

# **OKLAHOMA STATE BOARD OF OSTEOPATHIC EXAMINERS**

**Special Quarterly Board Meeting**  
**Thursday, March 24, 2022, 09:00 a.m.**  
4848 N. Lincoln Blvd.  
Oklahoma City, OK 73105  
(405) 528-8625 - Facsimile (405) 557-0653

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*(Hearings & appearances will not start before the scheduled time but will continue until concluded.)*

## **ZOOM CALL INFORMATION – PASSWORD IS REQUIRED**

Join Zoom Meeting:

<https://zoom.us/j/94344234242?pwd=UHRVcGZidjJ4T1ZWN21PM042S3hkQT09>

***Meeting ID: 943 4423 4242***

***Password: 570517***

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

## **AGENDA**

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

- 1. ROLL CALL TO ESTABLISH QUORUM** **9:00 a.m.**
- 2. APPROVAL OF PAST MINUTES** **p. 5**  
Regular Quarterly Meeting of 12-9-2021
- 3. PROBATION, MONITORING, AND HEARING DOCKET** **9:00 a.m.**  
{Executive Session may be called – 25 O.S. § 307(B)(8)}  
  
**Knight, Wilson G., D.O., # 5244** Kari Hawthorne, J.D. **p. 16**  
Case No. 2020-088 (JM)  
Probationary Report Hearing  
  
**Lovell, Andrew, D.O., # 5921** **p. 40**  
Case No. 2021-043 (RZ)  
Probationary Report Hearing
- 4. LICENSURE & RENEWAL HEARING DOCKET** **1:00 p.m.** **p. 57**  
**Christi Aquino, Director of Licensing**  
**Michael T. Leake Jr., J.D., Executive Director**  
{Executive Session may be called – 25 O.S. § 307(B)}  
**Applicants for Licensure – Appearing**

**Baracker, Lisa - Reappearance from December 2021** Elizabeth Scott, J.D. p. 59

**Baughn, Melanie- Renewal #3554**

**Orange, Betty- Re-Issue #2890**

**Schleicher II, Donald - Applicant**

**Steckbeck, Mitchell – Request Appearance by Licensee**

**5. RATIFICATION OF APPROVED LICENSES** p. 80  
{Executive Session may be called – 25 O.S. § 307(B)}

**6. RATIFICATION OF SURRENDERED LICENSES** p. 83  
{Executive Session may be called – 25 O.S. § 307(B)}

**McMillion, Virgil, D.O. # 7442**  
Case No. 2022-228 (JM)

**Tran, Anh, D.O. # 6784**  
Case No. 2022-002 (JM)

**7. REVIEW OF PUBLIC COMMENT AND POSSIBLE ADOPTION OF ADMINISTRATIVE RULE CHANGES (TITLE 510 CHAPTER(S) 1, 5, 10)** p. 90

**8. OPIOID DISTRIBUTORS LITIGATION**  
{Executive Session may be called – 25 O.S. § 307(B)}

**-Deposition Notice of LeRoy Young, D.O.**

**9. DISCUSSION AND POSSIBLE DECLARATORY RULING ON CHIROPRACTIC INJECTABLES** p. 119  
{Executive Session may be called – 25 O.S. § 307(B)(4)}

**-Beth Kidd, Executive Director, Board of Chiropractic Examiners**

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

1. Financial Report / Budget p. 143

2. Status of Waiver Requests for electronic prescribing under 63 O.S. § 2-309 effective 1/1/2020

3. Top Twenty Prescribers

4. Investigative Department Update / Statistics

- 5. Licensing Department Update / Statistics p. 146
- 6. 2022 Occupational Licensing Committee Report p. 148
- 7. Osteopathic Medicine Day – April 4, 2022

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

**-John Kuhn, M.D., Oklahoma Health Professionals Program:**  
{Executive Session may be called – 25 O.S. § 307(B)}

- 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. 177

# ROLL CALL



# APPROVAL OF PAST MINUTES

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

**DATE OF MEETING**            December 9, 2021

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

**MEMBERS PRESENT**        Jay Cunningham, D.O.  
Duane G. Koehler, D.O.  
Bret Langerman, D.O.  
C. Michael Ogle, D.O.  
Catherine Taylor, J.D.  
Katie Templeton, J.D.  
LeRoy E. Young, D.O.

**MEMBERS ABSENT**

**ALSO PRESENT**            In-Person Attendees:  
Christi Aquino, *Board of Osteopathic Examiners*  
Lisa Baracker, D.O.  
Colin Bumann, D.O.  
Paul Cheng, M.D., *OHPP*  
Kelsey Devinney, *Board of Osteopathic Examiners*  
Daniel Gamino, J.D., *Board Legal Advisor*  
Kari Hawthorne, J.D.  
Wilson G. Knight, D.O.  
John Kuhn, M.D., *OHPP*  
Andrew Lovell, D.O.  
John Mobley, CMBI, *Board of Osteopathic Examiners*  
J. Patrick Quillian, P.C., *Board of Osteopathic Examiners*  
Janis Womack, *Board of Osteopathic Examiners*  
Richard Zimmer, CMBI, *Board of Osteopathic Examiners*  
Teleconference Attendees:  
Nicole Abel, D.O.  
Gayla Burrow  
Kim Contreras, *Board of Osteopathic Examiners*  
Dustin Davis, D.O.  
Michael Leake Jr., J.D., *Board of Osteopathic Examiners*  
Vanessa Meuniot, D.O.  
Sarah Smith  
Sharon Smith  
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 16, 2021 and the Special Board Meeting of November 16, 2021. She asked for any additions, corrections or deletions to those minutes.

Dr. Young moved to approve the minutes of the September 16, 2021 Regular Board Meeting and the November 16, 2021 Special Board Meeting as presented.  
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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

**3. APPROVAL OF 2022 QUARTERLY BOARD MEETING DATES**

Ms. Templeton asked the members of the Board if they had reviewed the proposed dates of March 17, 2022, June 16, 2022, September 15, 2022, and December 8, 2022 for the Regularly Schedule Meetings in 2022.

Dr. Young moved to approve the presented dates of March 17, 2022, June 16, 2022, September 15, 2022, and December 8, 2022 for the Boards 2022 Meeting Schedule.  
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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

**4. PROBATION, MONITORING, AND HEARING DOCKET**

**Dustin Davis, D.O.**

Ms. Templeton called the matter of Dustin Davis, D.O., to order. Dr. Davis appeared via Zoom without counsel. Special Investigator for the Board, John Mobley, also appeared in person and gave testimony. The Board considered Dr. Davis's compliance with his Board Order and informed Dr. Davis to next appear at the June 2022 meeting.

No motion was made.

**Wilson G. Knight, II, D.O.**

Ms. Templeton called the matter of Wilson G. Knight, II, D.O., to order and recognized Special Prosecutor for the Board, J. Patrick Quillian, P.C. Dr. Knight appeared in person with counsel of record, Kari Hawthorne, J.D. Special Investigator for the Board, John Mobley, also appeared in person and gave testimony. The hearing proceeded; exhibits and testimony were entered by both parties.

Dr. Koehler moved to go into Executive Session.  
Ms. Taylor 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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Koehler moved to come out of Executive Session.  
Ms. Taylor 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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Koehler moved to reinstate Dr. Knight's Oklahoma license under the five (5) terms and conditions set forth by Dr. Beaman's provided report, adopted as written. Additionally, Dr. Knight is to continue in good standing with the Oklahoma Health Professionals Program (OHPP). Dr. Knight is also to continue the mental health regimen he is presently practicing and pay the costs of investigation in the amount of two thousand seven hundred and forty dollars (\$2,740.00). Dr. Knight shall also provide the Board with a one hundred dollar (\$100.00) monthly maintenance probation fee. Under these terms, Dr. Knight shall be placed on probation for three (3) years. The Board agrees to put language in Dr. Knight's Final Order, for the purpose of the Oklahoma Medical Marijuana Authority, stating this order is not viewed as restrictive.  
Ms. Taylor 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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

**Andrew Lovell, D.O.**

Ms. Templeton called the matter of Andrew Lovell, D.O., to order. Dr. Lovell appeared in person without counsel. Chief Investigator for the Board, Rick Zimmer, appeared in person and gave testimony. John Kuhn, M.D. and Paul Cheng, M.D., of OHPP appeared on behalf of Dr. Lovell. The hearing proceeded; testimony was entered by both parties.

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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; 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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Koehler moved to reinstate Dr. Lovell's license with a five (5) year probation under the following terms and conditions. Dr. Lovell is to show compliance with the recommendations made by Florida Recovery Center (FRC). Dr. Lovell is also to stay in compliance with the Oklahoma Health Professionals Program (OHPP) and continue current Vivitrol therapy. The Board will also place a practice ceiling of one hundred sixty (160) hours on Dr. Lovell, who is to keep records of this condition in the event of Board inspection. Dr. Lovell will also be placed under the standard terms and conditions, including payment of fees for the cost of investigation and the one hundred dollar (\$100.00) monthly maintenance monitoring fee.  
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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

## 5. LICENSURE & RENEWAL HEARING DOCKET

### Applicants for Licensure- Appearing

#### **Nicole Abel, D.O.**

Ms. Templeton called the matter of Nicole Abel, D.O. to order. The Board considered Dr. Abel's application for Oklahoma Licensure. Dr. Abel appeared via Zoom to give testimony. Director of Licensing, Christi Aquino, appeared and informed the Board that Dr. Abel is requesting an extension of her Temporary Resident License. This is due to a delay in receiving passing COMLEX Level 3 scores.

Dr. Koehler moved to go into Executive Session.  
Ms. Taylor 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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Koehler moved to come out of Executive Session.  
Ms. Taylor 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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Langerman moved to grant Dr. Abel's request for extension of her Temporary Resident License until the March 2022 meeting, under the condition that Dr. Abel does not moonlight until she receives her full license. If passing scores are not received by the March 2022 meeting, Dr. Abel will need to re-appear for further consideration.  
Ms. Taylor 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. Koehler, abstain; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

OSBOE Regular Meeting, December 9, 2021  
The motion passed.

**Colin Bumann, D.O.**

Ms. Templeton called the matter of Colin Bumann, D.O. to order. The Board considered Dr. Bumann's application for licensure in Oklahoma and reviewed all related reports and recommendations received since Dr. Bumann's first appearance in June 2021. Dr. Bumann appeared in person to give testimony. Chief Investigator for the Board, Rick Zimmer, also appeared in person to give testimony.

Dr. Koehler moved to go into Executive Session.  
Dr. Ogle 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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Koehler moved to come out of Executive Session.  
Dr. Ogle 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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Koehler moved to grant Dr. Bumann's licensure under the following terms and conditions. Dr. Bumann shall be placed on a five (5) year probation. Dr. Bumann is also to continue in good standing with the Oklahoma Health Professionals Program (OHPP). Dr. Bumann is also to continue the drug and alcohol therapy he discussed and follow any further recommendations made of that therapy. Further, Dr. Bumann shall pay the cost of investigation and the one hundred dollar (\$100.00) monthly maintenance probation fee.  
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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

**Lisa Baracker, D.O.**

Ms. Templeton called the matter of Lisa Baracker, D.O. to order. The Board considered Dr. Baracker's request for Licensure in Oklahoma. Dr. Baracker appeared in person to give testimony. Director of Licensing, Christi Aquino, also appeared in person to give testimony. Dr. Baracker's Program Director and Residency Coordinator, Vanessa Meuniot, D.O. and Gayla Burrow respectively, appeared via Zoom to give testimony.

Dr. Young moved to go into Executive Session.  
Ms. Taylor 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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Young moved to come out of Executive Session.  
Ms. Taylor 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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Koehler moved to table Dr. Baracker's application for licensure until Dr. Baracker can obtain an assessment at a location determined by Board staff that reviews the issues raised. This assessment shall specifically address past employment and post graduate training. After the assessment is complete and reviewed by the Board Dr. Baracker's application for licensure can be reviewed further.  
Dr. Ogle 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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

**6. DISCUSSION & POSSIBLE ACTION REGARDING EMERGENCY  
TEMPORARY LICENSES – EXPIRATION 12/9/2021**



OSBOE Regular Meeting, December 9, 2021  
Executive Director, Michael Leake, announced that the Emergency Temporary Licenses are set to expire December 9, 2021. Ms. Templeton asked the members of the Board if there was a recommendation to extend these licenses.

No motion or recommendation to extend was made. Any active Emergency Temporary License kept the expiration date of December 9, 2021.

## 7. RATIFICATION OF APPROVED LICENSES

Ms. Templeton asked the members of the Board if they had reviewed the ratification list for all licenses that have been approved by the Boards Director of Licensing, Christi Aquino, since the last Quarterly Board meeting of September 16, 2021.

Dr. Young moved to ratify all licenses issued since the September 16, 2021 Board meeting.  
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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

## 8. RATIFICATION OF SURRENDERED LICENSES

Ms. Templeton asked the members of the Board if they had reviewed the Affidavit of Surrender for Tyler Tait, D.O., license number 6097.

Dr. Koehler moved to ratify the Affidavit of Surrender for Tyler Tait, D.O.  
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. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

## 9. REPORTS AND RECOMMENDED ACTIONS

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

1. Mr. Leake informed the Board the financial reports were in their board materials and they were accepted by consensus.
2. Mr. Leake announced that a final draft of the Administrative Rules was being completed and would be ready for review at the March 2022 meeting.

OSBOE Regular Meeting, December 9, 2021

3. Mr. Leake informed the Board that there had been no new E-Prescribing waivers since the September 16, 2021 meeting.
4. Mr. Leake stated the Top Twenty Prescribers list was up on Box for the Board to review. He informed the Board that the yearly review should be available in March 2022.
5. Mr. Leake suggested the Board go into Executive Session to discuss investigative updates. No motion was made.
6. Mr. Leake stated the licensing department numbers were in the Board Materials for review. He informed the Board that Thentia is working on a new dashboard feature that will allow for ease of information gathering.

**General Counsel Gamino:**

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

**John Kuhn, M.D., Oklahoma Health Professionals Program (OHPP):**

Dr. Kuhn gave a presentation from OHPP about the new physician mental health program they are beginning to fundraise for.

**10. OLD BUSINESS**

No old business was discussed.

**11. NEW BUSINESS**

No new business was discussed.

**12. PUBLIC COMMENT**

No public comment was made.

**13. ADJOURNMENT**

The meeting was adjourned by consensus at 12:00 p.m.

PROBATION,  
MONITORING,  
& HEARING  
DOCKET

WILSON G.  
KNIGHT, II,  
D.O.

# 5244

KARI HAWTHORNE, J.D.



# Oklahoma State Board of Osteopathic Examiners

## BOARD MEMBERS

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OKLAHOMA CITY

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VICE PRESIDENT  
MUSTANG

CATHERINE C. TAYLOR, J.D.  
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OKLAHOMA CITY

DUANE KOEHLER, D.O.  
TULSA

DALE DERBY, D.O.  
OWASSO

March 1, 2022

**VIA EMAIL [wilsonknight98@gmail.com](mailto:wilsonknight98@gmail.com)**  
**AND U.S. MAIL**

Wilson G. Knight II, D.O. (#5244)



Re: Notice of Hearing re OSBOE v. Wilson G.  
Knight II, D.O. (No. OSBOE-2020-088)

Dear Dr. Knight II:

Please be advised that you are required to appear on the Probation, Monitoring and Hearing Docket before the Oklahoma State Board of Osteopathic Examiners at its next meeting on **March 24, 2022. All such appearances for this docket are set for 9:00 a.m.** The Hearing Docket will be held in the 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 khawthorne@johnsonhanan.com  
AND U.S. MAIL

Ms. Kari A. Hawthorne, J.D.  
Johnson Hanan Vosler Hawthorne & Snider  
9801 N. Broadway Extension  
Oklahoma City, OK 73114  
(405) 232-6100  
(405) 232-6105

# OSBOE HISTORY SHEET

**Wilson G. Knight II, D.O.**

Family Practice/Sports Medicine

Okla. Lic Number: 5244

Case Number: 2020-88 (JM)

Status: Probation with Conditions

## **TOTAL COSTS AND FINES:**

- Costs: \$2,740.00 Due 1-13-2023
- Monthly Probationary Fee \$100/month

## **9-29-2020 ORDER CONTINUING HEARING**

- X Hearing continued to regularly scheduled Board meeting 12-10-2020 to provide opportunity to obtain and appear with legal counsel
- X File an Answer to the Complaint by 10-29-2020

## **10-11-2021 INTERIM ORDER WITH CONDITIONS**

- Dr. Knight's Oklahoma practice shall be limited to virtual/telemedicine only
- Undergo an evaluation by Julio Rojas, Ph.D., or another Board-approved evaluator
- Sign any and all authorizations necessary to release the findings to the Board
- Re-appear before the Board for review following the receipt of the requested documentation and information

## **1-13-2022 ORDER OF PROBATION WITH CONDITIONS**

- All previous restrictions on Dr. Knight's license are **REMOVED**
- Probation 3 years
- No restrictions on recommending medical marijuana to Oklahoma patients
- Comply with following recommendations from Dr. Beaman evaluation:
  - Shall not be alone with female patients for the duration of probationary period
  - Shall not communicate with patients for non-business means; all communication with patients should be documented in the respective patient's chart
  - Board shall communicate with Dr. Knight's clinic every 6 months to ensure there are no problems, complaints, or concerns
  - The Board shall have zero tolerance for future boundary violations
  - Regular education on HIPPA and Therapeutic Boundaries
- Continue in good standing with OHPP, following all terms and conditions of contract

## OSBOE HISTORY SHEET

- Continue his current mental health regimen as deemed necessary by his current providers with reports made available to the Board Staff upon request
- Pay recovery costs of \$2,740.00 by 1-13-2023
- Monthly Probationary Fee \$100/month due by the 1<sup>st</sup> of each month
- Bear financial costs of any expenses incurred from this Order
- Have regular contact with Board Investigator John Mobley
- Sign and complete all authorizations to release reports, documents, etc directly to the Board





OKLAHOMA HEALTH PROFESSIONALS PROGRAM

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March 14, 2022

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

Regarding: Wilson Knight, DO

This letter is in reference to Wilson Knight, DO. Dr. Knight made first contact with OHPP on January 25<sup>th</sup>, 2022 and signed a contract with the Oklahoma Health Professionals Program (OHPP) on March 14<sup>th</sup>, 2022. He is required to attend therapy/psychiatry, weekly boundaries meetings, submit a quarterly worksite monitor report and submit to quarterly Peth tests. There will be a random quarterly Peth in the near future.

In my opinion, Dr. Knight is compliant 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', with a long horizontal flourish extending to the right.

John Kuhn, MD  
OHPP Director

JK/th



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, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
WILSON G. KNIGHT II, D.O., )  
Osteopathic Medical License No. )  
5244, )  
 )  
Respondent. )

JAN 13 2022

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

Case No. 2020-088 (JM)

**ORDER OF PROBATION WITH CONDITIONS**

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners ("Board") at a regular meeting of the Board on December 9, 2021. Wilson G. Knight II, D.O., Okla. Lic. No. 5244 ("Dr. Knight") presented with counsel, Kari Hawthorne. 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, hearing testimony, 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. Knight is the holder of a license to practice osteopathic medicine in the State of Oklahoma, license number 5244.
2. On August 24, 2020, the Board filed a Complaint against Dr. Knight relating to alleged violations of the Act. Proper notice under the Act of all hearings related to this Complaint and subsequent Orders was provided to Dr. Knight.
3. A formal hearing was held before the Board on this Complaint on September 16, 2021, at which Dr. Knight appeared with counsel Kari Hawthorne and evidence was presented to the Board.

ORDER OF PROBATION WITH CONDITIONS  
Wilson G. Knight II, D.O. (#5244)  
Case No. 2020-088  
Page 1 of 4

4. After the close of evidence at the Hearing and after hearing the argument of counsel, the Board found by clear and convincing evidence that Dr. Knight had violated the Act, specifically at Tit. 59 O.S. 637(A)(2)(f) and (A)(6).
5. The Board's ruling at the Hearing was reduced to writing in an Interim Order with Conditions dated October 11, 2021 (the "Interim Order").
6. A subsequent hearing was held on December 9, 2021, to determine Dr. Knight's compliance with the Interim Order. Dr. Knight was present at said hearing with his attorney Kari Hawthorne. The Board heard testimony from Board Investigator John Mobley and Dr. Knight and reviewed documentation provided by Dr. Knight.
7. After hearing all the evidence and argument of counsel, the Board ordered that Dr. Knight be allowed to maintain his license to practice osteopathic medicine under the conditions and limitations provided herein.

#### **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 for the Board, 510 OAC § 1-1-1 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*
2. Dr. Knight is in violation of the provisions of the Oklahoma Osteopathic Medicine Act, including specifically, 59 O.S. §§ 637(A)(2)(f) & (A)(6).
3. Having found a violation, the Act permits the Board to impose any sanction against Dr. Knight's license to practice osteopathic medicine that is authorized under the Act. Tit. 59 O.S. 637 and 637.1, and the Rules for the Board, 510 OAC § 1-1-1 *et. seq.*

#### **ORDER**

IT IS THEREFORE ORDERED by the Board that Dr. Knight's license to practice osteopathic medicine in the State of Oklahoma shall remain in effect subject to the following terms and conditions:

1. All previous restrictions imposed by the Board on Dr. Knight's license to practice as an osteopathic surgeon and physician in the State of Oklahoma are hereby removed.
2. That Dr. Knight's license, number 5244 is placed under a three (3) year term of **PROBATION**. Said probation may be extended, continued, or reduced at the

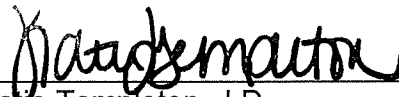
- discretion of the Board. Nothing in this Order shall be construed to prevent or prohibit Dr. Knight from recommending medical marijuana to Oklahoma patients.
3. That Dr. Knight comply with the following conditions set forth in the report of the evaluation done by Jason Beaman, D.O.:
    - a. Dr. Knight shall not be alone with female patients for the duration of the probationary period.
    - b. Dr. Knight shall not communicate with patients for non-business means (including but not limited to social media, personal cell phone, texting, etc.). Any and all communication with patients shall be documented in the respective patient's chart.
    - c. Every six (6) months, the Board shall communicate with Dr. Knight's clinic to ensure there are no problems, complaints, or concerns.
    - d. The Board shall have zero tolerance for future boundary violations.
    - e. Dr. Knight shall have regular education on HIPPA and Therapeutic Boundaries.
  4. That Dr. Knight continue in good standing with the Oklahoma Health Professional Program ("OHPP"), following all terms and conditions of the contract.
  5. That Dr. Knight shall continue his current mental health regimen as deemed necessary by his current providers with reports made available to the Board Staff upon request.
  6. Dr. Knight shall pay the costs and investigation charges for this case in the amount of TWO THOUSAND SEVEN HUNDRED FORTY DOLLARS (\$2,740.00). He is to make payment arrangements for this amount with Board Staff and such costs shall be paid within one (1) year of the date of this Order.
  7. That Dr. Knight is assessed an ongoing monthly Administrative Maintenance fee of one hundred dollars (\$100) due by the first (1<sup>st</sup>) day of each month. Dr. Knight's first monthly fee payment is due on February 1, 2022 and continues monthly during the pendency of his probation.
  8. That Dr. Knight shall bear the financial costs of any expenses incurred from this Order.
  9. That Dr. Knight maintain regular contact with his Board Investigator, John Mobley.
  10. That Dr. Knight shall ensure all authorizations to release all reports, documents, etc., directly to the Board are signed and completed.
  11. Board Staff shall have oversight of this Order on behalf of the Board, and the authority to direct Dr. Knight to appear before the Board and provide any documentation

deemed relevant by the Board.

