWIS



Richard A. Mildren, OBA No. 6182
5801 Broadway Extension, Suite 101
Oklahoma City, Oklahoma 73118
Telephone: (405) 843-9909
Facsimile: (405) 842-2913
SPECIAL PROSECUTOR FOR THE BOARD

Approved as to form:



Daniel Gamino

DISCUSSION AND POSSIBLE ACTION

EXECUTIVE SESSION

REPORTS AND RECOMMENDED ACTIONS

**MICHAEL T. LEAKE,
JR., J.D., OSBOE
EXECUTIVE
DIRECTOR**

State Bd of Osteopathic Exam
 Business Unit - 52500
 FY 2021 Operating Budget Comparison by Department and Account
 as of February 28, 2021

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Department: 1000001 General Operations

Account	Annual Budget	YTD Budget	Expenses	Encumbrance	Pre-Encumbrance	Total Exp, Enc, Pre-Enc	Annual Variance	YTD Variance	Annual %	YTD %
511 Salary Expense	504,538	336,359	298,107.04	0.00	0.00	298,107.04	206,430.96	38,251.52	59.09	88.63
512 Insur.Prem-Hlth-Life,etc	107,048	71,365	56,497.39	0.00	0.00	56,497.39	50,550.61	14,867.81	52.78	79.17
513 FICA-Retirement Contributi	153,138	102,092	71,755.26	0.00	0.00	71,755.26	81,382.74	30,336.58	46.86	70.29
515 Professional Services	103,980	69,320	35,484.60	68,700.40	0.00	104,185.00	-205.00	-34,865.24	100.20	150.30
519 Inter/Intra Agy Pmt-Pers S	600	400	400.40	149.60	0.00	550.00	50.00	-150.00	91.67	137.50
521 Travel - Reimbursements	13,150	8,766	1,357.50	0.00	0.00	1,357.50	11,792.50	7,408.98	10.32	15.49
522 Travel - Agency Direct Pmt	12,400	8,266	313.15	795.85	0.00	1,109.00	11,291.00	7,157.48	8.94	13.42
531 Misc. Administrative Expen	25,200	16,800	5,470.51	14,837.99	0.00	20,308.50	4,891.50	-3,508.66	80.59	120.89
532 Rent Expense	25,516	17,011	16,063.76	3,782.20	0.00	19,845.96	5,670.04	-2,835.40	77.78	116.67
533 Maintenance & Repair Expen	750	500	2,000.00	360.00	0.00	2,360.00	-1,610.00	-1,860.00	314.67	472.00
534 Specialized Sup & Mat.Expe	1,450	967	335.96	2,499.04	0.00	2,835.00	-1,385.00	-1,868.44	195.52	293.31
535 Production,Safety,Security	1,000	667	216.08	0.00	0.00	216.08	783.92	450.56	21.61	32.41
536 General Operating Expenses	6,450	4,300	3,739.29	1,920.00	0.00	5,659.29	790.71	-1,359.37	87.74	131.61
541 Office Furniture & Equipme	5,000	3,333	0.00	455.00	0.00	455.00	4,545.00	2,878.28	9.10	13.65
542 Library Equipment-Resource	0	0	94.75	0.00	0.00	94.75	-94.75	-94.75	~	~
554 Program Reimb,Litigation C	0	0	0.00	100.00	0.00	100.00	-100.00	-100.00	~	~
601 AFP Encumbrances	0	0	0.00	11,745.14	0.00	11,745.14	-11,745.14	-11,745.14	~	~
	960,220	640,145	491,835.69	105,345.22	0.00	597,180.91	363,039.09	42,964.21	62.19	93.29
Class Funding	Annual Budget	YTD Budget	Expenses	Encumbrance	Pre-Encumbrance	Total Exp, Enc, Pre-Enc	Annual Variance	YTD Variance	Annual %	YTD %
20000 Revolving Fund	960,220	640,145	491,835.69	105,345.22	0.00	597,180.91	363,039.09	42,964.21	62.19	93.29
	960,220	640,145	491,835.69	105,345.22	0.00	597,180.91	363,039.09	42,964.21	62.19	93.29
Totals for Division 10	960,220	640,145	491,835.69	105,345.22	0.00	597,180.91	363,039.09	42,964.21	62.19	93.29

State Bd of Osteopathic Exam
 Business Unit - 52500
 FY 2021 Operating Budget Comparison by Department and Account
 as of February 28, 2021

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Department: 8800001 ISD - Tech

Account	Annual Budget	YTD Budget	Expenses	Encumbrance	Pre-Encumbrance	Total Exp, Enc, Pre-Enc	Annual Variance	YTD Variance	Annual %	YTD %
515 Professional Services	34,044	22,696	19,417.26	10,170.79	0.00	29,588.05	4,455.95	-6,892.05	86.91	130.37
531 Misc. Administrative Expen	27,701	18,467	13,445.23	6,810.01	0.00	20,255.24	7,445.76	-1,787.96	73.12	109.68
532 Rent Expense	23,736	15,824	18,581.96	1,000.86	0.00	19,582.82	4,153.18	-3,758.82	82.50	123.75
533 Maintenance & Repair Expen	1,000	667	226.28	373.72	0.00	600.00	400.00	66.64	60.00	90.00
536 General Operating Expenses	2,100	1,400	1,202.38	0.00	0.00	1,202.38	897.62	197.62	57.26	85.88
541 Office Furniture & Equipme	22,400	14,933	0.00	0.00	0.00	0.00	22,400.00	14,933.28	0.00	0.00
601 AFP Encumbrances	0	0	0.00	897.86	0.00	897.86	-897.86	-897.86	~	~
	110,981	73,987	52,873.11	19,253.24	0.00	72,126.35	38,854.65	1,860.85	64.99	97.48
Class Funding	Annual Budget	YTD Budget	Expenses	Encumbrance	Pre-Encumbrance	Total Exp, Enc, Pre-Enc	Annual Variance	YTD Variance	Annual %	YTD %
20000 Revolving Fund	110,981	73,987	52,873.11	19,253.24	0.00	72,126.35	38,854.65	1,860.85	64.99	97.48
	110,981	73,987	52,873.11	19,253.24	0.00	72,126.35	38,854.65	1,860.85	64.99	97.48
Totals for Division 88	110,981	73,987	52,873.11	19,253.24	0.00	72,126.35	38,854.65	1,860.85	64.99	97.48
Totals for Bus Unit 52500	1,071,201	714,132	544,708.80	124,598.46	0.00	669,307.26	401,893.74	44,825.06	62.48	93.72



OKLAHOMA STATE BOARD OF OSTEOPATHIC EXAMINERS

Operational Audit

For the Period January 1, 2014 through June 30, 2019

Cindy Byrd, CPA
State Auditor & Inspector

**Audit Report of the
Oklahoma State Board of Osteopathic Examiners**

**For the Period
Jan 1, 2014 through June 30, 2019**

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February 8, 2021

TO THE OKLAHOMA COUNCIL ON JUDICIAL COMPLAINTS

We present the audit report of the Oklahoma State Board of Osteopathic Examiners for the period of Jan 1, 2014 through June 30, 2019. The goal of the State Auditor and Inspector is to promote accountability and fiscal integrity in state and local government. Maintaining our independence as we provide this service to the taxpayers of Oklahoma is of utmost importance.

We wish to take this opportunity to express our appreciation for the assistance and cooperation extended to our office during our engagement.

This report is a public document pursuant to the Oklahoma Open Records Act (51 O.S. § 24A.1 et seq.), and shall be open to any person for inspection and copying.

Sincerely,



CINDY BYRD, CPA
OKLAHOMA STATE AUDITOR & INSPECTOR



**Oklahoma State Board of Osteopathic Examiners
Operational Audit**

Background

The Oklahoma State Board of Osteopathic Examiners (the Agency) was established by the Legislature in 1921 to license applicants for the practice of osteopathic medicine and adoption of rules and regulations governing enforcement of laws relating to the profession.

The mission of the Agency is to protect the public by regulating the practice of osteopathic medicine in Oklahoma through education and licensing requirements as well as ensure that each licensee practices osteopathic medicine within the provisions of the Osteopathic Medicine Act.

The State Board of Osteopathic Examiners (the board) shall consist of eight (8) examiners appointed by the Governor, two of whom shall be lay persons. The remaining examiners shall be regularly licensed osteopathic physicians in good standing in this state who have been so engaged for a period of at least five (5) years immediately prior to their appointment. All appointments made to the Board shall be for terms of seven (7) years.

Board members as of February 2021 are:

Katie Templeton, J.D.	President
Bret Langerman, D.O.....	Vice-President
Catherine C. Taylor, J.D.	Secretary/Treasurer
Carl B. Pettigrew, D.O.....	Member
Dale Derby, D.O.....	Member
Duane Koehler, D.O.	Member
Leroy Young, D.O.....	Member
Jay D. Cunningham, D.O.	Member

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The following table summarizes the Agency's sources and uses of funds for fiscal years 2018 and 2019 (July 1, 2017 through June 30, 2019).