12. That Dr. Knight is required to notify the Board within fourteen (14) days of any changes to his residential or practice address.
13. That Dr. Knight is required to notify the Board within fourteen (14) days of any changes to his cell phone number.
14. Any violation of this Order may result in further discipline of Dr. Knight's license to practice osteopathic medicine in the State of Oklahoma.
15. In the event Dr. Knight leaves the state of Oklahoma to practice medicine in another jurisdiction, the terms and conditions of this Order shall be tolled.

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

IT IS SO ORDERED AND EFFECTIVE this 13 day of January 2022.



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

CC: **VIA U.S. MAIL**

Ms. Kari A. Hawthorne  
Johnson Hanan Vosler Hawthorne & Snider  
9801 N. Broadway Extension  
Oklahoma City, OK 73114  
405/232-6100  
405/232-6105 (Facsimile)  
khawthorne@johnsonhanan.com

Attorney for Respondent,  
Wilson G. Knight II, D.O.

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

RECEIVED/FILED

OCT 11 2021

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

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

Petitioner, )

Case No. 2020-088 (JM)

v. )

WILSON G. KNIGHT II, D.O., )  
Osteopathic Medical License No. )  
5244, )

Respondent. )

**INTERIM ORDER WITH 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 16, 2021. Wilson G. Knight II, D.O., Okla. Lic. No. 5244 ("Dr. Knight") presented with counsel, Kari Hawthorne. 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, hearing testimony, and being fully advised, enters this Interim Order with Conditions, as set forth in the Order below.

**ORDER**

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

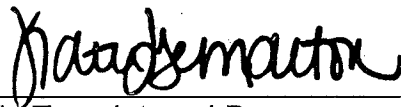
1. In order to protect the public, Dr. Knight's Oklahoma practice shall be limited to virtual/telemedicine only.
2. In order to protect the public, Dr. Knight shall undergo evaluation by Julio Rojas, Ph.D., or another Board-approved evaluator.
3. In order to protect the public, Dr. Knight shall sign any and all authorizations necessary to release the findings of the evaluation directly to the Board.

INTERIM ORDER WITH CONDITIONS  
Wilson G. Knight II, D.O. (#5244)  
Case No. 2020-088  
Page 1 of 2

4. Dr. Knight shall bear the financial costs of any expenses incurred herein, including but not limited to the cost of any hearings, investigations, or evaluations that are ordered or result from the Board's consideration of Dr. Knight's evaluation and history.
5. Following receipt of the requested documentation and information, Dr. Knight will be scheduled to appear before the Board for review of all documents and for any other issues raised by Dr. Knight's evaluation and history.
6. This Order is not a final determination of this Board and is therefore not appealable as a final order.
7. The Board has not reached any final determination, and any violation of this Order may result in further discipline of Dr. Knight'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. Further, 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. Moreover, any violation of this Order may result in a referral to the Oklahoma Attorney General for the unauthorized practice of osteopathic medicine in the State of Oklahoma.

IT IS SO ORDERED AND EFFECTIVE this 11<sup>th</sup> day of October 2021.



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

CC: **VIA U.S. MAIL**

Ms. Kari A. Hawthorne  
Johnson Hanan Vosler Hawthorne & Snider  
9801 N. Broadway Extension  
Oklahoma City, OK 73114  
405/232-6100  
405/232-6105 (Facsimile)  
khawthorne@johnsonhanan.com

Attorney for Respondent,  
Wilson G. Knight II, D.O.

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

STATE OF OKLAHOMA, ex rel., )  
STATE BOARD OF OSTEOPATHIC )  
EXAMINERS, )  
 )  
Petitioners, )  
 )  
v. )  
 )  
WILSON GREGORY KNIGHT II, D.O. )  
Osteopathic Medicine License No. 5244 )  
 )  
Respondent. )

RECEIVED/FILED

FEB 12 2021

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

**Case No. 2020-88**

**WILSON GREGORY KNIGHT II, D.O.'S  
ANSWER TO PETITIONER'S COMPLAINT**

COMES NOW Wilson Gregory Knight II, D.O. ("Dr. Knight"), by and through his attorneys, and submits the following Answer to Petitioner's Complaint. At the outset, Dr. Knight notes the complaint was filed on August 24, 2020. Subsequently the Oklahoma State Board of Osteopathic Examiners continued Dr. Knight's hearing which is currently scheduled for June 17, 2021. The Board originally ordered Dr. Knight to file an Answer to the Complaint at issue within thirty (30) days. However, Dr. Knight was subsequently authorized to file his Answer by February 12, 2021.

Dr. Knight denies each allegation contained in said Complaint except those allegations which are expressly admitted herein. More specifically, Dr. Knight answers Petitioner's allegations as follows:

1. Regarding Paragraph No. 1 of the Complaint, Dr. Knight admits that he has held the osteopathic medicine license number 5244 in the state of Oklahoma since 2012. Dr.

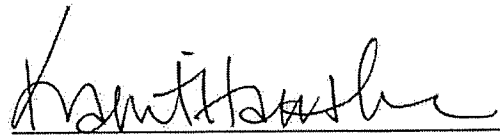


Knight also admits that he has held an osteopathic medicine license in Nevada since 2017. Dr. Knight denies any remaining allegations.

2. Regarding Paragraph No. 2 of the Complaint, Dr. Knight denies that he is in violation of the Oklahoma Osteopathic Medicine Act. Dr. Knight admits that his practice was limited by the State of Nevada, however, Dr. Knight denies he committed any unprofessional conduct relating to patient care. Dr. Knight denies any remaining allegations.
3. Regarding Paragraph No. 3 of the Complaint, Dr. Knight admits that he entered into a Settlement Agreement on May 13, 2020 with the Nevada State Board of Osteopathic Medicine. Dr. Knight denies any remaining allegations.
4. Regarding Paragraph No. 4 of the Complaint, Dr. Knight admits that the Agreed Order from Nevada includes the language cited in the Complaint but denies that he acted improperly. Dr. Knight denies any remaining allegations.
5. Regarding Paragraph No. 5 of the Complaint, Dr. Knight denies that this allegation is contained in Paragraph No. 2 of the Agreed Order's "Pertinent Facts" section.
6. Regarding Paragraph No. 6 of the Complaint, Dr. Knight denies that this language is contained in Paragraph No. 2 of the Agreed Order's "Acknowledgement and Applicable Law" section.
7. Regarding Paragraph No. 7 of the Complaint, Dr. Knight admits he wrote a letter to the board denying the factual allegations in the Nevada Agreed Order and that he did not discuss the validity of the Agreed Order. Dr. Knight denies any remaining allegations.

8. Regarding Paragraph No. 8 of the Complaint, Dr. Knight admits the Agreed Order from Nevada includes these perimeters on his Nevada license. Dr. Knight denies any remaining allegations.
9. Regarding Paragraph No. 9 of the Complaint, Dr. Knight denies the allegations contained therein as worded.

Respectfully Submitted,



KARI A. HAWTHORNE, OBA # 21211  
ANTHONY C. WINTER, OBA # 32148  
JOHNSON HANAN VOSLER  
HAWTHORNE & SNIDER  
9801 N. Broadway Extension  
Oklahoma City, OK 73114  
Telephone: (405) 232-6100  
Facsimile: (405) 232-6105  
E-Mail: [khawthorne@johnsonhanan.com](mailto:khawthorne@johnsonhanan.com)  
E-Mail: [awinter@johnsonhanan.com](mailto:awinter@johnsonhanan.com)  
*Attorneys for Wilson G. Knight II, D.O.*

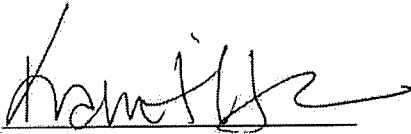
CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing was mailed via certified mail on the 12<sup>th</sup> day of February 2021 to the following:

J. Patrick Quillian  
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](mailto:jpatrickquillianpc@gmail.com)  
*Special Prosecutor for Petitioner*

Michael T. Leake Jr.  
4848 North Lincoln Boulevard, Suite 100  
Oklahoma City, OK 73105

Phone: (405) 528-8625  
Facsimile: (405) 557-0653  
[MLeake@osboe.ok.gov](mailto:MLeake@osboe.ok.gov)  
*Executive Director Oklahoma State  
Board of Osteopathic Examiners*



Kari A. Hawthorne

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

RECEIVED/FILED

SEP 29 2020

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

STATE OF OKLAHOMA, ex rel., )  
STATE BOARD OF OSTEOPATHIC )  
EXAMINERS, )  
 )  
Petitioners, )  
 )  
v. )  
 )  
WILSON KNIGHT II, D.O., Osteopathic )  
Medicine License No. 5244, )  
 )  
Respondent. )

Case No. 2020-88 (JM)

ORDER CONTINUING HEARING

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. Wilson Knight II, D.O. ("Dr. Knight") appears at the hearing on this date via Zoom due to the on-going Covid-19 Pandemic. Dr. Knight requested a continuance to 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. Knight's hearing is continued to the December 10, 2020, Board Meeting to provide an opportunity for Dr. Knight to obtain and appear with legal counsel.

IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED by the Board that Dr. Knight 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 29<sup>th</sup> day of September 2020.

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

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AUG 24 2020

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

STATE BOARD OF OSTEOPATHIC EXAMINERS  
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.,	)	
STATE BOARD OF OSTEOPATHIC	)	
EXAMINERS,	)	
	)	
Petitioners,	)	
	)	
v.	)	Case No. 2020-88
	)	
WILSON GREGORY KNIGHT II, D.O.	)	
Osteopathic Medicine License No. 5244.	)	
	)	
Respondent.	)	

COMPLAINT

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

1. Dr. Wilson Gregory Knight II, D.O., is the holder of a license to practice as an osteopathic physician in the State of Oklahoma, license number 5244. Dr. Knight received his license as an osteopathic physician in Oklahoma from the Board in 2012. Dr. Knight has also held a license to practice osteopathic medicine in Nevada since 2017.

2. Dr. Knight is in violation of the Oklahoma Osteopathic Medicine 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 May 13, 2020, the Nevada State Board of Osteopathic Medicine (the “Nevada Board”) and Dr. Knight, represented by Douglas C. Crawford, Esq., entered into a Settlement Agreement and Order (the “Agreed Order”) in lieu of a formal complaint being filed.

4. The Agreed Order’s “Pertinent Facts” section, at paragraph 2, states the following:

In the course of his examination, Dr. Knight touched patient R on her abdomen and attempted to touch her breasts. The touching made patient R uncomfortable. During their encounter, Dr. Knight also asked Patient R if she was married, if she wanted to go on a date with him, if she liked kissing, and if she wanted to kiss him there in the examination room. Dr. Knight also found Patient R’s cellular telephone number from her patient intake documents and texted her the message: “When can I meet up with you.” Patient R created a diversion to allow her to flee the examination room, and then she reported her concerns with Dr. Knight’s conduct in the examination room to staff at Care Now Urgent Care. After leaving this facility, Dr. Knight called Patient R on her cellular telephone, which call Patient R declined to answer.

5. The Agreed Order also states in paragraph 2 of the “Pertinent Facts” Section that Dr. Knight was untruthful on his 2019 application for license renewal with the Nevada Board.

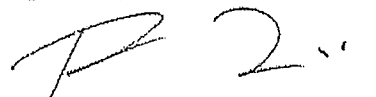
6. The Agreed Order’s “Acknowledgements and Applicable Law” section states at paragraph 2 that “[f]or the purposes of resolving this matter only and for no other purpose, Dr. Knight admits that the facts contained in the “Pertinent Facts” section constitute violations” of various Nevada statutes, regulations and administrative code.

7. In a letter to the Board dated August 17, 2020, Dr. Knight denied a majority of the factual allegations cited in the Agreed Order but did not deny the validity of the Agreed Order.

8. The Agreed Order placed Dr. Knight’s license to practice osteopathic medicine in Nevada on probation for two (2) years and requires him, *inter alia*, to complete the Physician Assessment and Clinical Education Program and prohibits him from being alone with female patients for the duration of the probationary period.

9. The Agreed Order constitutes a final disciplinary action against Dr. Knight’s license to practice osteopathic medicine in Nevada and limits his ability to engage in activities regulated by the Board, and thus constitutes a violation of the Oklahoma Osteopathic Medicine Act, as cited herein.

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

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AUG 24 2020

STATE BOARD OF OSTEOPATHIC EXAMINERS  
STATE OF OKLAHOMA

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

STATE OF OKLAHOMA, ex rel.	)	
OKLAHOMA STATE BOARD OF	)	
OSTEOPATHIC EXAMINERS,	)	
	)	
Petitioners,	)	
	)	
v.	)	No. 2020-88
	)	
WILSON GREGORY KNIGHT II, D.O.,	)	
Osteopathic Medical License No. 5244.	)	
	)	
Respondent.	)	

CITATION AND NOTICE OF HEARING

**TO: WILSON GREGORY KNIGHT II, 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**

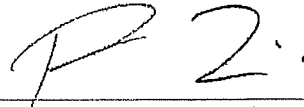
The hearing is ordered pursuant to the authority and jurisdiction conferred upon the Board by Title 59 O.S. 1991 § 637 and 631.1 and will be conducted according to the procedures set forth in the Oklahoma Administrative Procedures Act, Title 75 O.S. § 301, *et seq.*, and the Rules and Regulations of 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](mailto:jpatrickquillianpc@gmail.com)  
SPECIAL PROSECUTOR FOR PETITIONER

ANDREW  
LOVELL,  
D.O.  
# 5921



# Oklahoma State Board of Osteopathic Examiners

## BOARD MEMBERS

KATIE TEMPLETON, J.D.  
PRESIDENT  
OKLAHOMA CITY

BRET LANGERMAN, D.O.  
VICE PRESIDENT  
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CATHERINE C. TAYLOR, J.D.  
SECRETARY-TREASURER  
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LEROY E. YOUNG, D.O.  
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JAY D. CUNNINGHAM, D.O.  
OKLAHOMA CITY

CARL B. PETTIGREW, D.O.  
OKLAHOMA CITY

DUANE KOEHLER, D.O.  
TULSA

DALE DERBY, D.O.  
OWASSO

March 1, 2022

**VIA EMAIL [andrewlovell1980@gmail.com](mailto:andrewlovell1980@gmail.com)**  
**AND U.S. MAIL**

Andrew Lovell, D.O. (#5921)



Re: Notice of Hearing re OSBOE v. Andrew  
Lovell, D.O. (No. OSBOE-2021-043)

Dear Dr. Lovell:

Please be advised that you are required to appear on the Probation, Monitoring and Hearing Docket before the Oklahoma State Board of Osteopathic Examiners at its next meeting on **March 24, 2022. All such appearances for this docket are set for 9:00 a.m.**

Join Zoom Meeting:

<https://zoom.us/j/94344234242?pwd=UHRVcGZidjJ4T1ZWN21PM042S3hkQT09>

Meeting ID: **943 4423 4242**

Password: **570517**

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

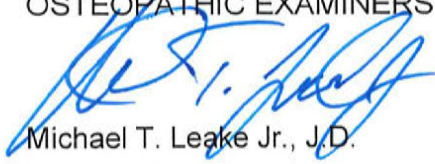
If you would prefer to attend the meeting in person, the Hearing Docket will be held in the large meeting room at the Board's Office, 4848 N. Lincoln Blvd., Ste. 100, Oklahoma City, Oklahoma.

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

**Andrew Lovell, D.O.**

Emergency Medicine

Okla. Lic Number: 5921

Case Number: 2021-043 (RZ)

Status: Monitoring

## **TOTAL COSTS AND FINES:**

- Costs: \$1,600.00 Due 1-11-2023
- Monthly Probationary Fee \$100/month

## **COMPLAINT:**

- Agreement Not to Practice resulted in a reinstatement of Probation with Terms and Conditions

## **11-17-2021 AGREEMENT NOT TO PRACTICE**

- X Immediate cease in practice listed as "Suspended" on OSBOE public physician profile
- X Agreement will remain in full force and effect until such time as Dr. appears before the Board
- X Acknowledges that he breached the March 16, 2021 contract with OHPP by testing positive for marijuana, benzodiazepines, and opioids
- X Understands and acknowledges that any breach of his OHPP contract could result in action against his osteopathic medical license
- X Sign all necessary authorizations for Board to directly receive documents, reports, etc in connection with this agreement
- X Compliance Information request form within 10 days of signing agreement
- X Monthly Supervision Self-Report form by the 10<sup>th</sup> of each month

## **1-11-2022 ORDER OF PROBATION WITH TERMS AND CONDITIONS**

- X License is restricted under a 5 year Probation
- Comply with all of the following recommendations from the FRC Assessment:
  - X Professional Monitoring with OHPP and TPHP
    - OHPP approved Psychiatrist or Addiction Medicine Physician
    - OHPP approved individual therapist, with weekly therapy for 3 months (then frequency to be determined by provider)
    - Mutual aid meetings at least 3x week
    - Weekly Caduceus meeting
    - Toxicological testing through OHPP, with observed urines
- X Continue with current Vivitrol therapy
- X Provide a copy of this Order to any employer and hospital credentialing staff

LOVELL

1

**OSBOE Q1 2022 BOARD MATERIALS 0043**

## OSBOE HISTORY SHEET

- X Practice limit 160 hrs per month
- Maintain a record of the hours he has worked during probation, and provide to Board upon request
- Pay recovery costs \$1,600.00 by 1-11-2023
- X Pay monthly probationary fee \$100 per month, due 1<sup>st</sup> of each month during pendency of probation
- X Bear any financial costs of any expenses incurred from this Order
- X Sign and complete all authorizations to release all reports, documents, etc. directly to the Board
- X Compliance Information Request From within 10 days of Order
- X Monthly Supervision Self Report by 10<sup>th</sup> of each month
- Appear at 3-24-2022 Regular Board Meeting





OKLAHOMA HEALTH PROFESSIONALS PROGRAM

---

March 14, 2022

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

Regarding: Andrew Lovell, DO

This letter is in reference to Andrew Lovell, DO. Dr. Lovell signed a contract with the Oklahoma Health Professionals Program (OHPP) on March 16<sup>th</sup>, 2021. Dr. Lovell's contract with the Oklahoma Health Professionals Program (OHPP) requires cooperation with the completion of random weekly alcohol/drug screens and participation in weekly Caduceus meetings. All alcohol/drug screens have been negative.

In my opinion, Dr. Lovell is compliant 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', with a long horizontal flourish extending to the right.

John Kuhn, MD  
OHPP Director

JK/th



**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. )  
 )  
ANDREW JOSEPH LOVELL, D.O., )  
Osteopathic Medical License No. )  
5921, )  
 )  
Respondent. )

Case No. 2021-043 (RZ)

**RECEIVED/FILED**

JAN 11 2022

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

**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 December 9, 2021. Andrew Joseph Lovell, D.O. ("Dr. Lovell") presents without counsel. The Board's Chief Investigator, Richard Zimmer, and Oklahoma Health Professionals Program (OHPP) Director, John Kuhn, M.D., also appeared and gave testimony. The purpose of this Hearing was to afford Dr. Lovell a full hearing on the merits after voluntarily agreeing to sign an Agreement Not to Practice.

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.*

After reviewing the Agreement Not to Practice, hearing testimony, and being fully advised, the Board 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. Lovell is the holder of a license to practice osteopathic medicine in the State of Oklahoma, license number 5921. At the time of the Hearing, Dr. Lovell's license was suspended by agreement.
2. On or about March 12, 2021, the Board received a complaint that Dr. Lovell had shown up to work at McAlester Regional Health Center (MRHC) on February 22,

2021, wherein he was suspected to be impaired. Dr. Lovell was observed at MRHC having slurred speech, unsteady gait, difficulty focusing, and unable to operate the computer. Dr. Lovell was evaluated onsite at MRHC by an emergency medicine physician and was additionally required to undergo onsite drug testing that revealed positive findings for marijuana (THC), benzodiazepines, and opioids. Dr. Lovell tested negative for alcohol. As a result of the positive findings, Dr. Lovell was sent home and prohibited from working assigned shifts at MRHC.

3. There is no evidence that Dr. Lovell possesses an Oklahoma Medical Marijuana patient card.
4. On or about March 17, 2021, Dr. Lovell met with the Board's Executive Director and Chief Investigator regarding the complaint from MRHC involving concerns of impairment. Dr. Kuhn was present on behalf of OHPP. At this meeting, Dr. Kuhn confirmed that Dr. Lovell had signed a five (5) year contract with OHPP. Dr. Lovell was also required to undergo an evaluation at Acumen Institute in Lawrence, Kansas.
5. On or about August 1, 2021, OHPP notified Board Executive Director that Dr. Lovell had relapsed following a weekend with friends. Dr. Lovell subsequently admitted to Board Investigators that he had consumed alcohol, at least one (1) cannabis edible, and hydrocodone.
6. On or about August 10, 2021, Dr. Lovell voluntarily entered an Agreement Not to Practice with the Board pending his treatment at Florida Recovery Center (FRC) in Gainesville, Florida. The Agreement Not to Practice resulted in Dr. Lovell's Oklahoma license being suspended.
7. On or about November 17, 2021, the Board received a discharge summary dated November 10, 2021, from FRC. Dr. Lovell was recommended to return to work after 2-4 weeks post-discharge and provided he was under monitoring with OHPP and possessed an active Oklahoma license.
8. After hearing all the evidence, the Board ordered that Dr. Lovell be allowed to maintain his license to practice osteopathic medicine under the conditions and limitations as set forth in the Order below.

### 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 for 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. Lovell is in violation of the provisions of the Oklahoma Osteopathic Medicine Act, including specifically, 59 O.S. §§ 637 (A) (8) of the Act, 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 any license issued or reinstated by the Board upon proof that the applicant or holder of such a license:
    8. Is incapable, for medical or psychiatric or any other good cause, of discharging the functions of an osteopathic physician in a manner consistent with the public's health, safety and welfare.
3. The Board also concludes that such actions are grounds for imposing any sanction against Dr. Lovell's license as authorized by Board statutes and rules. See 59 O.S. § 620 *et seq.*, Rules for the Board, 510 OAC § 1-1-1 *et seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et seq.*

### ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Board that Dr. Lovell's Agreement Not to Practice is terminated, and his license to practice osteopathic medicine in the State of Oklahoma is reinstated with the following terms and conditions:

1. That Dr. Lovell'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.
2. That Dr. Lovell complies with all the following recommendations from the Florida Recovery Center ("FRC") Assessment:
  - a. Professional monitoring with Oklahoma Health Professionals Program and Texas Physician Health Program (TPHP);
  - b. OHPP approved Psychiatrist or Addiction Medicine Physician;
  - c. OHPP approved individual therapist, with weekly therapy for 3 months,

- then frequency to be determined by the provider;
- d. Mutual aid meetings, minimum of three times per week;
  - e. Caduceus meeting weekly;
  - f. Toxicological testing through OHPP, with observed urines;
  - g. Endorsed Dr. Lovell's return to practice 2-4 weeks after discharge, provided he is under contract with OHPP and holds an active license to practice medicine.
3. That Dr. Lovell continue with current Vivitrol therapy.
  4. That Dr. Lovell shall provide a copy of this Order to any employer and hospital credentialing staff.
  5. That Dr. Lovell is limited to practice no more than a total of one hundred sixty (160) hours per month in any state or practice setting.
  6. That Dr. Lovell maintain a record of the hours he has worked during the pendency of his probation which shall be provided to Board Investigators upon request.
  7. That Dr. Lovell is to pay the costs and investigation charges for this case in the amount of sixteen hundred dollars (\$1,600.00). He is to make payment arrangements for this amount with Board Staff and such costs shall be paid within one (1) year of the date of this Order.
  8. That Dr. Lovell is assessed an ongoing monthly Administrative Maintenance fee of one hundred dollars (\$100) due by the first (1<sup>st</sup>) day of each month. Dr. Lovell's first monthly fee payment is due on February 1, 2022 and continues monthly during the pendency of his probation.
  9. That Dr. Lovell shall bear the financial costs of any expenses incurred from this Order.
  10. That Dr. Lovell shall ensure all authorizations are signed and completed to release all reports, documents, etc., directly to the Board.
  11. That Dr. Lovell is required to notify the Board within fourteen (14) days of any changes to his residential or practice address.
  12. That Dr. Lovell is required to notify the Board within fourteen (14) days of any changes to his cell phone number.

13. That Dr. Lovell may utilize his individual right to consult legal counsel in connection with this inquiry by the Board known as OSBOE-2021-043, this Agreement, and any other inquiry by the Board.
14. That Dr. Lovell complete the Compliance Information Request Form within ten (10) days of signing this Order. (Exhibit A, Compliance Information Request Form).
15. That Dr. Lovell complete the Monthly Supervision Self-Report by the tenth (10<sup>th</sup>) day of each month. (Exhibit B, Monthly Supervision Self-Report).
16. That Dr. Lovell renew his license yearly as required by the Board's statutes and rules.
17. That Dr. Lovell maintain the required sixteen (16) hours per year of continuing medical education ("CME") credits as required by the Board's statutes and rules.
18. That Dr. Lovell appear before the Board in compliance with the Order on March 17, 2022.
19. In the event Dr. Lovell leaves the State of Oklahoma to practice medicine in another jurisdiction, and surrenders his license here in Oklahoma, the terms and conditions of this Order shall be tolled.

Any violation of this Order may result in further discipline of Dr. Lovell'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.

Further, 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.

IT IS SO ORDERED this 11<sup>th</sup> day of January 2022,



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

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

RECEIVED/FILED

THE STATE OF OKLAHOMA, ex rel., )  
STATE BOARD OF OSTEOPATHIC )  
EXAMINERS, )  
 )  
Petitioners, )  
 )  
v. )  
 )  
ANDREW LOVELL, D.O. )  
Osteopathic Medicine License No. 5921. )  
 )  
Respondent. )

NOV 17 2021

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

OSBOE-2021-043 (RZ)

AGREEMENT NOT TO PRACTICE

COMES NOW, on this 10<sup>th</sup> day of August, 2021, Petitioner,  
the State Board of Osteopathic Examiners ("Board"), by and through their Executive  
Director and Chief Prosecutor, Michael T. Leake Jr., Oklahoma Bar Association No. 32817,  
and Respondent, Andrew Lovell, D.O., Oklahoma Osteopathic Medical License No. 5921  
("Dr. Lovell"), to memorize an Agreement between the Board and Dr. Lovell, wherein Dr.  
Lovell voluntarily agrees not to practice osteopathic medicine within the State of Oklahoma.

The terms of this Agreement are the following:

1. Dr. Lovell will not practice osteopathic medicine in the State of Oklahoma, effective immediately upon execution of this Agreement. Dr. Lovell's physician profile page with the Board will display his license as "suspended."
2. This Agreement shall remain in full force and effect until such time as Dr. Lovell appears before the Board. The first opportunity for Dr. Lovell to appear before the Board is on September 16, 2021.
3. Dr. Lovell acknowledges that any practice of medicine with a suspended license may result in further discipline against his osteopathic medical license, including but

not limited to a referral to the Oklahoma Attorney of the State of Oklahoma for the unauthorized practice of medicine.

4. Dr. Lovell acknowledges that he previously enrolled in the Oklahoma Health Professionals Program ("OHPP") on or about March 16, 2021, for a minimum of five (5) years after presenting for an emergency medicine shift at McAlester Regional Medical Center on or about February 22, 2021, wherein he was evaluated for impairment before seeing patients. Dr. Lovell further acknowledges that a drug and alcohol screen at McAlester Regional Medical Center on or about February 22, 2021, revealed a positive finding for marijuana, benzodiazepines, and opioids; and a negative result for alcohol. Moreover, Dr. Lovell acknowledges that he was sent home and prohibited from starting his assigned shift at the McAlester Regional Medical Center Emergency Department following the positive test results on or about February 22, 2021.
5. Dr. Lovell acknowledges that he breached the March 16, 2021, contract with OHPP after he consumed alcohol, at least one (1) cannabis edible, and hydrocodone.
6. Dr. Lovell understands and acknowledges that any violation of his OHPP contract could result in action against his osteopathic medical license.
7. Dr. Lovell acknowledges that he is willing to cooperate with the Board's investigation into the matter known as OSBOE-2021-043, and further agrees to sign all authorizations necessary for Board investigators to gather relevant information from OHPP, the doctor's employer, and any evaluator the doctor is required to see in connection with this Agreement.
8. Dr. Lovell acknowledges that any violation of this executed Agreement may result in



further Board action against his license, including but not limited to suspension, revocation, and/or referral to the Attorney General of the State of Oklahoma for the unauthorized practice of osteopathic medicine.

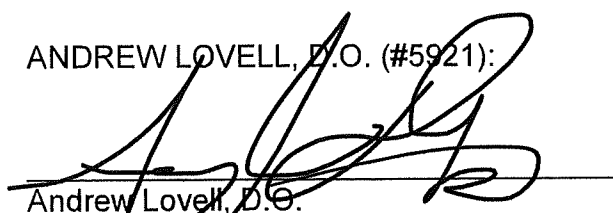
9. Dr. Lovell acknowledges that the execution of this Agreement does not in any way prohibit the Board from filing a Complaint at a future date regarding the facts at issue in OSBOE-2021-043, or assigning investigative/hearing costs or an administrative penalty in connection with this Agreement or the matter known as OSBOE-2021-043.
10. Dr. Lovell acknowledges that he has the right to consult legal counsel in connection with this inquiry by the Board known as OSBOE-2021-043, this Agreement, and any other inquiry by the Board.
11. Dr. Lovell agrees to keep his contact information, including residential address, email address, and cell phone, current with the Board Staff.
12. Dr. Lovell agrees to complete the Compliance Information Request Form within ten (10) days of signing this Agreement. (Exhibit A, Compliance Information Request Form).
13. Dr. Lovell agrees to complete the Monthly Supervision Self-Report by the 10<sup>th</sup> day of each month. (Exhibit B, Monthly Supervision Self-Report).
14. Dr. Lovell agrees to renew his license yearly as required by the Board's statutes and rules.
15. Dr. Lovell agrees to maintain the required sixteen (16) hours per year of continuing medical education ("CME") credits as required by the Board's statutes and rules.
16. Dr. Lovell acknowledges that this executed Agreement is a public record and subject

to the Oklahoma Open Records Act.

17. Dr. Lovell acknowledges that this executed Agreement is reportable to the National Practitioner Data Bank ("NPDB") according to federal law.

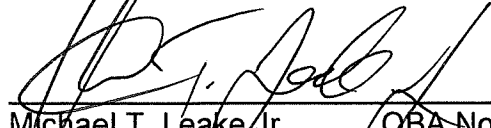
**AGREED AND ACCEPTED** on this 10 day of August, 2021.

ANDREW LOVELL, D.O. (#5921):

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

Andrew Lovell, D.O.  
Oklahoma Osteopathic License No. 5921  
1010 Warren Road  
Henryetta, Oklahoma 74437  
832/839-0600  
Andrewlovell1980@gmail.com

STATE BOARD OF  
OSTEOPATHIC EXAMINERS:



---

Michael T. Leake Jr. OBA No. 32817  
4848 N. Lincoln Blvd., Suite 100  
Oklahoma City, OK 73105  
405/528-8625  
405/557-0653 (facsimile)  
mleake@osboe.ok.gov

Attorney for the State of Oklahoma,  
ex rel. State Board of Osteopathic  
Examiners

LICENSURE  
& RENEWAL  
HEARING  
DOCKET

APPLICANTS  
FOR  
LICENSURE  
APPEARING

LISA  
BARACKER,  
D.O.



# Oklahoma State Board of Osteopathic Examiners

## BOARD MEMBERS

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OKLAHOMA CITY

DUANE KOEHLER, D.O.  
TULSA

DALE DERBY, D.O.  
OWASSO

March 1, 2022

**VIA EMAIL [lisa.baracker@tu.edu](mailto:lisa.baracker@tu.edu)**  
**AND U.S. MAIL**

Lisa Baracker, D.O.



Re: Notice of Hearing re OSBOE v. Lisa  
Baracker, D.O. (No. OSBOE-2021-223)

Dear Dr. Baracker:

Please be advised that you are required to appear on the Licensure and Renewal Hearing Docket before the Oklahoma Board of Osteopathic Examiners at its next meeting on **March 24, 2022**. **All such appearances for this docket are set for 1:00 p.m.**

Join Zoom Meeting:

<https://zoom.us/j/94344234242?pwd=UHRVcGZidjJ4T1ZWN21PM042S3hkQT09>

Meeting ID: **943 4423 4242**

Password: **570517**

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

If you would prefer to attend the meeting in person, the Hearing Docket will be held in the large meeting room at the Board's Office, 4848 N. Lincoln Blvd., Ste. 100, Oklahoma City, Oklahoma.

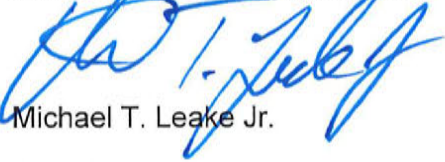
Be further advised that at the conclusion of the Hearing, the Board may take no action, or any action allowed by provisions of the Oklahoma Osteopathic Medicine Act, 59 O.S. Section 620 et. seq., including approving, tabling, or denying the application.

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 [elizabeth.scott@crowedunlevy.com](mailto:elizabeth.scott@crowedunlevy.com)**

Ms. Elizabeth Scott, J.D.  
Crowe & Dunlevy, Attorneys and Counselors at Law  
Braniff Building  
324 N. Robinson Ave, Ste 100  
Oklahoma City, OK 73102  
(405) 234-3248  
(405) 272-5940

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

**RECEIVED/FILED**

IN THE MATTER OF LISA )  
BARACKER, D.O., APPLICANT FOR )  
ISSUE OF LICENSE )

Case No. 2021-223 (RZ)

JAN 11 2022

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

**INTERIM ORDER TABLING APPLICATION**

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners ("Board") at a regular meeting of the Board on December 9, 2021. Lisa Baracker, D.O. ("Dr. Baracker"), applicant for licensure, appears without counsel on her Application 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.*

After reviewing Dr. Baracker's Application and hearing sworn testimony, the Board enters this Interim Order Tabling Application ("Order"). Future consideration of this Application will occur upon the following terms and conditions:

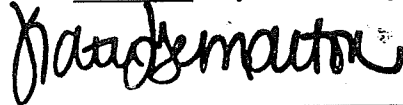
1. In order to protect the public, Dr. Baracker shall undergo an assessment determined by Board Staff to review the issues raised at the December 9, 2021 Board Meeting, specifically to include a review of past employment and post-graduate training.
2. In order to protect the public, Dr. Baracker shall sign any and all authorizations necessary to release the findings of the assessment directly to the Board.
3. Dr. Baracker's Application shall remain tabled until such time as the Board receives the requested documentation and/or information in this Order.
4. Dr. Baracker shall bear the financial costs of any expenses incurred herein, including but not limited to the cost of any hearings, investigations, or evaluations that are ordered or result from the Board's consideration of Dr. Baracker's Application.
5. Following receipt of the requested documentation and information, Dr. Baracker will be scheduled at the next meeting of the Board for review of all documents and for any other issues raised by Dr. Baracker's Application and history.

6. This Order is not a final determination of this Board and is therefore not appealable as a final order.

7. The Board has not reached any final determination in the Application, and nothing in this Order shall guarantee further licensure of Dr. Baracker.

This Order is a public record and therefore subject to the Oklahoma Open Records Act. Further, 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. Moreover, any violation of this Order may result in a referral to the Oklahoma Attorney General for the unauthorized practice of osteopathic medicine in the State of Oklahoma.

IT IS HEREBY ORDERED AND EFFECTIVE this 11<sup>th</sup> day of January 2022.



---

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

MELANIE  
BAUGHN,  
D.O.  
RENEWAL  
#3554



# 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

March 1, 2022

**VIA EMAIL [docbaughn@aol.com](mailto:docbaughn@aol.com)**  
**AND U.S. MAIL**

Melanie Baughn, D.O.



Re: Notice of Hearing re OSBOE v. Melanie  
Baughn, D.O. (No. OSBOE-2022-033)

Dear Dr. Baughn:

Please be advised that you are required to appear on the Licensure and Renewal Hearing Docket before the Oklahoma Board of Osteopathic Examiners at its next meeting on **March 24, 2022**. **All such appearances for this docket are set for 1:00 p.m.**

Join Zoom Meeting:

<https://zoom.us/j/94344234242?pwd=UHRVcGZidjJ4T1ZWN21PM042S3hkQT09>

Meeting ID: **943 4423 4242**

Password: **570517**

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

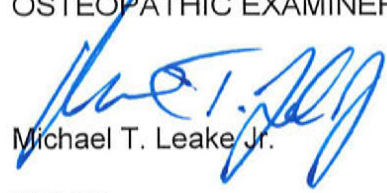
If you would prefer to attend the meeting in person, the Hearing Docket will be held in the large meeting room at the Board's Office, 4848 N. Lincoln Blvd., Ste. 100, Oklahoma City, Oklahoma.

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 approving, tabling, or denying the application.

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

A handwritten signature in blue ink, appearing to read "Michael T. Leake Jr.", written over the printed name.

Michael T. Leake Jr.

MTL/kc

BETTY  
ORANGE, D.O.  
RE-ISSUE  
# 2890



# Oklahoma State Board of Osteopathic Examiners

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OKLAHOMA CITY

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OKLAHOMA CITY

DUANE KOEHLER, D.O.  
TULSA

DALE DERBY, D.O.  
OWASSO

March 1, 2022

**VIA EMAIL [borangeobgyn@yahoo.com](mailto:borangeobgyn@yahoo.com)**  
**AND U.S. MAIL**

Betty Orange, D.O.



Re: Notice of Hearing re OSBOE v. Betty  
Orange, D.O. (No. OSBOE-2022-031)

Dear Dr. Orange:

Please be advised that you are required to appear on the Licensure and Renewal Hearing Docket before the Oklahoma Board of Osteopathic Examiners at its next meeting on **March 24, 2022**. **All such appearances for this docket are set for 1:00 p.m.**

Join Zoom Meeting:

<https://zoom.us/j/94344234242?pwd=UHRVcGZidjJ4T1ZWN21PM042S3hkQT09>

Meeting ID: **943 4423 4242**

Password: **570517**

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

If you would prefer to attend the meeting in person, the Hearing Docket will be held in the 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 approving, tabling, or denying the application.

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

A handwritten signature in blue ink, appearing to read "M.T. Leake Jr.", is written over the printed name.

Michael T. Leake Jr.

MTL/kc

DONALD  
SCHLEICHER II,  
D.O.  
APPLICANT



# 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

March 1, 2022

**VIA EMAIL [schleicher.don@gmail.com](mailto:schleicher.don@gmail.com)**  
**AND U.S. MAIL**

Donald Schleicher, II, D.O.



Re: Notice of Hearing re OSBOE v. Donald  
Schleicher, II, D.O. (No. OSBOE-2022-032)

Dear Dr. Schleicher, II:

Please be advised that you are required to appear on the Licensure and Renewal Hearing Docket before the Oklahoma Board of Osteopathic Examiners at its next meeting on **March 24, 2022**. **All such appearances for this docket are set for 1:00 p.m.**

Join Zoom Meeting:

<https://zoom.us/j/94344234242?pwd=UHRVcGZidjJ4T1ZWN21PM042S3hkQT09>

Meeting ID: **943 4423 4242**

Password: **570517**

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

If you would prefer to attend the meeting in person, the Hearing Docket will be held in the 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 approving, tabling, or denying the application.

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

A handwritten signature in blue ink, appearing to read "Michael T. Leake Jr.", is written over the printed name.

Michael T. Leake Jr.

MTL/kc

MITCHELL  
STECKBECK,  
D.O.  
LICENSEE  
REQUEST



# Oklahoma State Board of Osteopathic Examiners

## BOARD MEMBERS

KATIE TEMPLETON, J.D.  
PRESIDENT  
OKLAHOMA CITY

BRET LANGERMAN, D.O.  
VICE PRESIDENT  
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TULSA

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OKLAHOMA CITY

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OKLAHOMA CITY

DUANE KOEHLER, D.O.  
TULSA

DALE DERBY, D.O.  
OWASSO

March 1, 2022

**VIA EMAIL [msteckbe@gmail.com](mailto:msteckbe@gmail.com)**  
**AND U.S. MAIL**

Mitchell Steckbeck, D.O.



Re: Notice of Hearing re OSBOE v. Mitchell  
Steckbeck, D.O. (No. OSBOE-2022-027)

Dear Dr. Steckbeck:

Please be advised that you are required to appear on the Licensure and Renewal Hearing Docket before the Oklahoma Board of Osteopathic Examiners at its next meeting on **March 24, 2022**. **All such appearances for this docket are set for 1:00 p.m.**

Join Zoom Meeting:

<https://zoom.us/j/94344234242?pwd=UHRVcGZidjJ4T1ZWN21PM042S3hkQT09>

Meeting ID: **943 4423 4242**

Password: **570517**

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

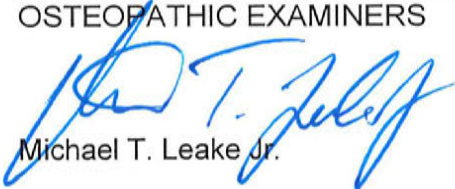
If you would prefer to attend the meeting in person, the Hearing Docket will be held in the large meeting room at the Board's Office, 4848 N. Lincoln Blvd., Ste. 100, Oklahoma City, Oklahoma.

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 approving, tabling, or denying the application.

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

A handwritten signature in blue ink, appearing to read "Michael T. Leake Jr.", is written over the printed name.

Michael T. Leake Jr.

MTL/kc

YVONNE  
ZABALA, D.O.  
APPLICANT





# Oklahoma State Board of Osteopathic Examiners

## BOARD MEMBERS

KATIE TEMPLETON, J.D.  
PRESIDENT  
OKLAHOMA CITY

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LEROY 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

March 2, 2022

**VIA EMAIL [stillzab@yahoo.com](mailto:stillzab@yahoo.com)**  
**AND U.S. MAIL**

Yvonne Zabala, D.O.



Re: Notice of Appearance re Licensure

Dear Dr. Zabala:

Please be advised that you are required to appear on the Licensure and Renewal Hearing Docket before the Oklahoma Board of Osteopathic Examiners at its next meeting on **March 24, 2022.** **All such appearances for this docket are set for 1:00 p.m.**

Join Zoom Meeting:

<https://zoom.us/j/94344234242?pwd=UHRVcGZidjJ4T1ZWN21PM042S3hkQT09>

Meeting ID: **943 4423 4242**

Password: **570517**

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

If you would prefer to attend the meeting in person, the Hearing Docket will be held in the 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 approving, tabling, or denying the application.

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 [elizabeth.scott@crowedunlevy.com](mailto:elizabeth.scott@crowedunlevy.com)**

Ms. Elizabeth Scott, J.D.  
Crowe & Dunlevy, Attorneys and Counselors at Law  
Braniff Building  
324 N. Robinson Ave, Ste 100  
Oklahoma City, OK 73102  
(405) 234-3248  
(405) 272-5940

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

IN RE THE MATTER OF )  
YVONNE D. ZABALA, D.O., )  
Application for Reinstatement of )  
License #3733 )

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

**INTERIM ORDER TABLING**  
**APPLICATION FOR REINSTATEMENT OF LICENSE**

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. Yvonne D. Zabala, D.O. ("Dr. Zabala") appears at the hearing on this date without counsel in support of her application for reinstatement of her license to practice osteopathic medicine in the State of Oklahoma, license #3733.

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, having considered Dr. Zabala's Application for Reinstatement of License and hearing sworn testimony, enters this Order tabling her application for licensure.

This matter will remain tabled until such time as Dr. Zabala provides evidence of successful completion of all the following terms and conditions as follows:

1. Dr. Zabala shall obtain an evaluation by CPEP or equivalent organization, approved by Board Staff. That evaluation will address the areas of Dr. Zabala's surgical skills and trauma critical care skills and proficiencies. Dr. Zabala will bear all expenses related to the Board-ordered evaluation. Dr. Zabala will sign all necessary releases so the evaluation will be sent directly by the evaluating organization to the Board upon completion of her evaluation.
2. The Board will review all evaluation results, to include any specific recommendations regarding Dr. Zabala and then may take further action within its discretion.