Sources and Uses of Funds for FY 2018 and FY 2019

	2018	2019
Sources:		
Osteopathy Board-License/Fee	793,830	799,826
Total Sources	\$ 793,830	\$ 799,826
Uses:		
Personnel Services	\$ 489,204	\$ 595,795
Professional Services	\$ 65,004	\$ 62,974
Travel	\$ 11,282	\$ 18,245
Administrative Expenses	\$ 66,751	\$ 75,594
Property, Furniture, Equipment	\$ 1,354	\$ 128
Assistance, Payments to Local Govn'ts	\$ -	\$ -
Transfers and Other Disbursements	\$ 100	\$ -
Total Uses	\$ 633,695	\$ 752,736

Source: Oklahoma PeopleSoft accounting system (unaudited, for informational purposes only)

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**Scope and
Methodology**

Our audit was conducted in response to 74 O.S. § 212, which requires the State Auditor and Inspector's office to audit the books and accounts of all state agencies whose duty it is to collect, disburse, or manage funds of the state.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

In planning and conducting our audit, we focused on the major financial-related areas of operations based on assessment of materiality and risk for the period January 1, 2014 through June 30, 2019. Detailed audit procedures focused on the period of July 1, 2017 through June 30, 2019, addressing the most current financial processes and providing the most relevant and timely recommendations for management.

Our audit procedures included inquiries of appropriate personnel, research and analysis, and inspections of documents and records. Further details regarding our methodology are included in Appendix A.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, errors or fraud may occur and not be detected. Also, projections of any evaluation of internal control to future periods are subject to the risk that conditions may change or compliance with policies and procedures may deteriorate.

Internal Control Considerations

The Government Accountability Office (GAO) emphasizes the importance of internal controls at all levels of government entities. Their *Standards for Internal Control*¹ outline the five overarching components of internal control: the control environment, risk assessment, information and communication, monitoring, and detailed control activities. Each of these components, listed in Appendix B for your reference, includes a subset of principles that are expected to be operating at government entities.

The *Standards for Internal Control* underscore that an internal control system is effective only when the five components of internal control are effectively designed, implemented, and operating together in an

¹ *Standards for Internal Control in the Federal Government*, or the "Green Book," sets standards and the overall framework for an effective internal control system in federal agencies and is treated as best practices for other levels of government. Last update 2014, accessible online at <https://www.gao.gov/products/GAO-14-704G>.

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integrated manner. As required by *Government Auditing Standards*², we have identified the aspects of internal control significant to each audit objective in this engagement and our assessments are detailed in Appendix B.

² *Government Auditing Standards*, or the “Yellow Book,” also promulgated by the GAO, guides our performance and operational audits. Last version 2018, accessible online at <https://www.gao.gov/products/GAO-18-568G>.

OBJECTIVE

Determine whether effective internal control activities are in place to ensure all funds physically received by the agency are deposited, in Line with *GAO Standards for Internal Control* and previous audit recommendations.

Conclusion

The Agency's internal controls activities are not designed properly and therefore, not operating effectively to ensure that all funds physically received by the agency are being deposited as defined by *GAO Standards for Internal Control*

Our methodology is detailed in Appendix A.

FINDINGS AND RECOMMENDATIONS

Revenue controls should be strengthened to prevent misappropriation

Oklahoma's Statewide Accounting Manual³ emphasizes the importance of segregation of duties to ensure no individual is in a position to initiate, approve, undertake, and review the same action (such as receipting funds). The *GAO Standards for Internal Control* also note that if segregation of duties is not practical within an operational process because of limited personnel or other factors, management designs alternative control activities to address the risk of fraud, waste, or abuse in the operational process.

The *GAO Standards for Internal Control* further emphasize that management should establish and operate monitoring activities to monitor the internal control system and evaluate the results.

Due to the Agency's small staff size, the business manager is responsible for posting payments in the agency's database, preparing and recording deposits and preparing the monthly reconciliation, without independent oversight of these activities.

Although the Director is reviewing the monthly reconciliation, his review is not documented. In addition, the supporting documentation used in the reconciliation process, does not include a comparison of payments deposited to licenses issued. The comparison of payments deposited to licenses issued, should be prepared by someone independent to the receipting and depositing duties. Without such a mitigating control, the business manager has the potential ability to misappropriate a payment and edit the database in such a manner the action could go undetected. While we did not identify evidence that this is occurring, we have developed recommendations to help remove this opportunity for payments that are not made electronically.

³ Developed by the Office of Management and Enterprise Services and accessible online at <https://omes.ok.gov/services/accounting-reporting>

We also noted that checks received in the office are locked in a filing cabinet prior to deposit with all employees having access.