**RATIFICATION  
OF  
APPROVED  
LICENSES**

## Approved Licenses Ratification List 12/9/2021 - 3/16/2022

Licensee/Applicant	License Number	License Category	License Status	License Type	Initial Licensure Date	License Expiry Date
Colin Bumann	7512	Osteopathic Physician and Surgeon	Active	Resident / Fellow	12/9/2021	6/30/2022
Shenen Dietrich	7513	Osteopathic Physician and Surgeon	Active	In State	12/13/2021	6/30/2022
Janice Carrick	7514	Osteopathic Physician and Surgeon	Active	In State	12/14/2021	6/30/2022
Linda Sullivan	7515	Osteopathic Physician and Surgeon	Active	In State	12/17/2021	6/30/2022
Colleen Del Valle	7516	Osteopathic Physician and Surgeon	Active	In State	12/22/2021	6/30/2022
Mary Kaitlin Parks	0503T	Temporary Resident	Active	Resident / Fellow	12/27/2021	6/27/2022
Stephen Kruszka	7519	Osteopathic Physician and Surgeon	Active	Out of State	12/29/2021	6/30/2022
Oanh Tran	7520	Osteopathic Physician and Surgeon	Active	In State	12/29/2021	6/30/2022
CHERISA SANDROW	7521	Osteopathic Physician and Surgeon	Active	In State	12/29/2021	6/30/2022
Stephen Hioe	7522	Osteopathic Physician and Surgeon	Active	In State	12/29/2021	6/30/2022
Paul Shogan	7523	Osteopathic Physician and Surgeon	Active	In State	12/29/2021	6/30/2022
Tiffany Rager	7518	Osteopathic Physician and Surgeon	Active	Resident / Fellow	1/1/2022	6/30/2022
Taiwo Ajumobi	7524	Osteopathic Physician and Surgeon	Active	Resident / Fellow	1/1/2022	6/30/2022
Rachelle Savalli	7525	Osteopathic Physician and Surgeon	Active	Out of State	1/11/2022	6/30/2022
Mark Merlin	7526	Osteopathic Physician and Surgeon	Active	In State	1/12/2022	6/30/2022
Scott Habakus	7527	Osteopathic Physician and Surgeon	Active	In State	1/12/2022	6/30/2022
Karen Kennedy	7528	Osteopathic Physician and Surgeon	Active	Out of State	1/12/2022	6/30/2022
Matthew Parke	7529	Osteopathic Physician and Surgeon	Active	In State	1/13/2022	6/30/2022
Nathan Bennington	7530	Osteopathic Physician and Surgeon	Active	In State	1/24/2022	6/30/2022
Joel Chittazhattu	0504T	Temporary Resident	Active	Resident / Fellow	1/25/2022	7/24/2022
Angelletta Payne	7532	Osteopathic Physician and Surgeon	Active	In State	1/26/2022	6/30/2022
Clifton Smith	7533	Osteopathic Physician and Surgeon	Active	In State	1/26/2022	6/30/2022
Ronnie Gundlach	7534	Osteopathic Physician and Surgeon	Active	In State	1/26/2022	6/30/2022
Traci-Lyn Eisenberg	7535	Osteopathic Physician and Surgeon	Active	Out of State	1/27/2022	6/30/2022
JASON COLLIER	7536	Osteopathic Physician and Surgeon	Active	In State	1/27/2022	6/30/2022
Ashesh Parikh	7537	Osteopathic Physician and Surgeon	Active	In State	1/27/2022	6/30/2022
Willie Gilbert	0505T	Temporary Resident	Active	Resident / Fellow	1/27/2022	7/26/2022
Meredith Hulsey	7539	Osteopathic Physician and Surgeon	Active	In State	2/10/2022	6/30/2022
Navjot Grewal	7540	Osteopathic Physician and Surgeon	Active	In State	2/10/2022	6/30/2022
Ryan Reynolds	7541	Osteopathic Physician and Surgeon	Active	In State	2/14/2022	6/30/2022
Andrew Epstein	7542	Osteopathic Physician and Surgeon	Active	In State	2/14/2022	6/30/2022
Samiya Rashid	7543	Osteopathic Physician and Surgeon	Active	In State	2/15/2022	6/30/2022
Karim Saleeby	7544	Osteopathic Physician and Surgeon	Active	In State	2/15/2022	6/30/2022
Jamie Johnson	7545	Osteopathic Physician and Surgeon	Active	In State	2/15/2022	6/30/2022
Lincy Varghese	7546	Osteopathic Physician and Surgeon	Active	In State	2/16/2022	6/30/2022
Ravi George	7547	Osteopathic Physician and Surgeon	Active	In State	2/17/2022	6/30/2022

Danielle Alhemovich	7548	Osteopathic Physician and Surgeon	Active	In State	2/18/2022	6/30/2022
Frank Suppa	7549	Osteopathic Physician and Surgeon	Active	In State	3/3/2022	6/30/2022
Reena John	7550	Osteopathic Physician and Surgeon	Active	In State	3/4/2022	6/30/2022
Jonathan Shader	7551	Osteopathic Physician and Surgeon	Active	In State	3/8/2022	6/30/2022
Rachel Chidester	7552	Osteopathic Physician and Surgeon	Active	In State	3/8/2022	6/30/2022
Elizabeth Pena	7553	Osteopathic Physician and Surgeon	Active	In State	3/8/2022	6/30/2022
Dale Edwards	7554	Osteopathic Physician and Surgeon	Active	In State	3/10/2022	6/30/2022
Aaron Brown	7555	Osteopathic Physician and Surgeon	Active	In State	3/10/2022	6/30/2022
Christopher Glisson	7556	Osteopathic Physician and Surgeon	Active	In State	3/10/2022	6/30/2022
LAURA FARRINGTON	7557	Osteopathic Physician and Surgeon	Active	In State	3/10/2022	6/30/2022
Jacob Burdett	7558	Osteopathic Physician and Surgeon	Active	In State	3/10/2022	6/30/2022
Elizabeth Eagle	7559	Osteopathic Physician and Surgeon	Active	In State	3/10/2022	6/30/2023
Lucas Phi	7560	Osteopathic Physician and Surgeon	Active	In State	3/10/2022	6/30/2022
Sadia Ashraf-Benson	7561	Osteopathic Physician and Surgeon	Active	In State	3/10/2022	6/30/2022
Darren McAuley	7562	Osteopathic Physician and Surgeon	Active	In State	3/11/2022	6/30/2022
Nicole Abel	7563	Osteopathic Physician and Surgeon	Active	Resident / Fellow	3/11/2022	6/30/2022
Daniel Ellis	6156	Osteopathic Physician and Surgeon	Active	In State	3/14/2022	6/30/2022
Carolyn Chudy	7565	Osteopathic Physician and Surgeon	Active	In State	3/14/2022	6/30/2022
David Kim	7566	Osteopathic Physician and Surgeon	Active	In State	3/15/2022	6/30/2022
Nicki Colbert	7567	Osteopathic Physician and Surgeon	Active	In State	3/15/2022	6/30/2022

**RATIFICATION  
OF  
SURRENDERED  
LICENSES**

VIRGIL  
MCMILLION,  
D.O.  
# 7442



RECEIVED/FILED

MAR 17 2022

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

**AFFIDAVIT**

**For Surrender of License**

STATE OF West Virginia (RZ) )  
 ) ss. OSBOE 2021-228 (RZ)  
COUNTY OF Barbour (RZ) )

I, VIRGIL WAID MCMILLION, D.O., the undersigned Licensee [Licensee], after being duly sworn and under oath, do hereby swear or affirm that I am the holder of an Oklahoma license to practice osteopathic medicine [License] issued by the Oklahoma State Board of Osteopathic Examiners [Board] via the Interstate Medical Licensure Compact [IMLC]. I am voluntarily submitting this Affidavit for Surrender of License [Affidavit] to cease practicing Osteopathic Medicine in the State of Oklahoma. I request that the Board cancel my license to practice osteopathic medicine in the state of Oklahoma pursuant to Title 59 O.S. § 642. It is understood that my License may be considered for reinstatement upon compliance pursuant to Title 59 O.S. §§ 637, 641, & 642. I acknowledge, upon cancellation, I will no longer be eligible to practice osteopathic medicine in the State of Oklahoma, and further state as follows:

1. I hereby surrender my Oklahoma osteopathic medical license no.: 7442.
2. I hereby surrender my Oklahoma osteopathic medical license effective: 3-17, 2022.
3. I acknowledge that the purpose(s) of my request for cancellation in Oklahoma is/are:

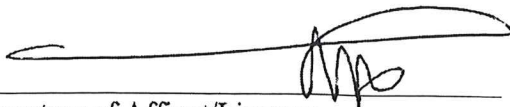
I am voluntarily surrendering my Oklahoma Osteopathic Medical License because my Letter of Qualification [LOQ] from the West Virginia Board of Osteopathic Medicine that qualified me for IMLC as been withdrawn or otherwise canceled.

I am further aware and informed that if I seek reapplication of my Oklahoma osteopathic medical license, that the Board has the right to mandate additional requirements, including but not limited to, CME, preceptorship, mentorship, etc., before being granted an Oklahoma Osteopathic Medical License.

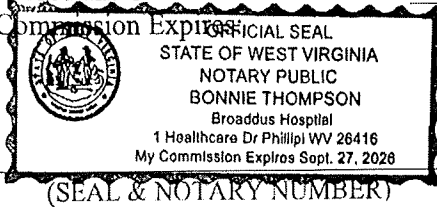
I am aware and informed that I have the right to consult legal counsel on this matter and any matter before the Board.

I am aware and informed that nothing in this Affidavit prohibits this document from being a public record and therefore I understand it may be subject to the Oklahoma Open Records Act. I am aware and informed that nothing in this Affidavit prohibits this document from being reported to the National Practitioner's Data Bank (NPDB).

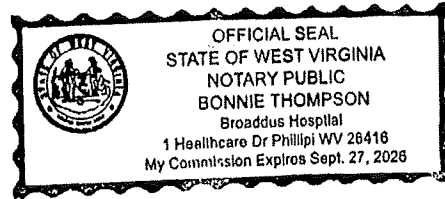
Further, Affiant sayeth not.

  
\_\_\_\_\_  
Signature of Affiant/Licensee

Subscribed and sworn to before me this 17 day of March, 2022.  
My Commission Expires



*Bonnie Thompson*  
NOTARY PUBLIC



ANH  
TRAN, D.O.  
# 6784

RECEIVED/FILED

MAR 1 2022

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

**AFFIDAVIT**

**For Surrender of License**

STATE OF California )  
 ) ss. OSBOE 2022-002 (JM)  
COUNTY OF Santa Clara )

I, ANH THU TRAN, D.O., the undersigned Licensee [Licensee], after being duly sworn and under oath, do hereby swear or affirm that I am the holder of an Oklahoma license to practice osteopathic medicine [License] issued by the Oklahoma State Board of Osteopathic Examiners [Board]. I am voluntarily submitting this Affidavit for Surrender of License [Affidavit] to cease practicing Osteopathic Medicine in the state of Oklahoma. I request that the Board cancel my license to practice osteopathic medicine in the state of Oklahoma pursuant to Title 59 O.S. § 642. It is understood that my License may be considered for reinstatement upon compliance pursuant to Title 59 O.S. §§ 637, 641, & 642. I acknowledge, upon cancellation, I will no longer be eligible to practice osteopathic medicine in the state of Oklahoma, and further state as follows:

1. I hereby surrender my Oklahoma osteopathic medical license no.: 6784
2. I hereby surrender my Oklahoma osteopathic medical license effective: 02/28, 2022
3. I acknowledge that the purpose(s) of my request for cancellation in Oklahoma is/are:

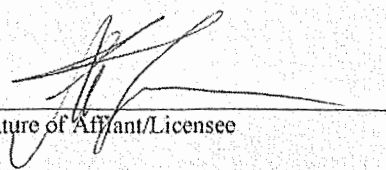
I am surrendering my Oklahoma Osteopathic Medical License because I was under investigation for resigning from my OUHSC Pediatric Residency Program on or about 2-12-2021 wherein I was on Corrective Action Plan due to my failure to demonstrate competency expected of a supervisory resident. I voluntarily resigned from the residency program on or about 2-12-2021. I did not receive credit for any portion of my PGY-3 year.

I am further aware and informed that if I seek reapplication of my Oklahoma osteopathic medical license, that the Board has the right to mandate additional requirements, including but not limited to, CME, preceptorship, mentorship, etc., before being granted an Oklahoma Osteopathic Medical License.

I am aware and informed that I have the right to consult legal counsel on this matter and any matter before the Board.

I am aware and informed that nothing in this Affidavit prohibits this document from being a public record. I further understand this Affidavit may be subject to the Oklahoma Open Records Act. Moreover, I am aware and informed that nothing in this Affidavit prohibits this document from being reported to the National Practitioner's Data Bank (NPDB) or any other state licensure board.

Further, Affiant sayeth not.

  
Signature of Affiant/Licensee

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
My Commission Expires:

(SEAL & NOTARY NUMBER)

NOTARY PUBLIC

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

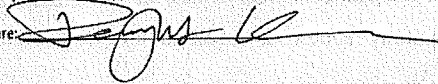
State of California, County of Santa Clara

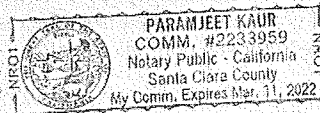
Subscribed and sworn to (or affirmed) before me

on this 28<sup>th</sup> day of February, 2022.

by Anh Thu Thi Tran,

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature: 



TITLE 510  
RULE  
CHANGES

**TITLE 510. OKLAHOMA STATE BOARD OF OSTEOPATHIC EXAMINERS  
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

**Subchapter 1. General Provisions**

**510:1-3-3. Communication with the Board**

Written communication may be addressed to the Board at the office of the Board. Facsimile communications may be sent to the office of the Board. All applications for licensure, renewal and related documents may not be faxed must be submitted through the Board's online platform. Telephonic communications may be made during regular office hours: for assistance and accommodation.

**510:1-3-4. Board meetings**

The Board holds regular quarterly meetings on the third Thursday of March, June and September and the second Thursday of December of each year except that such regularly scheduled meetings may be cancelled or changed at the Board's discretion. The Board may hold other meetings of a special or emergency nature in its discretion. Meetings will be conducted at the Board office or other designated locations as necessary or desirable. A majority of the members of the Board constitute a quorum and may transact any business of the Board by a simple majority vote of the quorum present. The Board Executive Director, or designee, shall ensure all notice and final Agenda posting requirements for any meeting of the Board comply with 25 O.S. § 311.

**510:1-3-8. Investigations**

The Board may investigate any matter within its statutory authority. Licensees and applicants for licensure shall provide information requested by the Board and shall allow the Board to inspect their records and facilities. The Board may compel oral testimony, written responses to interrogatories, production of documents and inspection of property through subpoenas issued by the Board ~~president or secretary~~ President, Board Secretary, Board Executive Director, any other persons authorized by the Board authorized to issue subpoenas, or search warrants issued by the district court. [59 O.S., Section 626(D) and 637(C)].

**Subchapter 5. Individual Proceedings**

**510:1-5-1. Initiation of individual proceedings, complaint, and citation**

An individual proceeding may be initiated, upon information indicating the possible violation of the Act, through the filing of a ~~formal~~ verified complaint by the Board staff setting out the matters enumerated in 75 O.S., Section 309, and containing a statement setting forth the allegations and naming the licensee against whom the complaint is made. The Secretary, or Board staff, shall issue a citation notifying the respondent of the ~~formal~~ verified complaint and the date and place of the hearing.

**510:1-5-1.1. Definitions**

The following words and terms, as used in this subchapter shall have the following meaning, unless the context clearly indicates otherwise.

**"Individual proceeding"** means consideration of issuing a formal sanction penalizing a licensee of the Board. It does not mean consideration of the issuance or reinstatement of a license.

**"Respondent"** means the licensed osteopathic physician whose licensure is the subject of the individual proceeding.

**"Allegation"** unverified information concerning a physician's acts or omissions provided to or discovered by Board investigative staff and reviewed by the Medical Review Committee. Such information may or may not ultimately merit a verified complaint of unprofessional conduct.

**"Verified Complaint"** formal allegation of unprofessional conduct against the named physician filed by Board staff that leads to an individual proceeding adjudged by the Board en banc.

### **510:1-5-3. Service**

(a) The ~~formal~~ verified complaint and citation and all subpoenas shall be served personally in the manner authorized by state law for service of summons in a judicial proceeding or by certified mail, return receipt requested, delivery restricted to the addressee. If personal service or service by certified mail cannot be completed, service of the ~~formal~~ verified complaint and citation may be made by first class mail to the respondent at the last address furnished to the Board by the respondent or by publication in a newspaper or newspapers for the time, or posting at the places, the Secretary of the Board determines will be most likely to provide notice to the respondent.

(b) Personal service may be made by any person appointed by the Secretary of the Board, Board Investigators, or any person authorized by State law to serve process in judicial proceedings.

(c) Service of all other papers shall be made by first-class mail to the address at which service of the initial complaint and citation was made or in the manner by which such service was made if not by mail or personal service or such other address designated by the respondent; to the Board at its office, the office of its general counsel and the prosecuting attorney; and to the address designated by any other party to the proceeding.

(d) Service by mail shall be complete upon the date the notice is placed in the U.S. Mail with sufficient postage prepaid. Service by publication shall be complete on the date of the first publication. Service by posting shall be complete on the date the notice is posted. Personal service shall be complete upon delivery.

### **510:1-5-4. Hearing date, continuance, or extension of time**



(a) The hearing, shall not be less than twenty (20) days after service of the complaint and citation ~~provided, however, that~~ unless an agreement of the parties is made in writing and on the record. ~~the~~ The Board may suspend a license without notice if the Board determines, upon the vote of three-fourths (¾) of the quorum present at the meeting, that an emergency exists and the Board schedules a hearing within thirty (30) days of the date the suspension takes effect.

(b) Written motions for any continuance or extension of time by either party shall state the additional time desired and the reason for the request, unless a written agreement is made by the Board's Executive Director and the respondent. ~~The Secretary of the Board may~~ Board's General Counsel must rule on these motions prior to the scheduled hearing. Any agreement to continue the hearing must be on the record at the next regularly scheduled meeting. If the request is denied, ~~the~~ either party may renew the request and make a proper showing at the hearing.

#### **510:1-5-5. Written answer, extension of time**

The respondent shall file a written answer under oath with the Board within twenty (20) days after the service of a citation. If said answer is not filed, the respondent shall be considered in default and appropriate sanctions may be imposed, if the evidence is deemed sufficient by the Board. Unless by agreement of the Board Executive Director and the respondent, only one (1) continuance is allowed by Executive Director for extension of time. The Secretary of the Board may extend the time within which an answer must be filed; however, in no case shall the time to file an answer be extended beyond the hearing date.

#### **510:1-5-6. Prehearing procedures**

(a) **Discovery.** The Board and the respondent may use discovery techniques available to parties in civil proceedings in Oklahoma courts. See Title 12 O.S., Sections 3201 Et Seq. Subpoenas to compel testimony, production of documents and inspection of property may be issued by the president, secretary of the Board, or any Board staff or designee licensed to practice law in the State of Oklahoma.

(b) **Scheduling orders.** The Board's ~~general counsel~~ General Counsel may establish a schedule for the parties' completion of discovery, submission of motions, identification of witnesses and exhibits and other matters. The Board's General Counsel may also make rulings on extension of time to respond to a verified complaint or any hearing date.

#### **510:1-5-6.1. Hearing procedures**

(a) **Order of proceeding;** rules of evidence. Hearings shall be conducted in public view and in an orderly manner by the President of the Board. The order of proceeding will follow that which applies in civil proceedings of law. However, the rules of evidence shall be those specified by the Oklahoma Administrative Procedures Act.

(b) **Rulings of the President.** The President of the Board shall rule upon the admissibility of evidence and objections thereto, and shall rule upon other motions or objections as they arise during the course of the hearing. The rulings of the President, in all questions, shall be the rulings of the Board unless reversed by a majority vote of the Board upon a party's appeal from such rulings of the President. Rulings by the President may be delegated.

(c) **Burden of proof.** The Board's decisions ~~will~~ shall be based on clear and convincing evidence presented at ~~the~~ a public hearing.

#### **510:1-5-8. Subpoena of witnesses, evidence or records for hearing**

Subpoenas for the attendance of witnesses and for the production of evidence or records of any kind shall be issued by the ~~president, or secretary~~ President, Secretary of the Board, or by any Board staff or designee licensed to practice law in the State of Oklahoma. Subpoenas shall be served and a return made in any manner prescribed by civil law.

#### **510:1-5-9. Hearing records**

(a) An ~~electronic~~ audio or video record will be made of all hearings conducted by the Board. A transcript of the proceedings shall not be made except upon the written application and payment of a deposit sufficient to pay for having the record transcribed, according to the provisions of Title 75 O.S., Section 309.

(b) The ~~records~~ of the hearings and the ~~files~~ containing the pleadings will be maintained in the Board's office. ~~Tape recordings~~ The records of the proceedings shall be maintained ~~for one year unless the proceedings are the subject of a judicial appeal. In that case they will be preserved until the final disposition of the appeal.~~ in accordance with the Oklahoma Archives and Records Act and the Oklahoma Open Records Act.

#### **510:1-5-10. Final orders**

All final orders in individual proceedings shall be in writing. ~~The~~ Any final order shall include Findings of Fact and Conclusions of Law, separately stated. A copy of the final order will be mailed to each party and to his/her attorney of record.

### **Subchapter 9. Forms**

#### **510:1-9-1. Forms approved by the Board**

The Board shall use standard forms for application for licensure, ~~and~~ application for renewal of licensure, ~~and any annual registration or permit as a dispenser of dangerous drugs that elicit information required by the Board and as for the Board's action on such applications as~~ stated in Oklahoma law and the Board's rules.

### **Subchapter 11. Interpretation of Rules**

#### **510:1-11-1. Adoption of rules; fair and impartial construction**

The rules contained in this Title are adopted for the purpose of protecting the public and Oklahoma patients, simplifying procedures, minimizing expenses, and facilitating the administration of the Osteopathic Medicine Act and other state laws impacting the practice of Osteopathic medicine in Oklahoma. To that end, this Title shall be given a fair and impartial construction.

### **Subchapter 13. Declaratory Rulings**

#### **510:1-13-1. Persons who may seek a declaratory rule**

Any person may file a written petition seeking a declaratory ruling by the Board with respect to the application of a statute, rule or order of the Board. A petition for declaratory ruling shall be set for a public hearing before the Board at its next regularly scheduled meeting.

#### **510:1-13-4. Board consideration**

The Board may assign a petition for declaratory ruling to ~~an~~ legal counsel or any appropriate advisory committee or Board subcommittee for its review and a recommendation. The advisory committee or subcommittee may require submission of oral and written evidence and legal memoranda. The advisory committee or subcommittee review and recommendation shall not constitute final Board action.

#### **510:1-13-6. Board action**

Board rulings shall be made public in writing with a statement of appropriate findings of fact and conclusions of law. Copies of any Board action shall be sent by certified mail to the respondent.