Internal controls are not operating effectively because further effort is needed from management to:

- design control activities to achieve objectives and respond to risks.
- ensure quality information is available to perform those activities and implement control activities through policies.
- establish and operate internal controls for monitoring activities, and evaluate the results and remediate identified internal control deficiencies on a timely basis.

Recommendation

Ideally, a party independent from receipting, processing, and deposit preparation should compare licensing activity to the bank deposit receipts to ensure the deposits made were complete. Further, someone other than the bank preparer themselves should be the reviewer of the deposits. We recommend an independent party, such as the director, perform a reconciliation using a reliable list of licensing activity to deposits made in order to ensure that all funds received by the Agency are deposited. This reconciliation can be made on a regular basis such as monthly, or on a random basis, and should be documented. The independent party should ensure that it is able to obtain complete and reliable records of licensing activity. We also recommend that access to the locked filing cabinet, which holds checks prior to deposit, be limited to as few employees as possible.

Views of Responsible Officials

OSBOE has put new processes in place to follow these recommendations. The Executive Director will independently review and sign off on all monthly licensure receipting, deposits, and reconciliations. Additionally, a locked drop box has been ordered to replace the filing cabinet where checks were previously stored. Keys to this drop box will be limited to the Executive Director and Business Manager.

APPENDIX A: Detailed Methodology

In gaining an understanding of the agency and developing our detailed objectives, in addition to routine discussions, surveys, analysis, research, and prior audit follow-up, we performed the following:

- Documented significant agency-wide controls by sending the Agency an internal self-assessment, and by interviewing key employees to gather an understanding of the Agency.
- Reviewed expenditure data from the statewide accounting system and gathered information from Agency personnel to assess the related financial processes and trends for any notable risks.
 - In reviewing expenditures, we noted that that approximately 78% of the agency's expenditures are for payroll services. Audit period payroll expenditures amounted to \$3,227,208. We reviewed the HR All Actions report from the Statewide Accounting System and noted a total of six personnel transactions with a financial impact for the audit period.
 - Non-Payroll expenditures for the audit period were approximately 22%. Non-payroll expenditures amounted to \$892,389. We also reviewed the 6-digit expenditure detail report, scanning for unusual expenditures in miscellaneous expenditures, travel reimbursements or any recurring vendors that are unrelated to the objectives of the Agency.
 - No significant concerns arose from those procedures.
- Reviewed the Agency's inventory listing for FY18 and FY19 and noted the Agency had a reasonable number of computers and iPad for the size of the agency and board members. Total inventory for FY18 and FY19 amounted to \$22,653; no significant concerns or risks were identified.
- In addition, we reviewed the previous SAI audit workpapers and report completed in State Fiscal Year 2014

To accomplish our objective discussed in the previous section, we documented significant internal controls and process factors related to revenues, compared the process to relevant standards and state policy as outlined in our objective language, and developed appropriate recommendations.

APPENDIX B: Internal Control Components and Principles

The table below outlines the components and principles of internal control, identifies those considered significant to our specific objectives in this engagement, and notes whether those principles were found to be operating effectively. For those *not* operating effectively, further discussion and related recommendations are included in the report.

As recommended by *Government Auditing Standards* section 9.32, the full outline of the fundamental components of internal control and their underlying principles is included for your reference.

Internal Control Component/Principle	Significant to Audit Objective I	Operating Effectively?
Control Environment Component – Foundation that provides processes and structure to help an entity set expectations and achieve its objectives.		
1. The oversight body and management should demonstrate a commitment to integrity and ethical values.		
2. The oversight body should oversee the entity's internal control system.		
3. Management should establish an organizational structure, assign responsibility, and delegate authority to achieve the entity's objectives.		
4. Management should demonstrate a commitment to recruit, develop, and retain competent individuals.		
5. Management should evaluate performance and hold individuals accountable for their internal control responsibilities.		
Risk Assessment Component – Dynamic process of identifying, analyzing, and managing risks facing the entity.		
6. Management should define objectives clearly to enable the identification of risks and define risk tolerances.		
7. Management should identify, analyze, and respond to risks related to achieving the defined objectives.		
8. Management should consider the potential for fraud when identifying, analyzing, and responding to risks.		
9. Management should identify, analyze, and respond to significant changes that could impact the internal control system.		

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Control Activities Component – Actions management establishes through policies and procedures to protect against risks.		
10. Management should design control activities to achieve objectives and respond to risks.	✓	No
11. Management should design the entity's information system and related control activities to achieve objectives & respond to risks.		
12. Management should implement control activities through policies.	✓	No
Information and Communication Component – Quality information communicated and used to support the internal control system.		
13. Management should use quality information to achieve the entity's objectives.		
14. Management should internally communicate the necessary quality information to achieve the entity's objectives.		
15. Management should externally communicate the necessary quality information to achieve the entity's objectives.		
Monitoring Component – Activities to assess the quality of performance and promptly correct any deficiencies.		
16. Management should establish and operate monitoring activities to monitor the internal control system and evaluate the results.	✓	No
17. Management should remediate identified internal control deficiencies on a timely basis.	✓	No

The GAO emphasizes that each of the five components of internal control must be effectively designed, implemented, and operating. For an internal control system to be effective, the components must operate together in an integrated manner. They further stress that documentation is a necessary part of an effective internal control system. The level and nature of documentation vary based on the size of the entity and the complexity of the operational processes the entity performs. Documentation is required to demonstrate the design, implementation, and operating effectiveness of an entity's internal control system.

OKLAHOMA

S&I

STATE AUDITOR & INSPECTOR



Cindy Byrd, CPA | State Auditor & Inspector

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OSBOE Q1 BOARD MATERIALS 0189

Licensing update from Jan. 2021 – March 2021°

There are 3,436 fully licensed active doctors as of right now, March 15th, 2021.

- Total Number of New/Initial Applications Only (in-state and out-of-state) (\$575 fee):
 - 2018: 240
 - 2019: 289
 - 2020: 311
 - 2021: 21 from Jan. - March
- Total Number of In-State Renewals Only (\$225 per year fee):
 - 2018-19: 2,198
 - 2019-20: 2,235
 - 2020-21: 2,448
- Total Number of Out-of-State Renewals Only (\$150 per year fee):
 - 2018-19: 347
 - 2019-20: 388
 - 2020-21: 394
- Total Number of Late Renewals Only (\$150 fee):
 - 2018-19: 87
 - 2019-20: 132
 - 2020-21: 26 (COVID changed this)
- Total Number of Residents & Fully Retired Licenses Renewals Only (\$200 per year fee):
 - 2018-19: 329
 - 2019-20: 346
 - 2020-21: 383
- Total Number of Emergency Temporary Licenses (No fee):
 - 2018: NONE
 - 2019: NONE
 - 2020: 56
 - 2021: 17 Active now – All together we had 63 for Covid
- Total Number of Temporary Resident Licenses Only (\$100 per year fee):
 - 2018: 0
 - 2019: 0
 - 2020: 0
 - 2021: 1
- Total Number of Resident Training Licenses Only (\$120 fee):
 - 2018: 57
 - 2019: 56
 - 2020: 56
 - 2021: 0 until July 1st, 2021
- Total Number of Telemedicine License Only (\$500 fee):
 - 2018: None
 - 2019: 1
 - 2020: 1
 - 2021: 0
- Total Number of Spouse of Active Duty Military Licenses Only (\$250 fee):
 - 2018: NONE
 - 2019: NONE
 - 2020: NONE
 - 2021: NONE
- Total Number of Special Volunteer Licenses Only (No fee):
 - 2018: 0
 - 2019: 5
 - 2020: 1 new licensed, 4 renewed w/letter
 - 2021: 7 active now
- Total Number of IMLCC Full Licenses (\$575):
 - 2018: NONE
 - 2019: NONE
 - 2020: 35
 - 2021: 14

E-Prescribing Waivers 12-10-2020 to 3-11-2021

Profile	OBNDQ Number	Status	Waiver Date Issued	Waiver Date Expiration
James E. Forrestal	16107	Approved	1/1/2021	6/30/2021
Stacy Lynn Noland	32975	Approved	1/1/2021	10/30/2021
Charles R. Mettry	21001	Approved	1/1/2021	6/30/2021
Kelly Wisley	64909	Approved	1/1/2021	10/30/2021
John B. Hughes	17178	Approved	1/6/2021	6/30/2021
Paul Maitino	26080	Approved	1/6/2021	6/30/2021
Randall L. Kemp	27549	Approved	2/5/2021	6/30/2021
Linda S. Lantrip	17766	Denied		
F. Steven Sanders	19801	Denied		
Ahmad Khattab	65443	Denied		
J. Michael Ritze	19580	Denied		
Kerri Lou Williams	25453	Denied		

GENERAL COUNSEL GAMINO

ALLISON LABOEUF-
WARREN,
J.D.,
OOA EXECUTIVE
DIRECTOR

**JOHN KUHN, M.D.,
OHPP EXECUTIVE
DIRECTOR**

EXECUTIVE SESSION

OLD BUSINESS

NEW BUSINESS

PUBLIC COMMENT

ADJOURNMENT