**TITLE 510. OKLAHOMA STATE BOARD OF OSTEOPATHIC EXAMINERS  
CHAPTER 5. PROFESSIONAL STANDARDS**

**Subchapter 3. ~~Dispensing Dangerous Drugs~~ Restriction on Dispensing Drugs**

**510:5-3-1. Purpose**

The purpose of this subchapter is to provide information regarding certain statute requirements for prescribing, recommending, administering, and dispensing dangerous drugs. (Title 59 O.S. 355 Et Seq.)

**510:5-3-2. Definitions**

The following words or terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"~~Dangerous Drugs~~"** means any dangerous, legend, or prescription drug intended for use by ~~man~~ a person which, because of its toxicity or other potentiality for harmful effects, or the method of its use, or the collateral measures necessary for its use, is not safe for use except under the supervision of a practitioner licensed ~~by law~~ to administer such drugs. This shall include all drugs upon which the manufacturer or distributor has, in compliance with federal law and regulations, placed the following: "Caution—Federal Law prohibits dispensing without prescription".

**"Licensed practitioner"** means an Osteopathic Physician and Surgeon licensed to practice and authorized to prescribe medication within the scope of his their practice.

**"Professional samples"** means ~~complimentary drugs packaged~~ a free pre-packaged quantity of drugs in accordance with federal and state statutes and regulations ~~and provided~~ that are provided to a licensed practitioner ~~free of charge in such~~ at no cost and appropriately distributed in the same package by the licensed practitioner to his patients.

**510:5-3-3. Restriction on dispensing dangerous drugs; packaging and labeling**

(a) Only a licensed Osteopathic Physician and Surgeon who has established a physician-patient relationship and with appropriate documentation may dispense ~~dangerous~~ drugs to patients and must do so only for the expressed for the sole purpose of serving the best interests of the patient and promoting the patient's welfare.

(b) The ~~dangerous~~ drugs shall be dispensed in accordance with federal and state statutes and regulations and in an appropriate container to which a label ~~has been~~ is affixed. This label shall include the name and office address of the licensed osteopathic physician, date dispensed, name of patient, directions for administration, the prescription number, the trade or generic name of the substance, the quantity and strength, of the drug therein contained. This requirement shall ~~not~~ apply to compound ~~medicines~~ drugs.

(c) A dispenser of a Schedule II, III, IV, or V controlled ~~dangerous~~ substance shall transmit to a central repository designated by the Oklahoma State Bureau of Narcotics

and Dangerous Drugs Control for each dispensation, that information required by 63 O.S. Section 2-309(C) if applicable. A dispenser of controlled substances under this section shall review the patients Prescription Monitoring Program ("PMP") pursuant to Oklahoma statutes and make a note of this review in the patient's chart.

#### **510:5-3-4. Record Keeping**

A licensed osteopathic physician shall keep a suitable book, file, or record of each and every ~~dangerous~~ drug compounded or dispensed by him/her. This book, file, or record shall be kept for a period of not less than five (5) years. This book, file, or record shall be maintained separately from all other records of the registrant and must be open for inspection and copying by the Board. A record of all purchases of scheduled controlled substances shall also be open for inspection and copying by the Board.

#### **510:5-3-5. Annual Registration**

(a) A licensed osteopathic physician desiring to dispense ~~dangerous~~ drugs shall register annually and obtain a permit with the Board as a dispenser. Forms for registration shall be provided by the Board. Registration shall be done on or before the first day of July annually. Each such application shall be accompanied by the appropriate fee.

(b) Only an individual holding a valid license in good standing issued by the Oklahoma State Board of Osteopathic Examiners may register as a dispenser.

(c) If dispensing in multiple locations, the physician shall have a separate permit for each location. All such location addresses shall be provided to the Board.

#### **510:5-3-6. ~~Dispensing~~ Providing professional samples**

A licensed osteopathic physician who ~~dispenses~~ provides professional samples of ~~dangerous~~ drugs to ~~his or her~~ their patients shall be exempt from the provisions of 510:5-3-5 if:

- (1) the licensed osteopathic physician ~~furnishes~~ provides the professional samples to the patient in the package provided by the manufacturer; and
- (2) no charge is made to the patient; and
- (3) an appropriate record is entered in the patient's chart.

#### **510:5-3-7. Violations**

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, including costs,~~ including costs, may be imposed on a licensee.

### **Subchapter 5. Disposal of Human Tissue**

#### **510:5-5-2. Definitions**

The following words or terms, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Conviction"**~~"Final Order"~~ means a finding, by the Board, that a physician did violate any provision of this subchapter.

**"Human tissue"** means all parts of the human body recognizable as such without the use of specialized equipment.

~~"Physician" means a person licensed under the provisions of Title 59 O.S., Section 620 et seq.~~

### **510:5-5-3. Method of disposal**

(a) All human tissue, which is collected in the course of the diagnosis and/or treatment of any human condition by a doctor of osteopathic medicine, his their employee or agent, must be handled in one of the following ways:

- (1) Sent for analysis and possible retention as a surgical specimen;
- (2) Sent for autopsy;
- (3) Sent for embalming and burial in accordance with accepted interment standards; or,
- (4) Sent for disposal by incineration in a pathological incinerator in the same manner as hazardous medical waste is handled under the applicable state statutes, rules and regulations.

(b) Nothing in this Section shall preclude the doctor's right to use human tissue for the treatment of disease or injury. Likewise, the doctor shall have the right to assist in arranging appropriate donations through the process of the Anatomical Board, under the provisions of the Anatomical Gift Act or the preservation of human tissue for other legitimate educational purpose in any accredited educational endeavor.

(c) In no event shall any person knowingly dispose of any human tissue in a public or private dump, refuse or disposal site or place open to public view.

### **510:5-5-4. Violations**

Any osteopathic physician who violates, or whose employees or agents violate, this subchapter shall, ~~upon conviction~~ a finding by the Board that a violation of Board statute or rule has occurred, and in a public hearing before the Board, be fined an amount not to exceed Ten Thousand Dollars (\$10,000.00) and may have their license put on probation, suspended or revoked.

## **~~Subchapter 7. Unprofessional Conduct Relating to Prescribing or Dispensing Dangerous Drugs~~**

### **510:5-7-1. Unprofessional conduct ~~relating to prescribing or dispensing dangerous drugs related to Controlled Drugs~~**

The Board has the right to refuse to issue, renew or reinstate a license and may revoke a license or impose other appropriate sanctions for unprofessional conduct. In addition to those acts of unprofessional conduct listed in Title 59 O.S., Section 637 the following acts shall be included without limiting, in any way the Board's ability to interpret other acts as unprofessional conduct:

- (1) Indiscriminate or excessive prescribing, dispensing or administering controlled ~~dangerous~~ drugs.
- (2) Issuing prescriptions for controlled ~~dangerous~~ drugs to minors in violation of Title 63 O.S.
- (3) Purchasing, prescribing, dispensing, recommending, or administering any controlled ~~dangerous~~ drug or other regulated substance in Schedule I through V, as those schedules are defined in Title 63 O.S. chapter 2, Sections 2-101 et seq. for the physician's personal use unless it is prescribed, dispensed, recommended, or administered by another physician who is licensed to do so.
- (4) The delegation of authority to another person for the signing of prescriptions, whether controlled ~~dangerous~~ substances or otherwise.
- (5) Issue a prescription for a controlled substance without establishing a physician-patient relationship at the time of the initial prescription.
- (6) Issue a prescription for a controlled substance without documentation, diagnosis, and physical exam.
- (7) It shall not be considered unprofessional conduct for a physician to renew a prescription for controlled drugs over telemedicine provided an initial script was issued in person.
- ~~(5)~~(8) Any violation of any provisions of Title 63 O.S., Chapter 2, Sections 2-101 et seq or the Uniform Controlled Dangerous Substances Act.

### **Subchapter 9. Prescribing for ~~Chronic~~ Pain**

#### **510:5-9-1. Purpose**

The purpose of this subchapter is to provide guidelines and requirements for osteopathic physicians who prescribe for ~~chronic~~ pain. ~~Chronic pain is defined as a state in which pain persists beyond the usual course of an acute disease or healing of an injury.~~

#### **510:5-9-2. Guidelines and requirements**

This rule requires that ~~diagnosis~~ diagnoses be documented, it requires that certain records be maintained, and it requires that the physician must discuss and document the

discussion of the risks and benefits with the patient or the patient's guardian. Prescriptions for pain must comply with all current federal and state law.

~~(1) To treat a patient's intractable pain, as long as the benefit of the expected relief outweighs the risk, even if the use of the drug increases the risk of death, so long as it is not furnished for the purpose of causing, or the purpose of assisting in causing death, the physician may prescribe or administer Schedule II, III, IV or V controlled dangerous substances or other pain relieving drugs in higher than normal dosages when, in that physician's judgment, the higher dosages are necessary to produce the desired therapeutic effect.~~

~~(2) The determination of intractable pain must include a complete medical history and physical examination which includes an assessment of the patient's pain, physical and psychological function, substance abuse history, underlying or co-existing diseases or conditions and the presence of a recognized medical indication for the use of an analgesic.~~

~~(3) The treatment plan must state objectives by which treatment success can be evaluated, such as pain relief and or improved physical and psychological function, and must indicate what further diagnostic evaluations or other treatments are planned. The drug therapy must be tailored to the individual needs of each patient.~~

~~(4) The course of treatment and any new information about the etiology of the intractable pain must be reviewed periodically, at least annually, with consideration given to referral for a current second opinion. The continuation or modification of treatment will depend on the results of this review and the evaluation of the patient's progress toward the treatment objectives. If the patient has not improved, the physician must assess the appropriateness of continuing the current therapy and the trial of other modalities.~~

~~(5) The management of intractable pain in patients with a history of substance abuse requires extra care, monitoring, documentation and consultation with addiction medicine specialists, and may include the use of agreements between the physician and patient specifying rules for medication use and consequences for its misuse.~~

~~(6) The physician must discuss the risks and benefits of the use of controlled substances with the patient or the patient's guardian and obtain informed consent prior to proceeding if it substantially increases the risk of death.~~

~~(7) Accurate and complete records documenting these requirements must be kept.~~

~~(8) To prescribe controlled substances, the physician must be licensed in Oklahoma, have a valid controlled substances registration and comply with federal and state regulations for issuing controlled substances prescriptions.~~

~~(9) Expert clinical testimony may be used to prove a violation of this rule. As used herein, a "clinical expert" is a physician who, by reason of specialized education or~~



~~substantial relevant experience in pain management, has knowledge regarding current standards, practices and guidelines.~~

~~(10) Nothing in this rule shall limit a physician's authority to prescribe or administer prescription drug products beyond the customary indications as noted in the manufacturer's package insert for use in treating intractable pain, provided the drug is recognized for treatment of intractable pain in standard reference compendia or medical literature.~~

### **510:5-9-3. Violations**

~~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. The violation of any provision of this subchapter shall constitute unprofessional conduct, for which appropriate sanctions, including costs, may be imposed on a licensee.~~

## **Subchapter 11. Medical Micropigmentation**

### **510:5-11-2. Definitions**

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Direct supervision"** means that the supervising physician is present in the office before, during and after the procedure and includes the authorization and evaluation of the procedure with the physician/patient relationship remaining intact.

**"Medical Micropigmentologist"** means a person credentialed according to the provisions of Title 63 O.S. Section 1-1450 et seq.

**"Patient"** means any person undergoing a micropigmentation procedure.

**"Physician"** means an osteopathic physician licensed in good standing by the Oklahoma State Board of Osteopathic Examiners.

### **510:5-11-3. Duties and Responsibilities**

(a) To be eligible to serve as a supervising physician for a Medical Micropigmentologist a physician shall meet the following criteria:

(1) Have possession of a full and unrestricted license to practice osteopathic medicine and surgery in the State of Oklahoma.

(2) The supervising physician shall be in ~~full-time~~ practice with a minimum of twenty (20) hours per week of direct patient contact.

(b) Medical micropigmentation procedures may only be undertaken within the context of an appropriate ~~doctor/~~ physician-patient relationship wherein a proper patient record is maintained.

(c) The supervising physician ~~may employ and/or utilize no more than two (2) Medical Micropigmentologists at any one time.~~ is limited to the total number of mid-level providers allowed in 510:10-4-3.

(d) The employment and/or utilization of a Medical Micropigmentologist requires direct supervision by the supervising physician.

### **Subchapter 13. Advertising Board Certification**

#### **510:5-13-4. Prohibited terms**

The terms "board eligible," "board qualified," or any similar words or phrases shall not be used in osteopathic physician advertising, unless permitted by the specialty boards.

**TITLE 510. OKLAHOMA STATE BOARD OF OSTEOPATHIC EXAMINERS  
CHAPTER 10. LICENSURE OF OSTEOPATHIC PHYSICIANS AND SURGEONS**

**Subchapter 1. General Provisions**

**510:10-1-1 Purpose**

The purpose of this chapter is to describe the process of licensure for applicants, renewal for current license holders and annual registration requirements for ~~dispensation~~ dispensing of drugs.

**Subchapter 3. Licensure Requirements**

**510:10-3-1. ~~General~~ Full licensure requirements**

~~(a) — **Licensure by Board required.** It is the general requirement in the State of Oklahoma that practitioners of osteopathic medicine and surgery~~ osteopathic physicians be licensed by the State Board of Osteopathic Examiners. No person shall be licensed by the Board unless and until that person first fully complies with all licensure provisions of the Act and these Rules and has satisfied the Board of the ability to practice osteopathic medicine and surgery with reasonable skill and safety.

~~(b) — **Temporary license.** The Osteopathic Medicine Act does authorize the Board to issue a temporary license for certain classes of Resident physicians.~~

~~(c)~~(a) **Postgraduate training.** One completed year of postgraduate training is a requirement for full licensure. The training must be or have been completed in a residency program that is approved by either the Accreditation Council for Graduate Medical Education (ACGME) or the American Osteopathic Association (AOA). ~~This experience must~~ If the applicant did not complete a residency, then this experience may be in the form of a rotating internship or its equivalent, in an accredited internship or residency program acceptable to the Board. To be deemed equivalent to a rotating internship and, acceptable to the Board, a program must provide the following:

(1) The program must provide the following core experience:

- (A) One (1) month - General Practice
- (B) Two (2) months - General Internal Medicine
- (C) One (1) month - General Surgery
- (D) One (1) month - Obstetrics/Gynecology
- (E) One (1) month - Pediatrics

(2) This core experience must be supplemented by three (3) months of Selectives and three (3) months of Electives, accounting for a total of twelve (12) months. A Selective

may be defined as any core category or Emergency Medicine. An Elective may be any category of experience chosen by the intern or resident.

~~(3) If an applicant has completed an ACGME accredited residency training program, the Board shall consider this standing as equivalent training.~~

~~(d)(b) **Application.** An applicant for a license to practice osteopathic medicine and surgery shall complete an application provided by the Board, which is available on the Board's website at: [www.osboe.ok.gov](http://www.osboe.ok.gov). The applicant shall complete and submit the application in full prior to the Board consideration. All candidates for examination or licensure must make application on a form furnished by the Board. No application will be approved until fully complete, in every respect, including photograph and fingerprints, with non-refundable fee paid. In addition to the application form, each candidate must also provide the following materials:~~

In addition to the application form online, each candidate must also provide the following materials:

~~(1) Photocopies of all of the items in (A) through (D) of this paragraph must be notarized as true copies of the originals. A 3x4 photograph or larger taken within the previous sixty (60) days which meets the requirements of a passport photo;~~

~~(A)(2) the diploma conferring the Doctor of Osteopathic Medicine or Doctor of Osteopathy degree; Verification of graduation from an osteopathic medical school approved by the American Osteopathic Association (AOA) or the Board. The applicant's medical school shall provide a copy of a final transcript and diploma in addition to verifying graduation;~~

~~(B)(3) the postgraduate training certificate for both internship and residency, as applicable;~~

~~(C)(4) certificate of specialty board certification, as applicable;~~

~~(D) the license being used as a basis for reciprocity (which must be by examination), if applicable, or the Certificate of Diplomacy of the National Board of Osteopathic Medical Examiners, and/or USMLE if that is the basis of the application.~~

~~(2) Letters of good standing which state no disciplinary actions were taken against the candidate from:~~

~~(A) all hospitals where the candidate has practiced;~~

~~(B) all osteopathic associations of which the candidate is a member;~~

~~(C) the Dean of the osteopathic college from which the candidate graduated;~~

~~(D) the Director of Medical Education from each place where the candidate is or has been an intern or resident.~~

(5) Payment of all fees as established by the Board in the Fee Schedule under rule 510:10-7-1;

(6) A transcript ordered from the National Board of Osteopathic Medical Examiners (NBOME) or the National Board of Medical Examiners (NBME), with a passing score on all steps of the examination as set forth by the testing entity. The Board may accept an equivalent exam given by another State Board. The Board is not required, however, to accept these exams in lieu of the COMLEX-USA or USMLE examinations;

(7) A notarized copy of the applicant's birth certificate or passport;

(8) Verification of postgraduate training on a form furnished by the Board on its website, [www.osboe.ok.gov](http://www.osboe.ok.gov). The postgraduate training form shall be filled out in its entirety by the program's residency coordinator or director, for each residency that the physician attended;

~~(3)(9) Verification~~ License verification of standing from each state where the ~~candidate~~ physician has held a license, whether that license is current or inactive and whether or not the ~~candidate~~ physician has been the subject of any disciplinary action in that state. If action has been taken by another state board, all orders and relevant documentation are required to be sent to the Board before the physician can be reviewed for licensure;

~~(4)(10) A curriculum vitae~~ chronology of events which accounts for all of the ~~candidate's~~ applicant's time and activity, ~~chronologically,~~ from the ~~time of~~ medical school graduation to the present.

~~(5)(11) A report from the National Practitioner Data Bank (NPDB), which the candidate must request and which must be received by the Board directly.~~ shall be ordered by the applicant and sent to the Board;

(12) Fingerprints by a Board approved entity that meet the requirements of a National Criminal History Record check pursuant to 74 O.S. § 150.9.

~~(e)(c)~~ **Interview.** The Board may require a personal interview from any applicant.

~~(f)(d)~~ **Beginning of practice.** Applicants for licensure ~~either by examination, reciprocity or endorsement, must not begin practice until they are in possession of their license.~~ shall not begin practice until their license information is publicly provided on the Board's website at [www.osboe.ok.gov](http://www.osboe.ok.gov).

### **~~510:10-3-2. Application for licensure~~**

~~(a) Photographs, fingerprints, and personal interview. Applicants for licensure as an osteopathic physician and surgeon must be identified by a recent personal photograph, as outlined in the application for endorsement or examination; fingerprints certified by a law enforcement officer should be included. The Board may require at its own discretion a personal interview.~~

~~(b) Osteopathic diploma. A photostatic copy or photographic reproduction of the applicant's diploma must accompany all applications for examination or endorsement. If the applicant's diploma has been lost, a sworn statement from the Dean or Registrar of the Osteopathic College issuing the diploma shall be furnished in lieu thereof. The original diploma or certificate should not be mailed or attached to such application.~~

### ~~510:10-3-3. Licensure by examination~~

~~(a) Examination Requirements. To be consistent with the expressed public policy of the State of Oklahoma affecting the licensure of osteopathic physicians and surgeons under the provisions of the Osteopathic Medicine Act candidates for licensure must be examined by a vehicle which tests the individual's basic osteopathic knowledge and skill embracing the same philosophy as that in which the candidate was educated.~~

~~(b) Postgraduate training. An applicant must take the National examination before completing the required year of postgraduate training, provided that no license will be issued until evidence of the satisfactory completion of that year is filed with the Board.~~

~~(c) National examinations; failure of examination. Any person seeking licensure as an osteopathic physician and surgeon by taking the National examination must meet all other requirements.~~

~~(d) National examination. Candidates may be licensed upon the successful completion of the examination sequence of the National Board of Osteopathic Medical Examiners or the National Board of Medical Examiners. The candidate must submit proof of having achieved a Minimum Total Passing Score or above on tests administered through the National Board of Osteopathic Medical Examiners or the National Board of Medical Examiners.~~

### ~~510:10-3-4. Licensure by endorsement~~

~~(a) Reciprocity. An applicant for licensure by reciprocity, who has been successfully examined by the licensing board of any other state, territory of the United States or the District of Columbia, using an examination sufficient to test the applicant in osteopathic medicine and surgery, and having received scores not less than those required by the Oklahoma State Board of Osteopathic Examiners, and who is licensed in that state, territory of the United States or district of Columbia, and, in addition, presents the required documentation that the applicant has fulfilled all scholastic and other requirements of the Board, may, at the discretion of the Board, be licensed without further examination. Such applicants may be required to appear before the Board. An applicant for a license to practice osteopathic medicine and surgery by reciprocal endorsement shall:~~

~~(1) Complete and submit the uniform application together with all applicable fees and required documentation;~~

~~(2) Provide evidence of graduation from an AOA accredited medical school;~~

(3) Provide license verification from each state in which the applicant is currently or was previously licensed.

(b) **Endorsement of the National Board of Osteopathic Medical Examiners or the National Board of Medical Examiners.** An applicant who has successfully completed all ~~three~~ parts of the examination sequence of the National Board of Osteopathic Medical Examiners or the National Board of Medical Examiners and, who presents the required documentation of having met all of the scholastic and other requirements of the Board, may, at the discretion of the Board, be licensed without further examination.

(c) **Board discretion.** The Board may refuse to grant a license by reciprocity or endorsement to any applicant who has failed any examination administered by or accepted by the Oklahoma State Board of Osteopathic Examiners.

#### **~~510:10-3-6. Display of license~~**

~~— All persons licensed under the Osteopathic Medicine Act, who are practicing osteopathic medicine in the State of Oklahoma, shall prominently display their current annual certificate of licensure in the primary place of practice. Anyone regularly practicing at more than one location may receive a duplicate renewal certificate upon request.~~

#### **510:10-3-7. Duplicate license**

~~Upon the presentation of an affidavit and satisfactory proof that a licensee's original license has been lost, stolen or destroyed, the Board may issue a duplicate license. Such duplicate license shall carry the notation that it is a duplicate to replace the original. A fee of fifty (\$50.00) dollars will be charged. A physician may request another wall certificate if the physician pays the applicable fee pursuant to the Fee Schedule 510:10-7-1.~~

#### **510:10-3-8. Annual registration**

A licensee shall renew his or her license every year, by submitting a renewal application, which is available on the Board's website, and paying a non-refundable renewal fee in an amount established by the Board in its Fee Schedule pursuant to 510:10-7-1. A physician who fails to acquire and submit a renewal application may not practice using an expired license. The renewal application together with all documents submitted with the application is the property of the Board and shall not be returned.

(a) **Continuing education required.** Annual license renewal requires proof of having attended and received credit for sixteen (16) American Osteopathic Association (AOA) category 1 Category One hours of Continuing Medical Education (CME) ~~credit~~. Osteopathic physicians who are obtaining or maintaining board certification through the American Medical Association (AMA) may complete sixteen (16) Category One AMA credit hours for purposes of satisfying their CME credits for renewal.

One (1) hour every ~~other~~ year of the required sixteen (16) hours shall be devoted to the subject of the ~~proper prescribing, dispensing, and administering of~~ Controlled Dangerous

Substances (CDS) as defined in Title 21, Code of Federal Regulations, Part 1308 or Title 63 of the Oklahoma Statutes.

(1) ~~This~~The one (1) hour ~~program~~ of CME shall be dedicated to pain management, opioid use, or addiction. The course shall be obtained at a seminar approved by the State Board of Osteopathic Examiners.

(2) Certification of attendance shall be provided by the organization sponsoring the program ~~via sign in.~~

(3) Those osteopathic physicians who are licensed in Oklahoma, ~~but not practicing in this state, or physicians who do not possess the State Bureau of Narcotics and Drug Enforcement Administration authority to handle CDS~~ are exempt from this requirement.

(b) **Fee required.** ~~Those licensed osteopathic physicians who reside or practice in the State of Oklahoma must pay an annual renewal fee. Those licensed osteopathic physicians who reside and practice outside the state must pay an annual renewal fee. Said fees are set forth in the herein contained fee schedule and may contain a convenience fee. A late penalty may also be charged for those who are not renewed by the first day of July of each year. All osteopathic physicians licensed to practice by the Board shall pay an annual renewal fee on or before July 1. In addition to the annual renewal fee, the Board may charge a convenience fee. A late fee shall be charged for any license not renewed by July 1. Any license reinstated by Board staff within six (6) months of cancellation for failure to renew timely shall pay all renewal fees and an administrative fine of five hundred (500) dollars. The Boards fees are provided in the Fee Schedule in 510:10-7-1.~~

(c) **Professional Standards Questionnaire.** Annual license renewal requires the physician to truthfully answer questions posed by the Board regarding relevant personal and professional history of the applicant since their last renewal. If any question is answered "yes", then the applicant shall provide supporting documentation and a personal statement to the Board regarding the question answered.

#### **510:10-3-10. Change of name and address**

All osteopathic physicians licensed in this state shall notify the Board within ~~fourteen (14)~~ thirty (30) days of any change in either their practice address, home address, ~~and/or electronic mail or email~~ address. The Board shall also be notified of changes in practice and personal cell phone numbers. Each licensee whose first or last name has been changed shall report this to the Board. The physician will need to request a name change online and upload certified documentation for proof of change to be reviewed by the Board. The Board must approve all name changes before the name is changed in the physician's profile or on their license.

#### **510:10-3-11. Resident Training License**



The Osteopathic Medicine Act authorizes the Board to issue a Resident Training license for medical school graduates during their first year of postgraduate training, also known as PGY-1. The Board may issue a Resident Training license upon completion of an application, payment of any fees, and submission of documentation from the applicants Oklahoma training program recommending the physician and stating the applicant meets all the requirements for such license. Any person holding a Resident Training license is not guaranteed subsequent full licensure in Oklahoma as an osteopathic physician.

(1) A Resident Training license shall be:

(A) Issued by the State Board of Osteopathic Examiners to eligible physicians;

(B) Issued for no longer than one (1) year;

(C) Issued without continuing medical education (CME) requirements unless the physician holds a registration to prescribe controlled drugs in Oklahoma;

(D) Nonrenewable unless approved by the State Board of Osteopathic Examiners and upon payment of the fee.

(2) If the physician's resident training program specifically approves the resident to have prescribing authority, the resident training license shall permit the physician to apply for prescribing privileges from state or federal authorities.

(3) The Resident Training license shall not permit:

(A) The physician to apply for prescribing privileges for controlled drugs unless authorized by the resident's training program;

(B) The physician to recommend medical marijuana;

(C) The physician to supervise any mid-level practitioner;

(D) The physician to practice medicine outside the scope allowed by the training program; or

(E) The physician to practice independent of the training program.

### **510: 10-3-12. Temporary Resident License**

The Osteopathic Medicine Act authorizes the Board to issue a temporary license for certain classes of Resident physicians. The Board may issue a temporary license upon completion of an application, payment of any fees, and submission of documentation from the applicants primary training program recommending the physician and stating the applicant meets all the requirements for such license. Any person holding a temporary resident license is not guaranteed subsequent full licensure in Oklahoma as an osteopathic physician.

(1) A temporary resident license shall be:

(A) Issued by the State Board of Osteopathic Examiners to eligible physicians;

(B) Issued to an out-of-state resident to perform rotations in Oklahoma;

(C) Issued for no longer than six (6) months;

(D) Issued without continuing medical education (CME) requirements; and

(E) Renewable only once upon payment of the fee.

(2) The temporary resident license shall not permit:

(A) The physician to apply for prescribing privileges for controlled drugs;

(B) The physician to recommend medical marijuana;

(C) The physician to supervise any mid-level practitioner;

(D) The physician to practice outside the scope of the Oklahoma training program;

or

(E) The physician to practice independent of the training program.

### **510:10-3-13. Volunteer Medical License**

The Osteopathic Medicine Act authorizes the Board to issue a volunteer medical license for physicians who are retired from active practice and wish to donate their expertise for the medical care and treatment of indigent and needy persons of the State. The Board may issue a volunteer medical license:

(1) Upon completion of a special volunteer medical license application, including documentation of the physician's osteopathic school graduation and practice history;

(2) Upon receipt of documentation that the physician has been previously issued a full and unrestricted license to practice medicine in Oklahoma or in another state of the United States and that they have never been the subject of any medical disciplinary action in any jurisdiction;

(3) Upon acknowledgement and documentation that the physician's practice under the volunteer medical license will be exclusively and totally devoted to providing medical care to needy and indigent persons in Oklahoma or to providing care under the Oklahoma Medical Reserve Corps; and

(4) Upon acknowledgement and documentation that the physician will not receive or have the expectation to receive any payment or compensation, either direct or indirect, for any medical services rendered under the volunteer medical license.

(5) A volunteer medical license shall be:

(A) Issued by the State Board of Osteopathic Examiners to eligible physicians;

(B) Issued without any fees;

- \_\_\_\_\_ (C) Issued without continuing medical education (CME) requirements;
  - \_\_\_\_\_ (D) Issued for no longer than one (1) year;
  - \_\_\_\_\_ (E) Renewable annually upon completion of renewal application furnished by Board.
- (2) The volunteer medical license shall not permit:
- \_\_\_\_\_ (A) The physician to apply for prescribing privileges for controlled drugs;
  - \_\_\_\_\_ (B) The physician to recommend medical marijuana;
  - \_\_\_\_\_ (C) The physician to supervise any mid-level practitioner;
  - \_\_\_\_\_ (D) The physician to receive compensation for medical care and treatment provided.

## **Subchapter 4 - Osteopathic Supervision of Mid-Level practitioners**

### **510:10-4-1. Purpose**

The purpose of this Subchapter is to set forth the requirements for osteopathic physicians to supervise any mid-level medical practitioner ~~with prescriptive authority.~~

### **510:10-4-2. Definitions**

The following words and terms used in this Subchapter, shall have the following meaning unless the context clearly indicates otherwise:

**"Board"** means the State Board of Osteopathic Examiners.

**"Mid-level practitioners"** include physician assistants and advanced practice nurses.

**"Proper physician supervision"** means the supervising physician ~~should~~ regularly and routinely reviews the prescriptive practices and patterns of the ~~advanced practice nurse with prescriptive authority.~~ mid-level practitioners. Proper physician supervision of the ~~advanced practice nurse with prescriptive authority~~ mid-level practitioners is essential.

**"Supervision"** ~~implies that there is appropriate referral and consultation between the mid-level practitioner and the supervising physician.~~

### **510:10-4-3. Eligibility, Limits, and Responsibilities ~~Responsibility~~ of supervising osteopathic physician**

(a) To be eligible to serve as a supervising physician for ~~advanced practice nurse with prescriptive authority~~ mid-level practitioners, an osteopathic physician shall meet the following criteria:

- (1) Have possession of a full and unrestricted Oklahoma license to practice osteopathic medicine; with Drug Enforcement Agency (DEA) and Oklahoma Bureau of Narcotics and Dangerous Drugs Control (OBNDD) permits.

(2) The supervising physician shall be trained and fully qualified in the field of the mid-level practitioners specialty.

~~(3)(b)~~ No physician shall supervise more than ~~four (4)~~ full time equivalent mid-level practitioners regarding their prescriptive authority at any one time. For purposes of this section each "full time equivalent" mid-level practitioner position equals forty (40) hours per week collectively worked by the part time mid-level practitioner being supervised by the physician. six (6) mid-level practitioners.

~~(4)~~ Notwithstanding the provisions for the supervision of ~~four (4)~~ full time equivalent mid-level practitioners above, no physician shall supervise more than a total of ~~four (4)~~ mid-level practitioners.

~~(5)(c)~~ The Board may make an exception to any limit set herein upon written request by of the physician.

(d) Subject to approval, disapproval, or modification by the Board, the Executive Director of the Board may temporarily approve a written request to supervise seven (7) or more mid-level practitioners between regularly scheduled meeting of the Board. Under no circumstance shall the Executive Director approve more than ten (10) mid-level practitioners without expressed approval of the Board.

(e) All supervising osteopathic physicians shall have a written agreement with each mid-level practitioner they supervise to memorialize the extent of the authority of the mid-level practitioner to practice under the supervision of the physician. The written agreement shall comply with Oklahoma law.

## **Subchapter 7 - Fee Schedule**

### **510:10-7-1. ~~Fees for licensure~~ Fee Schedule**

(a) ~~The following fees shall apply for licensure as an osteopathic physician and surgeon:~~ The fees charged by the Board are as follows:

(1) Physician and Surgeon License Application Fee \$ ~~575.00~~ 600.00

(2) Physician and Surgeon Renewal Fee for full license (~~Physician/Surgeon~~) \$ 250.00

~~(A) In State Renewal \$ 225.00~~

~~(B) Out of State Renewal \$ 150.00~~

~~(C) Residents and Fully Retired Physicians \$ 200.00~~

~~(3) Certificate of Grades (Form Letter) \$ 50.00~~

(3) Reinstatement fee after cancellation by Board \$ 500.00

(4) Duplicate License (Physician/Surgeon) \$ 50.00

- (5) Late Re-registration Fee \$150.00
  - (6) ~~Copies of Records (per page) \$ .25 plus \$ 10.00 research fee~~ Copy of Licensure File \$50.00
  - (7) Copy of Disciplinary File \$25.00
  - ~~(8) Supplemental Report & Research \$ 20.00/ hr~~
  - ~~(7)(8) Verification of Licensure \$ 30.00~~
  - (9) Registration to Dispense Dangerous Drugs \$ 50.00 per location
  - (10) Licensure Data Base \$ 50.00
    - ~~(A) Fee for list \$ 50.00~~
    - ~~(B) Fee for disk \$ 50.00~~
  - (11) Fee for Certification of Files \$ 5.00
  - (12) Returned Check Fee \$ 25.00
  - (13) Letter of Good Standing for incorporations ~~\$ 5.00~~ \$ 30.00
  - (14) Specialty Licenses
    - (A) Temporary Resident License (6-month license) \$100
    - (B) Resident Training License (PGY1 resident only) \$120
    - ~~(C) Telemedicine License \$500~~
    - ~~(D) Spouse of Active Duty Military \$250~~
- (b) **Note:** Licensure fees may include a convenience fee.



February 23, 2022

Michael Leake, JD  
Executive Director  
Oklahoma State Board of Osteopathic Examiners  
4848 N. Lincoln Blvd., Suite 100  
Oklahoma City, OK 73105

**RE: Proposed Amendments to Title 510, Chapter 5 of the Oklahoma Administrative Code**

Dear Mr. Leake:

**The American Osteopathic Association (AOA) and the Oklahoma Osteopathic Association (OOA) are writing in response to the Oklahoma Board of Osteopathic Examiners' (Board) proposed changes to Title 510, Chapter 5 of the Oklahoma Administrative Code, to request additional, technical amendments to AOA board certification language.**

The AOA proudly represents its professional family of more than 168,000 osteopathic physicians (DOs) and medical students (OMSs) nationwide. The AOA promotes public health, encourages scientific research, serves as the primary certifying body for DOs and is the accrediting agency for osteopathic medical schools, including the Oklahoma State University College of Osteopathic Medicine with campuses in Tulsa and Tahlequah, Oklahoma. The OOA is a professional medical organization representing over 2,500 DOs and OMSs in Oklahoma.

**Our organizations would like to take this opportunity to request the following technical amendments to Title 510, Chapter 5, Subchapter 13, which will correct inaccurate terminology relating to osteopathic certifying board entities:**

**510:5-13-1. Purpose**

...(1) The certifying organization is a **CERTIFYING BOARD OF THE AMERICAN OSTEOPATHIC ASSOCIATION OR A** member of the Bureau of Osteopathic Specialists or the American Board of Medical Specialties, or the American Association of Physician Specialists.

(2) The certifying organization requires that its applicants be certified by a separate certifying organization that is a **CERTIFYING BOARD OF THE AMERICAN OSTEOPATHIC ASSOCIATION OR A** member of the Bureau of Osteopathic Specialists or the American Board of Medical Specialties or American Association of

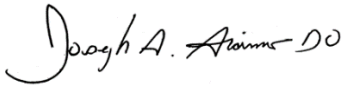
Physician Specialists and the certifying organization meets the criteria set forth in Section B, below.

**510:5-13-2. Requirements of certifying organizations**

Each certifying organization that is not a **CERTIFYING BOARD OF THE AMERICAN OSTEOPATHIC ASSOCIATION OR A** member board of the ~~Bureau of Osteopathic Specialists or the American Board of Medical Specialties or American Association of Physician Specialists~~ must meet each of the requirements set forth in paragraph 1 through 5 of this section...

**The AOA and the OOA appreciate your consideration of our request for amendments.** Should you need any additional information, please feel free to contact Raine Richards, JD, Senior Director, State Government Affairs at [rrichards@osteopathic.org](mailto:rrichards@osteopathic.org) or (312) 202-8199.

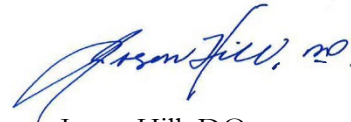
Sincerely,



Joseph A. Giaimo, DO, MACOI  
President, AOA



Kevin Klauer, DO, EJD  
CEO, AOA



Jason Hill, DO  
President, OOA

CC: Ernest R. Gelb, DO, President-elect, AOA  
Richard R. Thacker, DO, Chair, Department of Governmental Affairs, AOA  
Joel A. Kase, DO, Chair, Council on State Health Affairs, AOA  
David Pugach, JD, Senior Vice President, Department of Public Policy, AOA  
Raine Richards, JD, Senior Director, State Government Affairs, AOA  
Allison LeBoeuf, Executive Director, OOA

**From:** [Allison LeBoeuf](#)  
**To:** [Kelsey Devinney](#); [Michael Leake](#)  
**Cc:** [Leroy Young](#)  
**Subject:** [EXTERNAL] Comment on Rules, emeritus license  
**Date:** Thursday, March 17, 2022 2:20:57 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[Physician Emeritus License - OOA Comment.docx](#)

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Good afternoon,

The OOA would like to submit the following comment for the OSBOE rules.

Thank you,

Allison

**Allison C. LeBoeuf, JD**

*CEO/Executive Director*

Oklahoma Osteopathic Association

4848 North Lincoln Boulevard

Oklahoma City, OK 73105-3335

P: 405.528.4848, F: 405.528.6102

[allison@okosteo.org](mailto:allison@okosteo.org)

**The OOA is the Osteopathic voice for all Oklahoma physicians, no matter what your specialty, no matter where you work or who you work for.**





### **510:10-3-14. Physician Emeritus License**

Holders of full and unrestricted licenses in Oklahoma for as least ten (10) years may choose at any time to apply for a Physician Emeritus license by notifying the office of the Board. The Physician Emeritus license is for fully retired physicians. The Physician Emeritus license shall be issued with no Continuing Medical Education (CME) requirements. A fee may be charged for this license.

(1) Physicians holding an Emeritus license may continue to use the title or append to their name the letters, D.O., Doctor, Specialist, Physician or any other title, letters or designation which represents that such person is a physician. Service on boards, committees or other such groups which require that a member be a physician shall be allowed.

(2) Physicians holding an Emeritus license shall not practice medicine in any form or prescribe, dispense, or administer drugs.

(3) When a physician has retired from practice and subsequently chooses to return to active practice from Physician Emeritus status, the physician may, be required, at the Boards discretion, to,:

\_\_\_\_\_ (A) Pay required reinstatement fees;

\_\_\_\_\_ (B) Complete required forms;

\_\_\_\_\_ (C) Make a personal appearance before the Board or Secretary of the Board;

\_\_\_\_\_ (D) Submit to a physical examination, psychological and/or psychiatric examination; and

\_\_\_\_\_ (D) Provide evidence of successful completion of continuing medical education.

(4) Upon acknowledgement and documentation that the physician will not receive or have the expectation to receive any payment or compensation, either direct or indirect, for any medical services rendered under the Physician Emeritus license.

Sherri Wise, President/CEO of the Osteopathic Founders Foundation, provided comment at the March 18, 2022 Public Comment Hearing asking that 510:10-3-4(a)(2) be updated to read the following:

(2) Provide evidence of graduation from a Commission on Osteopathic College Accreditation (COCA) accredited medical school;

#### **510:10-3-4. Licensure by endorsement**

(a) **Reciprocity.** An applicant for licensure by reciprocity, ~~who has been successfully examined by the licensing board of any other state, territory of the United States or the District of Columbia, using an examination sufficient to test the applicant in osteopathic medicine and surgery, and having received scores not less than those required by the Oklahoma State Board of Osteopathic Examiners, and who is licensed in that state, territory of the United States or district of Columbia, and, in addition, presents the required documentation that the applicant has fulfilled all scholastic and other requirements of the Board,~~ may, at the discretion of the Board, be licensed without further examination. Such applicants may be required to appear before the Board. An applicant for a license to practice osteopathic medicine and surgery by reciprocal endorsement shall:

(1) Complete and submit the uniform application together with all applicable fees and required documentation;

(2) Provide evidence of graduation from an AOA accredited medical school;

(3) Provide license verification from each state in which the applicant is currently or was previously licensed.

DECLARATORY  
RULING-  
CHIROPRACTIC  
INJECTABLES

**From:** [Michael Leake](#)  
**To:** [Diana Beck](#)  
**Cc:** [Kelsey Devinney](#)  
**Subject:** FW: RE: Chiropractic Injectable Certification  
**Date:** Monday, March 14, 2022 10:48:54 AM  
**Attachments:** [image001.png](#)  
[AGO 2002-22.pdf](#)  
[Declaratory Ruling PRP.pdf](#)  
[image002.png](#)  
[59 OS 161.12 - Grounds for Imposing Penalties.pdf](#)  
[59 OS 637 - Refusal, Suspension, or Revocation of License - Witnesses and Evidence.pdf](#)  
**Importance:** High

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Dear Mr. Gamino:

Please see the below email from Beth Kidd, Executive Director of the Oklahoma Board of Chiropractic Examiners. Ms. Kidd is requesting a declaratory ruling and order on whether a DO can delegate to a chiropractor the ability to inject prescription medicine into a patient. I expect this declaratory ruling to be discussed at our March 24 Board Meeting. Can we huddle before the meeting to discuss the process/procedure—since this will be the first declaratory ruling we have had since I joined the Board?

My preliminary review of this matter reveals the following:

- Chiropractors cannot order prescription medication.
- Chiropractors are limited under state law (59 OS § 161.12(B)(7)) to administering (by needle) vitamins, minerals, and nutritional supplements.
- Chiropractors are expressly prohibited under state law (59 OS § 161.12(B)(7)) from possessing, prescribing, or administering any drug, medicine, serum, or vaccine.
- A chiropractor who injects vitamins, minerals, and nutritional supplements must have an approved certification from the Board of Chiropractic Examiners.

Concerning whether a DO can delegate the ability to inject prescription medication to a chiropractor, it is my opinion that the answer is “no.” Further, any DO who orders the prescription medication and allows a chiropractor to inject it—which is a clear violation by the chiropractor given their licensing board outlaws it—would be doing so in violation of the Osteopathic Medicine Act. According to Osteopathic Medicine Act, **“delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience or licensure to perform them**, noting that delegation may only occur within an appropriate doctor-patient relationship, wherein a proper patient record is maintained including, but not limited to, at the minimum, a current history and physical . . .” is a violation. 59 O.S. § 637 (A)(2)(d) (emphasis added).

If possible, I would like to get a written opinion on what a DO can delegate to a chiropractor. Since the beginning of the new year, we have seen two complaints where delegation by a DO to a chiropractor has become an issue. I am happy to arrange a time to discuss this matter further. I appreciate any guidance you can

provide.

Very truly yours,

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

Executive Director  
State Board of Osteopathic Examiners  
4848 N. Lincoln Blvd., Suite 100  
Oklahoma City, OK 73105  
405/528-8625  
405/557-0653 (Facsimile)  
[www.osboe.ok.gov](http://www.osboe.ok.gov)



**OKLAHOMA**  
State Board of  
Osteopathic Examiners

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**From:** Beth Kidd <Beth.Kidd@chiro.ok.gov>  
**Sent:** Monday, March 14, 2022 9:51 AM  
**To:** Michael Leake <MLEake@osboe.ok.gov>  
**Subject:** RE: Chiropractic Injectable Certification

Dear Michael,

I have spoken with our Prosecuting Attorney with the AG's office and below is the question we will propose during your board meeting on the 24<sup>th</sup>. I have also provided you a copy of AGO 2002-22 and a copy of the Declaratory Ruling on PRP from 2019. We are waiting on another Declaratory Ruling that is for PIT/AAPT which is just another name for PRP that is a little different, but it is still under review by the Attorney General. OAC 140:15-5-1 Through OAC 140:15-5-4 lays out the requirements for injectable certification in addition to Title 59 O.S. 161.12(B)(7)

Can a Doctor of Osteopathic who orders a prescription drug to be administered by injection under the current statutes and rules delegate the administration of the prescription drug by injectable to a licensed chiropractor, if the chiropractor has the injectable certification issued by the Board of Chiropractic Examiners?

The Oklahoma Chiropractic Practice Act under Title O.S. 161.12(B)(7) only permits those chiropractors who have the certification to be able to administer vitamins, minerals and nutritional supplements, and it prohibits possessing, prescribing or administering any drug, medicine, serum or vaccine.

SUBCHAPTER 5. AUTHORIZATION FOR INJECTABLES

140:15-5-1. Authorization from the Board

No chiropractic physician shall administer or cause to be used any injectable vitamins, minerals or nutritional supplements unless said chiropractic physician is authorized by the Board pronouncing that said chiropractic physician is proficient in the administration and use of such injectables. The Board shall establish an examination to be used by the Board to determine the proficiency of any chiropractic physician who seeks authorization from the Board. However any authorization issued before January 1, 1994, shall not require examination. The Board shall maintain a registry listing all chiropractic physicians who are authorized by the Board.

#### **140:15-5-2. Application for authorization; educational requirements**

Any chiropractic physician who desires to administer vitamins, minerals or nutritional supplements by means of injectable procedures shall make application, on a form prescribed by the Board, for authorization for such purpose. Each such chiropractic physician shall submit to the Board documentary evidence of satisfactory completion of at least twenty-four (24) hours of education and training in administration and use of such injectables. Such education and training shall be obtained at an educational program which has been approved by the Board and meets the following criteria: the program.

- (1) is conducted under the auspices of and taught by the post graduate faculty of a chiropractic institution.
- (2) consist of a minimum of twenty-four (24) hours;
- (3) requires completion of a certification examination given by a board independent of the entity which taught the course; and
- (4) meets such other criteria as the Board deems appropriate.

#### **140:15-5-3. Education and training**

Approval of education and training in administration of vitamins, minerals, nutritional supplements by means of injectable procedures offered to satisfy the provisions of 140:15-5-1 and 140:15-5-2 is vested solely in the Board. No educational program shall be offered, advertised or marketed for the purpose of certification prior to being approved by the Board. At least ninety (90) calendar days prior to offering any education and training program, the individual or group offering said program shall submit to the Board for approval;

- (1) An application to provide education and training in administration of vitamins, minerals or Nutritional supplements by means of injectable procedures;
- (2) The course outline and course description of such program; (3) The faculty name(s) and credentials
- (4) A complete set of course materials and examination; and
- (5) Fees and or costs to each participant

**140:15-5-4. Continuing education hours**

- (a) Effective July 1, 2014, each chiropractic physician in the State of Oklahoma who is authorized by the Board to administer and use injectable vitamins, minerals or nutritional supplements must re-register and submit a sworn statement of hours of continuing education completed during the concluding licensing period. Every three (3) years after original registration, each applicant shall submit documentation of completion of a total of six (6) hours of continuing education during the three (3) year period. The continuing education hours shall be related to the administering and use of injectable vitamins, minerals, and nutritional supplements. These hours are in addition to the annually required sixteen (16) hours of continuing education.
- (b) Upon successful demonstration of these requirements, the Board shall continue the applicant's name on the registry of chiropractic physicians who are authorized by the Board to administer and use injectable vitamins, minerals or nutritional supplements.

Beth Kidd  
Executive Director  
Oklahoma Board of Chiropractic Examiners  
(405) 522-3400 Office  
(866) 245-2748

[www.chiropracticboard.ok.gov](http://www.chiropracticboard.ok.gov)



IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.

Okl. A.G. Opin. No. 02-22 (Okl.A.G.), 2002 WL 1012618

Office of the Attorney General

State of Oklahoma  
Opinion No. 02-22  
May 13, 2002

\*1 Gary R. Clark  
Executive Director  
Board of Osteopathic Examiners  
4848 N. Lincoln Blvd., Suite 100  
Oklahoma City, Oklahoma 73105-3335

Dear Mr. Clark:

This office has received your request for an official Attorney General Opinion in which you ask, in effect, the following questions:

**1. Does the Oklahoma Chiropractic Practice Act, 59 O.S. 2001, §§ 161.1-161.20, or the Oklahoma State Board of Chiropractic Examiners' administrative rules, OAC 140:1-1-1 - 140:25-3-8, authorize a licensed chiropractor to administer injections such as flu shots, vitamins and other therapeutic agents?**

**2. Does the Oklahoma Chiropractic Practice Act or the Oklahoma State Board of Chiropractic Examiners' administrative rules authorize a licensed chiropractor to perform diagnostic procedures such as "PAP smears and other tests requiring tissue scrapings"?**

## INTRODUCTION

Your questions relate to the scope of practice for the healing art of chiropractic. As provided by the Oklahoma Chiropractic Practice Act ("Act") at 59 O.S.2001, § 161.2, chiropractic is:

A. [T]he science and art that teaches health in anatomic relation and disease or abnormality in anatomic disrelation, and includes hygienic, sanitary and therapeutic measures incident thereto in humans. The scope of practice of chiropractic shall include those diagnostic and treatment services and procedures which have been taught by an accredited chiropractic college and have been approved by the Board of Chiropractic Examiners.

*Id.*

Thus, the scope of practice for a chiropractor includes "those diagnostic and treatment services and procedures which have been taught by an accredited chiropractic college and have been approved by the Board of Chiropractic Examiners." *Id.*

In addition to this general language, the Legislature has specifically approved, and specifically prohibited, certain procedures. For instance, chiropractors are prohibited from performing surgery or "using electricity in any form for surgical purposes, including cauterization." *Id.* § 161.12(B)(5). Also, chiropractors shall not unlawfully possess, prescribe or administer "any drug, medicine, serum or vaccine." *Id.* § 161.12(B)(7). Chiropractors *may*, however, possess, prescribe or administer, "**by a needle or otherwise, vitamins, minerals or nutritional supplements.**" *Id.* (emphasis added). Since the Legislature has specifically authorized chiropractors to administer certain injections, we turn to your first question to determine whether chiropractors may inject "flu shots, vitamins and other therapeutic agents."

## I.

### INJECTIONS



\*2 The Act specifically allows chiropractors to inject, by a needle, vitamins, minerals or nutritional supplements. 59 O.S. 2001, § 161.12(B)(7). Before a chiropractor is authorized to inject such substances, however, the Board of Chiropractic Examiners' ("Board") administrative rules require certification.

No chiropractic physician shall administer or cause to be used any injectable vitamins, minerals or nutritional supplements unless said chiropractic physician holds a certificate issued by the Board pronouncing that said chiropractic physician is proficient in the administration and use of such injectables. The Board shall establish an examination to be used by the Board to determine the proficiency [sic] any a chiropractic physician who seeks certification from the Board. Provided that any certificate issued before January 1, 1994, shall not require examination.

OAC 140:15-5-1 (1994).

Any chiropractic physician who desires to administer vitamins, minerals or nutritional supplements by means of injectable procedures shall make application, on a form prescribed by the Board, for a certificate for such purpose. Each such chiropractic physician shall submit to the Board documentary evidence of satisfactory completion of at least twelve (12) hours of education and training in the administration and use of such injectables. Such education and training shall be obtained at an educational program which has been approved by the Board.

OAC 140:15-5-2 (1994).

You first ask whether a chiropractor may inject flu shots, vitamins and other therapeutic agents. The plain language of 59 O.S. 2001, § 161.12(B)(7) authorizes a chiropractor to inject vitamins. This same section of law prohibits a chiropractor from administering a "vaccine." "Vaccine" is not a statutorily defined term. Words in a statute must be understood in their ordinary meaning, except when a contrary intention plainly appears or when otherwise defined by the Legislature. 25 O.S.2001, § 1. The ordinary definition of "vaccine" is:

[A] preparation of killed microorganisms, living attenuated organisms, or living fully virulent organisms that is administered to produce or artificially increase immunity to a particular disease.

WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY 2527 (3d ed. 1993).

Assuming, therefore, that a "flu shot" is a vaccine administered to increase a person's immunity to influenza, it is a prohibited procedure under the Act.

The third substance you ask about with regard to injections is whether a chiropractor may inject a "therapeutic agent." Only vitamins, minerals or nutritional supplements are permitted to be injected. No "other therapeutic agents" are permitted to be injected. 59 O.S. 2001, § 161.12(B)(7).

\*3 A properly licensed and certified chiropractor may administer "vitamins, minerals or nutritional supplements" but not a "drug, medicine, serum or vaccine." *Id.*; OAC 140:15-5-1 - 2. Thus, in answer to your first question, licensed chiropractors, if certified by the Board, may administer injections for vitamins but may not inject vaccines, including influenza vaccines.

## II.

### DIAGNOSTIC PROCEDURES

You next ask whether the Oklahoma Chiropractic Practice Act or the Oklahoma State Board of Chiropractic Examiners' administrative rules authorize a licensed chiropractor to perform diagnostic procedures such as "PAP smears and other tests requiring tissue scrapings."

As initially pointed out above, the scope of chiropractic practice includes "diagnostic and treatment services and procedures

which have been taught by an accredited chiropractic college and have been approved by the Board of Chiropractic Examiners.” 59 O.S.2001, § 161.2(A).

In 1992 an Attorney General Opinion addressed in detail the scope of chiropractic practice as follows: Chiropractic physicians are authorized to practice in all traditional areas of chiropractic, and the Board of Chiropractic Examiners may create areas of specialization related to this health field. 59 O.S. 1991, § 161.6. Chiropractic physicians, however, cannot be authorized to practice in areas not related to chiropractic merely because the Board approves classes taught at an approved chiropractic college. The second sentence of § 161.2 must be read in conjunction with the first sentence so as to limit the area of practice to those diagnostic and treatment services and procedures of a chiropractic nature. While this would serve to allow specialization, a chiropractic physician would not, for example, be authorized to dispense dangerous drugs as this is outside the scope of the traditional practice of chiropractic.

Nor would this allow the Board to create areas of specialization outside of this traditional scope.

A.G. Opin. 92-13, 29 (footnote omitted).

For instance, even if an “accredited chiropractic college” has taught a class in any particular procedure, the Board may not “approve” the procedure as being within the scope of chiropractic practice unless the procedure is related to the “science and art that teaches health in anatomic relation and disease or abnormality in anatomic disrelation.” 59 O.S.2001, § 161.2(A).

Additionally, the Board has not promulgated administrative rules setting forth any chiropractic diagnostic procedure.<sup>1</sup> A “rule” is defined as an “agency statement ... of general applicability and future effect that implements, interprets or prescribes law or policy.” 75 O.S.2001, § 250.3(15).

\*4 The Legislature has given the Board broad authority to approve diagnostic and treatment services which relate to anatomic relation but the Board has yet to promulgate a rule which describes such services.

No agency rule is valid or effective against any person or party, or may be invoked by the agency for any purpose, until it has been promulgated as required in the Administrative Procedures Act.

*Id.* § 308.2(A).

Administrative rules are authorized because they are a means to help accomplish a legislative purpose expressed in a statute. *In re State Bd. of Med. Exam’rs*, 206 P.2d 211, 215 (Okla. 1949). “Attention must be directed, not to the mode by which a “rule” is created, but rather to its impact or effect.” *Grand River Dam Auth. v. State*, 645 P.2d 1011, 1016 (Okla. 1982). Consequently, only through the administrative rulemaking process may the Board implement and interpret those diagnostic services which are chiropractic in nature.

In addition to the Board approval of diagnostic services, 59 O.S.2001, § 161.2(A) requires that such procedures must have been taught by an accredited chiropractic college. Therefore, at the time the Board is considering the adoption of a rule which approves chiropractic diagnostic and treatment services, it should make a finding that the particular procedure has been taught by an accredited chiropractic college.

Your specific question asks whether the performance of diagnostic procedures such as PAP smears and tissue scrapings are authorized. At this time, such procedures are not authorized due to the absence of administrative rules approving the procedures. See OAC 140:1-1-1 - 140:25-3-8. Whether the performance of diagnostic procedures such as PAP smears and tissue scrapings relate to the “science and art that teaches health in anatomic relation” and have been taught by an accredited chiropractic college (59 O.S. 2001, § 161.2(A)) is a fact question outside the scope of an Attorney General Opinion. 74 O.S.2001, § 18b(A)(5).

**It is, therefore, the official Opinion of the Attorney General that:**

**1. Licensed chiropractors, if certified by the Board of Chiropractic Examiners (“Board”), may administer injections**

for vitamins, minerals or nutritional supplements, but may not inject drugs, medicines, serums or vaccines. Consequently, chiropractors may not inject influenza vaccines. 59 O.S.2001, § 161.12(B)(7); OAC 140:15-5-1 - 2.

\*5 2. The scope of practice for a chiropractor includes the “science and art that teaches health in anatomic relation and disease or abnormality in anatomic disrelation” which includes “those diagnostic and treatment services and procedures which have been taught by an accredited chiropractic college and have been approved by the Board of Chiropractic Examiners.” 59 O.S.2001, § 161.2(A).

3. The Board has the statutory authority to approve diagnostic and treatment services performed by chiropractors. 59 O.S.2001, § 161.2(A). The Board has yet to promulgate an administrative rule which provides for approved diagnostic and treatment services. No agency rule is valid or effective against any person or party, or may be invoked by the agency for any purpose, until it has been promulgated as required in the Administrative Procedures Act. 75 O.S.2001, § 308.2(A). Thus, the performance of diagnostic procedures such as PAP smears and tissue scrapings are not currently authorized by the Oklahoma Chiropractic Practice Act or the Oklahoma State Board of Chiropractic Examiners’ administrative rules.

4. Whether the performance of diagnostic procedures such as PAP smears and tissue scrapings relate to the “science and art that teaches health in anatomic relation” and have been taught by an accredited chiropractic college is a fact question outside the scope of an Attorney General Opinion. 74 O.S.2001, § 18b(A)(5).

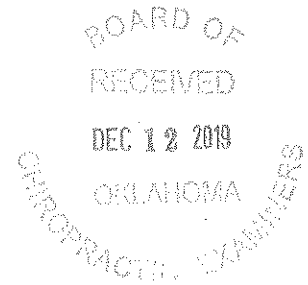
W.A. Drew Edmondson  
Attorney General of Oklahoma  
Gretchen Zumwalt - Smith  
Assistant Attorney General

#### Footnotes

<sup>1</sup> The Board has the authority to promulgate rules pursuant to the Oklahoma Administrative Procedures Act. 59 O.S.2001, § 161.6(A).



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA



ATTORNEY GENERAL OPINION  
2019-264A

Beth Kidd, Executive Director  
Board of Chiropractic Examiners  
421 N.W. 13<sup>th</sup> Street, Suite 180  
Oklahoma City, OK 73103

December 10, 2019

Dear Executive Director Kidd:

This office has received your request for a written Attorney General Opinion regarding agency action that the Board of Chiropractic Examiners intends to take with respect to Declaratory Ruling 2019-01. A group of licensees has requested the Board to issue a ruling, pursuant to 75 O.S.2011, § 307 and OAC 140:1-7-2, as to whether performing Platelet Rich Plasma Therapy (“PRP Therapy”) falls within the scope of chiropractic practice. The Petitioners described PRP Therapy as taking blood from a patient, processing it in a machine to separate out the platelets and plasma, and then injecting the platelets into the patient’s joints. The Board proposes issue a Declaratory Ruling, which concludes that PRP Therapy does not fall within the scope of chiropractic practice.

The Board has authority to “regulate the practice of chiropractic in this state in accordance with the provisions of the Oklahoma Chiropractic Practice Act.” 59 O.S.Supp.2019, § 161.4(A). The Act prohibits chiropractic physicians from “[u]nlawfully possessing, prescribing or administering any drug, medicine, serum or vaccine,” but it does not prevent “possessing, prescribing or administering, by a needle or otherwise, vitamins, minerals or nutritional supplements[.]” *Id.* § 161.12(B)(7). In addition, to be within the scope of chiropractic practice in Oklahoma, “diagnostic and treatment services and procedures” must “have been taught by an accredited chiropractic college and have been approved by the Board.” *Id.* § 161.2(A).

According to the Board, the petitioners did not provide any evidence to show that PRP Therapy is taught by an accredited chiropractic college. The Board also concluded that because blood products do not fall within the statutory allowance for the administration of “vitamins, minerals or nutritional supplements,” PRP Therapy falls outside the scope of chiropractic practice. The Board may reasonably believe that the Declaratory Ruling appropriately defines the scope of chiropractic practice and its issuance is necessary to prevent licensees from practicing outside that scope.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Board of Chiropractic Examiners has adequate support for the conclusion that this ruling advances the State of Oklahoma's policy to protect public health, safety and welfare by ensuring chiropractic physicians provide adequate care and meet minimum standards of professional conduct.



MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA



ETHAN SHANER  
DEPUTY GENERAL COUNSEL

BEFORE THE OKLAHOMA BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF: )  
 )  
REQUEST FOR DECLARATORY RULING ) Declaratory Ruling No. 2019-01  
SUBMITTED BY ALVIN PHIPOSE, D.C., *et al.* )

DECLARATORY RULING AND ORDER

The Oklahoma Board of Chiropractic Examiners (“Board”) met on July 25, 2019 at its regularly scheduled meeting and considered the Petition for Declaratory Ruling filed by seven chiropractic physicians. Petitioners ask whether Platelet Rich Plasma Therapy or Platelet-Injection Therapy (hereinafter “PRP Therapy”)<sup>1</sup> comes within the scope of practice as defined at OAC 140:1-1-2. In addition to the overarching question, Petitioners also seek a ruling on four related questions. After hearing presentations by Petitioners, their attorneys, and the Board’s legal counsel, the Board tabled the matter to its meeting of September, 26, 2019.

At its meeting of September 26, 2019, all members of the board were present. Those members who were not present on July 25<sup>th</sup> received and reviewed copies of the transcript prior to the meeting. Also present was legal counsel for Petitioners, one of the Petitioners, and the Board’s legal counsel. In addition to comments from the Petitioner, the Board also heard comments from chiropractic physicians in attendance who expressed an interest in the subject matter. After further discussion, and by unanimous vote, the Board,

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<sup>1</sup> In their Petition for Declaratory Ruling, Petitioners used the term “platelet rich plasma therapy” or “PRP Therapy.” However, in their presentation at the July 25<sup>th</sup> meeting, Petitioners referred to the therapy as “Platelet-injection therapy aka platelet rich plasma therapy.” Petitioners argued that the procedure involves taking blood from the patient, processing it in a machine to separate out the platelets and plasma, and then injecting the platelets into the patient’s joints. Because Petitioners employed the term “platelet rich plasma therapy” in the Petition, it shall be retained in this Order. However, the term “PRP Therapy” will be used as referring both to “Platelet Rich Plasma Therapy” as used in the Petition, and “Platelet-Injection Therapy” as used by Petitions at the Board’s meeting. Whether the term “Platelet Rich Plasma Therapy” or “Platelet-injection therapy” is employed, the reasoning behind the Board’s ruling still applies. As discussed further in this Order, neither platelets nor plasma are vitamins, minerals or nutritional supplements and are therefore not within the scope of practice as injectables. Moreover, neither Platelet Rich Plasma Therapy nor Platelet-injection Therapy have been taught in an accredited chiropractic college and are therefore outside the scope of practice.

pursuant to 75 O.S. § 307 and OAC 140:1-7-2, hereby makes the following rulings and order on the questions propounded in the Petition.

**First Question: Does PRP Therapy come within the scope of practice as defined at OAC 140:1-1-2?**

**Ruling: No. PRP Therapy does not come within the scope of practice as defined at OAC 140:1-1-2 because neither platelets nor plasma is a vitamin, mineral or nutritional supplement.**

Chiropractic physicians are only authorized to inject vitamins, minerals and nutritional supplements. Chiropractic physicians have authority to administer vitamins, minerals and nutritional supplements by injection pursuant to Title 59 O.S. § 161.12(B)(7) which states:

B. The following acts or occurrences by a chiropractic physician shall constitute grounds for which the penalties specified in subsection A of this section may be imposed by order of the Board:

\* \* \*

7. Unlawfully possessing, prescribing or administering any *drug*, medicine, *serum* or vaccine. *This section shall not prevent a chiropractic physician from possessing, prescribing or administering, by a needle or otherwise, vitamins, minerals or nutritional supplements, or from practicing within the scope of the science and art of chiropractic as defined in Section 161.2 of this title[.]*<sup>2</sup>

*Id.* (emphasis added).

In implementing Section 161.12(B)(7), the Board has promulgated specific rules for the certification of chiropractic physicians who desire to administer injectable therapeutic agents. Certification is provided for at OAC Title 140, Chapter 15, Subchapter 5, entitled “**Authorization for injectables.**”<sup>3</sup> Subchapter 5 limits injectable certification to *vitamins, minerals and nutritional supplements*. *Id.*<sup>4</sup> In order to be certified, a physician must apply to the Board and show satisfactory completion of twenty-four (24) hours of education and training in an educational program approved by the Board. See OAC 140:15-5-2. The Board has not approved any injectable educational program beyond vitamins, minerals and nutritional supplements. Subchapter 5 does not authorize physicians to inject any therapeutic agents except vitamins, minerals and nutritional supplements.

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<sup>2</sup> Section 161.2 of Title 59 defines chiropractic as follows:

A. Chiropractic is the science and art that teaches health *in anatomic relation* and disease or abnormality *in anatomic disrelation*, and includes hygienic, sanitary and therapeutic measures incident thereto in humans. The scope of practice of chiropractic shall include those diagnostic and treatment services and procedures *which have been taught by an accredited chiropractic college* and *have been approved by the Board of Chiropractic Examiners.*

*Id.* (Emphasis added).

<sup>3</sup> OAC 140:15-5-1 to 15-5-4.

<sup>4</sup> Also see OAC 140:15-1-1(1): “The purpose of this Chapter [Special Certifications and Miscellaneous Provisions] is to: (1) Establish a certification system and standards for the education and training of chiropractic physicians who desire to administer injectable vitamins, minerals or nutritional supplements; \* \* \*

The Board also addresses injectables in the definition of “scope of practice” at OAC 140:1-1-2. The general definition of “scope of practice” must be read consistently with the Board’s specific rules on injectable authorization in Chapter 15, Subchapter 5, which limits injectables to vitamins, minerals and nutritional supplements. However, even read on its own, the scope of practice as defined at 140:-1-12 limits therapeutic agents to “*injectable nutrients as authorized by Section 161.12* of the Oklahoma Statutes.” *Id.*; (emphasis added). The injectable nutrients specifically authorized in § 161.12(B)(7) are vitamins, minerals and nutritional supplements.

Finally, Attorney General Opinion 02-22, limits the therapeutic agents that a chiropractic physician may inject to vitamins, minerals and nutritional supplements. Attorney General Opinions have the force and effect of law and are binding on state agencies. *State, ex rel. York v. Turpen*, 1984 OK 26, ¶5, 681 P.2d 763. In Opinion 02-22, the question was posed as to whether chiropractic physicians are authorized “to administer injections such as flu shots, vitamins and other therapeutic agents.” *Id.* at ¶10. Citing 59 O.S. § 161.12(B)(7), the Opinion states that “[o]nly vitamins, minerals or nutritional supplements are permitted to be injected. No ‘other therapeutic agents’ are permitted to be injected.” *Id.* at ¶7.

As a result, the scope of chiropractic in Oklahoma regarding injectables is limited to vitamins, minerals and nutritional supplements.

Platelets, Plasma and Platelet Rich Plasma are not vitamins, minerals or nutritional supplements

Title 21 U.S.C. § 321(ff) of the Federal Food, Drug, and Cosmetic Act defines “dietary supplement” in pertinent part as follows:

(ff) The term “dietary supplement”--

(1) means a product (other than tobacco) *intended to supplement the diet* that bears or contains one or more of the following *dietary ingredients*:

(A) *a vitamin*;

(B) *a mineral*;

(C) an herb or other botanical;

(D) an amino acid;

(E) a dietary substance for use by man to supplement the diet by increasing the total dietary intake; or

(F) a concentrate, metabolite, constituent, extract, or combination of any ingredient described in clause (A), (B), (C), (D), or (E);

\* \* \*

*Id.* (emphasis added).<sup>5</sup>

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<sup>5</sup> The Oklahoma legislature has recognized the Federal Food, Drug, and Cosmetic Act and the implementing regulations of the Federal Food and Drug Administration (“FDA”) in several legislative enactments. Indeed, federal and state regulation of food and drugs is deeply intertwined. In particular, pursuant to 63 O.S. § 1-1117, rules, definitions and standards promulgated by the Oklahoma State Department of Health (OSDH) in its regulation of food must conform to FDA regulations. In its promulgated rule at 310:260-1-3(a), the OSDH has incorporated Parts 100 through 197 of Title 21 of the CFR. Title 21 CFR § 111.3, incorporated by OSDH, adopts the same definitions as found in 21 U.S.C. § 321, including the definition of “dietary supplement” as cited in the body of this Order above. As a result, OSDH has incorporated into Oklahoma law the definition of “dietary supplement” found at 21 U.S.C. § 321(ff).



A dietary supplement<sup>6</sup> is a product *intended to supplement one's diet* which bears or contains one or more of the above-listed ingredients including vitamins and minerals. Moreover, a dietary supplement is deemed a food (*id.* § 321(ff)) and is usually intended for ingestion in a tablet, capsule, powder, softgel, gelcap, or liquid form. *Id.* § 321(ff)(2)(A); § 350(c)(1)(B)(i). Dietary supplements are “not represented for use as a conventional food or as a sole item of a meal or the diet[.]” *Id.* § 321(ff)(2)(B) and (C).

The term “dietary supplement” also does not refer to articles that are licensed as *a biologic* under Section 262 of Title 42 of the U.S. Code. *Id.* § 321(ff)(3)(B)(i). Articles licensed as biological products under Section 262 include therapeutic serums, blood and blood components or derivatives. 42 U.S.C. § 262(i)(1). As a result, dietary supplements are distinguished from biologics including blood, blood components and derivatives.

Vitamins and minerals are listed as *dietary ingredients* at 21 U.S.C. § 321(ff) and as *ingredients of food* at 21 U.S.C. § 350. As dietary ingredients, vitamins and minerals are classified as food. However, when administered in injectable form, vitamins and minerals are classified as prescription drugs.<sup>7</sup>

Platelets, plasma and platelet rich plasma are each a *biologic* and not a vitamin mineral or dietary supplement. Blood, plasma and serum, and *any product derived* from blood, plasma, or serum, are categorized as biologics. (See 21 C.F.R. § 607.3(b) and, generally, 21 C.F.R., Chapter I, Subpart F (Parts 600 - 680) – Biologics).<sup>8</sup>

Title 21 C.F.R. § 600.3(h) defines “biological product” in pertinent part as follows:

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<sup>6</sup> Oklahoma statutes use “dietary supplement” and “nutritional supplement” interchangeably. See 68 O.S. § 1357(37) exempting from sales tax vitamins, minerals and *dietary* supplements sold by a chiropractic physician to a patient. *Id.* (emphasis added).

<sup>7</sup> The term “drug” is defined at 21 U.S.C § 321(g)(1) and means, in pertinent part: “(A) articles recognized in the official United States Pharmacopœia, official Homœopathic Pharmacopœia of the United States, or official National Formulary, or any supplement to any of them; and (B) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (C) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (D) articles intended for use as a component of any article specified in clause (A), (B), or (C).” *Id.*

Vitamins in injectable form are listed on the U.S. Pharmacopœia and National Formulary and are prescription drugs. (See, for example, *cyanocobalamin* at <https://fco.factsandcomparisons.com>).

Minerals in injectable form are listed on the U.S. Pharmacopœia and National Formulary and are prescription drugs. (See, for example, *magnesium chloride* at <https://fco.factsandcomparisons.com>).

Oklahoma has adopted substantially the same definition of “drug” in the Public Health Code (Oklahoma State Department of Health) at 63 O.S. § 1-1401(A); in the Uniform Controlled Dangerous Substances Act at 63 O.S. § 2-101(4); and in the Oklahoma Pharmacy Act at 59 O.S. § 353.1(17).

<sup>8</sup> In its regulation of drugs, devices and cosmetics, the Oklahoma State Department of Health is authorized to promulgate rules which conform, insofar as practicable, with regulations issued under the Federal Food, Drug, and Cosmetic Act. 63 O.S. § 1-1413(a). The OSDH has incorporated by reference Parts 200 through 895 of Title 21 of the Code of Federal Regulations at OAC 310:240-1-3(a). Title 21 C.F.R. Part 600 governs biologics. Part 600 has therefore been incorporated by reference into Oklahoma law at OAC 310:240-1-3(a). Moreover, biologics and blood products are specifically referenced elsewhere in Oklahoma law. For example, OAC 535:15-3-4, promulgated by the Pharmacy Board, regulates refrigeration of biologics; and hospital standards promulgated by OSDH at OAC 310:39-require that nursing staff administer blood products in conformity with state and federal law.

(h) Biological product means any virus, *therapeutic serum*, toxin, antitoxin, or *analogous product applicable to the prevention, treatment or cure of diseases or injuries of man*:

\* \* \*

(2) A *therapeutic serum* is a product *obtained from blood* by removing the clot or clot components and the blood cells.

\* \* \*

5) A product is *analogous*:

\* \* \*

(ii) To a *therapeutic serum*, if composed of whole blood or plasma or *containing some organic constituent or product* other than a hormone or an amino acid, *derived from whole blood, plasma, or serum*.

*Id.* (emphasis added).

Platelets are classified as biologics at 21 C.F.R. § 640.20, and plasma is classified as a biologic at 21 C.F.R. § 640.30. The source material for platelets is plasma. *Id.* § 640.20. Plasma is obtained from whole blood. *Id.* § 640.30. As a result, platelets and plasma come within the definition of biological product at 21 C.F.R. § 600.3(h). Moreover, as used in PRP Therapy, platelets and plasma are applicable to the prevention, treatment or cure of diseases or injuries of man. *Id.* § 600.3(h)

As a result, platelets and plasma are biologics. Therefore, neither is a vitamin, mineral or nutritional supplement. Because neither is a vitamin, mineral or nutritional supplement, their administration by injection falls outside the scope of chiropractic pursuant to OAC 140:1-1-2, 140:15-1-1(1), and 140:15-5-1 to 15-5-4.

**Therefore, the answer to Petitioners' first question is in the negative: PRP Therapy, whether characterized as Platelet Rich Plasma Therapy or Platelet-injection Therapy, does not come within the scope of practice as defined at OAC 140:1-1-2.**

**Second question: Is PRP Therapy a treatment for the human body by manual, mechanical, chemical, electrical, or natural methods?**

**Ruling:** The ruling made in response to Petitioners' first question renders this question moot. Therefore, no response is necessary.

**Third Question: Is PRP Therapy the utilization of hygienic, sanitary, or therapeutic measures?**

**Ruling:** The ruling made in response to Petitioners' first question renders this question moot. Therefore, no response is necessary.

**Fourth Question: Is PRP Therapy the administration of a naturopathic remedy?**

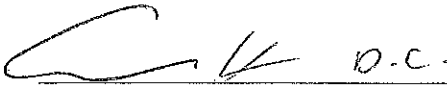
**Ruling:** The ruling made in response to Petitioners' first question renders this question moot. Therefore, no response is necessary.

**Fifth Question: Is PRP Therapy the performance of any other treatment taught by an accredited chiropractic college?**

**Ruling: NO.** Petitioners offered no evidence that PRP Therapy has been taught by an accredited chiropractic college. Pursuant to the definition of “scope of practice” at OAC 140:1-1-2, only those procedures that have been taught in an accredited chiropractic college can be considered for approval by the Board as within the scope of practice. As a result, because the therapies in question have not been taught in an accredited chiropractic college, they fall outside the scope of practice.

All members vote “AYE.”

**NOW THEREFORE**, pursuant to 75 O.S. § 307 and OAC 140:1-7-2, this Declaratory Ruling and Order is hereby adopted on this the 26<sup>th</sup> day of September, 2019. It shall issue and become effective upon review and approval by the Oklahoma Attorney General pursuant to Executive Order 2019-17.

  
\_\_\_\_\_  
Dr. Amanda Housh, President

December 10, 2019  
Date issued and effective



**Title 59. Professions and Occupations****Oklahoma Statutes Citationized****Title 59. Professions and Occupations****Chapter 5 - Oklahoma Chiropractic Practice Act****Section 161.12 - Grounds for Imposing Penalties**

Cite as: 99 O.S. § 161.12 (OSCN 2022)

A. The Board of Chiropractic Examiners is authorized, after notice and an opportunity for a hearing pursuant to Article II of the Administrative Procedures Act, to issue an order imposing one or more of the following penalties whenever the Board finds, by clear and convincing evidence, that a chiropractic physician has committed any of the acts or occurrences set forth in subsection B of this section:

1. Disapproval of an application for a renewal license;
2. Revocation or suspension of an original license or renewal license, or both;
3. Restriction of the practice of a chiropractic physician under such terms and conditions as deemed appropriate by the Board;
4. An administrative fine not to exceed One Thousand Dollars (\$1,000.00) for each count or separate violation;
5. A censure or reprimand;
6. Placement of a chiropractic physician on probation for a period of time and under such terms and conditions as the Board may specify, including requiring the chiropractic physician to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another chiropractic physician; and
7. The assessment of costs expended by the Board in investigating and prosecuting a violation. The costs may include, but are not limited to, staff time, salary and travel expenses, witness fees and attorney fees, and shall be considered part of the order of the Board.

B. The following acts or occurrences by a chiropractic physician shall constitute grounds for which the penalties specified in subsection A of this section may be imposed by order of the Board:

1. Pleading guilty or nolo contendere to, or being convicted of, a felony, a misdemeanor involving moral turpitude, or a violation of federal or state controlled dangerous substances laws. A copy of the judgment and sentence of the conviction, duly certified by the clerk of the court in which the conviction was obtained, and a certificate of the clerk that the conviction has become final, shall be sufficient evidence for the imposition of a penalty;
2. Being habitually drunk or habitually using habit-forming drugs;
3. Using advertising in which statements are made that are fraudulent, deceitful or misleading to the public;
4. Aiding or abetting any person not licensed to practice chiropractic in this state to practice chiropractic, except students who are regularly enrolled in an accredited chiropractic college;
5. Performing or attempting to perform major or minor surgery in this state, or using electricity in any form for surgical purposes, including cauterization;
6. Using or having in a chiropractic physician's possession any instrument for treatment purposes, the use or possession of which has been prohibited or declared unlawful by any agency of the United States or the State of Oklahoma;
7. Unlawfully possessing, prescribing or administering any drug, medicine, serum or vaccine. This section shall not prevent a chiropractic physician from possessing, prescribing or administering, by a needle or otherwise, vitamins, minerals or nutritional supplements, or from practicing within the scope of the science and art of chiropractic as defined in Section 161.2 of this title;
8. Advertising or displaying, directly or indirectly, any certificate, diploma or other document which conveys or implies information that the person is skilled in any healing art other than chiropractic unless the chiropractic physician also possesses a valid current license in said healing art;
9. Obtaining an original license or renewal license in a fraudulent manner;
10. Violating any provision of the Unfair Claims Settlement Practices Act or any rule promulgated pursuant thereto;
11. Willfully aiding or assisting an insurer, as defined in Section 1250.2 of Title 36 of the Oklahoma Statutes, or an administrator, as defined in Section 1442 of Title 36 of the Oklahoma Statutes, to deny claims which under the terms of the insurance contract are covered services and are medically necessary;
12. Violating any provision of the Oklahoma Chiropractic Practice Act; or
13. Violating any of the rules of the Board.

C. Any chiropractic physician against whom a penalty is imposed by an order of the Board under the provisions of this section shall have the right to seek a judicial review of the order pursuant to Article II of the Administrative Procedures Act.

D. The Board is authorized to issue a confidential letter of concern to a chiropractic physician when, though evidence does not warrant initiation of an individual proceeding, the Board has noted indications of possible errant conduct by the chiropractic physician that could lead to serious consequences and formal action by the Board.

E. If no order imposing a penalty against a chiropractic physician is issued by the Board within three (3) years after a complaint against the chiropractic physician is received by the Board, the complaint and all related documents shall be expunged from the records of the Board.

**Historical Data**

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Laws 1937, HB 459, p. 64, § 4, emerg. eff. May 25, 1937; Amended by Laws 1953, HB 1099, p. 260, § 1, emerg. eff. May 25, 1953; Amended by Laws 1972, HB 1625, c. 250, § 6, emerg. eff. April 7, 1972; Amended by Laws 1982, SB 565, c. 268, § 8, emerg. eff. May 14, 1982; Amended by Laws 1985, SB 284, c. 176, § 2, eff. November 1, 1985; Amended by Laws 1990, HB 1790, c. 182, § 3, emerg. eff. May 7, 1990; Amended by Laws 1991, SB 461, c. 265, § 12, eff. October 1, 1991; Renumbered from 59 O.S. § 164d by Laws 1991, SB 461, c. 265, § 22, eff. October 1, 1991; Amended by Laws 1997, SB 222, c. 90, § 1, eff. November 1, 1997 (superseded document available); Amended by Laws 1998, HB 2917, c. 181, § 2, eff. November 1, 1998 (superseded document available); Amended by Laws 1999, HB 1809, c. 227, § 1, eff. November 1, 1999 (superseded document available); Amended by Laws 2002, SB 975, c. 255, § 5, eff. November 1, 2002 (superseded document available); Amended by Laws 2004, HB 2724, c. 269, § 10, emerg. eff. May 6, 2004 (superseded document available); Amended by Laws 2008, SB 1789, c. 388, § 3, emerg. eff. June 3, 2008 (superseded document available); Amended by Laws 2019, SB 387, c. 213, § 7, eff. November 1, 2019 (superseded document available).

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None Found.

**Title 59. Professions and Occupations****Oklahoma Statutes Citationized****Title 59. Professions and Occupations****Chapter 14 - Oklahoma Osteopathic Medicine Act****Regulation and Licensing****Section 637 - Refusal, Suspension, or Revocation of License - Witnesses and Evidence**

Cite as: 59 O.S. § 637 (OSCN 2022), Regulation and Licensing

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 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 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 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:
  - a. obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for visits to the physician's office which did not occur or for services which were not rendered,
  - b. using intimidation, coercion or deception to obtain or retain a patient or discourage the use of a second opinion or consultation,
  - c. willfully performing inappropriate or unnecessary treatment, diagnostic tests or osteopathic medical or surgical services,
  - d. delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience or licensure to perform them, noting that delegation may only occur within an appropriate doctor-patient relationship, wherein a proper patient record is maintained including, but not limited to, at the minimum, a current history and physical,
  - e. misrepresenting that any disease, ailment, or infirmity can be cured by a method, procedure, treatment, medicine or device,
  - 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 than medically accepted therapeutic or experimental or investigational purpose duly authorized by a state or federal agency, or not in good faith to relieve pain and suffering, or not to treat an ailment, physical infirmity or disease, or violating any state or federal law on controlled dangerous substances including, but not limited to, prescribing, dispensing or administering opioid drugs in excess of the maximum limits authorized in Section 2-309I of Title 63 of the Oklahoma Statutes,
  - h. engaging in any sexual activity within a physician-patient relationship,
  - i. terminating the care of a patient without adequate notice or without making other arrangements for the continued care of the patient,
  - j. failing to furnish a copy of a patient's medical records upon a proper request from the patient or legal agent of the patient or another physician; or failing to comply with any other law relating to medical records,
  - k. failing to comply with any subpoena issued by the Board,
  - l. violating a probation agreement or order with this Board or any other agency, and
  - m. failing to keep complete and accurate records of purchase and disposal of controlled drugs or narcotic drugs;
3. Has engaged in gross negligence, gross malpractice or gross incompetence;
4. Has engaged in repeated acts of negligence, malpractice or incompetence;
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 an osteopathic physician, whether or not sentence is imposed, and regardless of the pendency of an appeal;
6. Has had the authority to engage in the activities regulated by the Board revoked, suspended, restricted, modified or limited, or has been reprimanded, warned or censured, probated or otherwise disciplined by any other state or federal agency whether or not voluntarily agreed to by the physician including, but not limited to, the denial of licensure, surrender of the license, permit or authority, allowing the license, permit or authority to expire or lapse, or discontinuing or limiting the practice of osteopathic medicine pending disposition of a complaint or completion of an investigation;
7. Has violated or failed to comply with provisions of any act or regulation administered by the Board;
8. Is incapable, for medical or psychiatric or any other good cause, of discharging the functions of an osteopathic physician in a manner consistent with the public's health, safety and welfare;

9. Has been guilty of advertising by means of knowingly false or deceptive statements;
  10. Has been guilty of advertising, practicing, or attempting to practice under a name other than one's own;
  11. Has violated or refused to comply with a lawful order of the Board;
  12. Has been guilty of habitual drunkenness, or habitual addiction to the use of morphine, cocaine or other habit-forming drugs;
  13. Has been guilty of personal offensive behavior, which would include, but not be limited to, obscenity, lewdness, and molestation;
  14. Has performed an abortion as defined by [Section 1-730 of Title 63](#) of the Oklahoma Statutes, except for an abortion necessary to prevent the death of the mother or to prevent substantial or irreversible physical impairment of the mother that substantially increases the risk of death. The performance of an abortion on the basis of the mental or emotional health of the mother shall be a violation of this paragraph, notwithstanding a claim or diagnosis that the woman may engage in conduct which she intends to result in her death. The Board shall impose a penalty as provided in this section and in [Section 637.1](#) of this title on a licensee who violates this paragraph. The penalty shall include, but not be limited to, suspension of the license for a period of not less than one (1) year; or
  15. Has been adjudicated to be insane, or incompetent, or admitted to an institution for the treatment of psychiatric disorders.
- B. The State Board of Osteopathic Examiners shall neither refuse to renew, nor suspend, nor revoke any license, however, for any of these causes, unless the person accused has been given at least twenty (20) days' notice in writing of the charge against him or her and a public hearing by the Board; provided, three-fourths (3/4) of a quorum present at a meeting may vote to suspend a license in an emergency situation if the licensee affected is provided a public hearing within thirty (30) days of the emergency suspension.
- C. The State Board of Osteopathic Examiners shall have the power to order or subpoena the attendance of witnesses, the inspection of records and premises and the production of relevant books and papers for the investigation of matters that may come before them. The presiding officer of the Board shall have the authority to compel the giving of testimony as is conferred on courts of justice.
- D. Any osteopathic physician in the State of Oklahoma whose license to practice osteopathic medicine is revoked or suspended under this section shall have the right to seek judicial review of a ruling of the Board pursuant to the Administrative Procedures Act.
- E. The Board may enact rules and regulations pursuant to the Administrative Procedures Act setting out additional acts of unprofessional conduct, which acts shall be grounds for refusal to issue or reinstate, or for action to condition, suspend or revoke a license.

#### Historical Data

Laws 1921, SB 151, c. 30, p. 46, § 17; Amended by Laws 1955, HB 686, p. 329, § 2, emerg. eff. May 7, 1955; Amended by Laws 1978, SB 536, c. 136, § 2; Amended by Laws 1980, HB 1906, c. 208, § 2, emerg. eff. May 30, 1980; Amended by Laws 1983, SB 142, c. 152, § 16, emerg. eff. May 26, 1983; Amended by Laws 1986, HB 1798, c. 50, § 2, emerg. eff. July 1, 1986; Amended by Laws 1989, HB 1321, c. 233, § 2, emerg. eff. July 1, 1989; Amended by Laws 1993, HB 1323, c. 230, § 17, emerg. eff. July 1, 1993; Amended by Laws 2001, SB 154, c. 16, § 6, eff. November 1, 2001 ([superseded document available](#)); Amended by Laws 2019, SB 848, c. 428, § 12, emerg. eff. May 21, 2019 ([superseded document available](#)); Amended by Laws 2019, HB 1373, c. 363, § 31, eff. November 1, 2019 (repealed by Laws 2020, SB 1948, c. 161, § 43, emerg. eff. May 21, 2020) ([superseded document available](#)); Amended by Laws 2020, SB 1948, c. 161, § 42, emerg. eff. May 21, 2020 ([superseded document available](#)); Amended by Laws 2021, HB 1102, c. 205, § 2, eff. November 1, 2021 ([superseded document available](#)).

#### Citationizer® Summary of Documents Citing This Document

Cite Name	Level
<b>Oklahoma Attorney General's Opinions</b>	
Cite	Name
<a href="#">1985 OK AG 64</a>	<a href="#">Question Submitted by: Larry R. Keeler, D.O., President, Board of Osteopathic Examiners</a>
	Discussed
<b>Oklahoma Supreme Court Cases</b>	
Cite	Name
<a href="#">2003 OK 76</a> , <a href="#">77 P.3d 1084</a>	<a href="#">BALLARD v. INDEP. SCHOOL DIST. NO. 4 OF BRYAN COUNTY</a>
	Cited
<a href="#">2016 OK 96</a> , <a href="#">381 P.3d 717</a>	<a href="#">BLAIR v. RICHARDSON</a>
	Cited
<a href="#">2000 OK 45</a> , <a href="#">10 P.3d 198</a> , <a href="#">71 OBJ 1594</a>	<a href="#">Davuluri v. State ex. rel. Oklahoma Bd. Of Med. Licensure &amp; Supervision</a>
	Cited
<b>Oklahoma Session Laws - 2001</b>	
Cite	Name
<a href="#">2001 O.S.L. 16</a> , <a href="#">2001 O.S.L. 16</a>	<a href="#">Professions and occupations: relating to the Osteopathic Medicine Act: requiring specified interns be licensed; providing limits on practice involving electronic means; modifying licensing procedures. Effective date.</a>
	Discussed
<b>Title 59. Professions and Occupations</b>	
Cite	Name
<a href="#">59 O.S. 642</a>	<a href="#">Failure to Comply - Lapse of License - Cancellation of License - Reinstatement - Inactive Status Prohibited - Voluntary Cancellation of License</a>
	Discussed

#### Citationizer: Table of Authority

Cite Name	Level
<b>Title 59. Professions and Occupations</b>	
Cite	Name



**Cite Name**

**Level**

*Cited*

59 O.S. 637.

Refusal, Suspension or Revocation of License - Witnesses and Evidence

REPORTS  
AND  
POSSIBLE  
ACTIONS



State of Oklahoma  
 Summary of Receipts and Disbursements  
 From Business Unit 52500 To Business Unit 52500  
 For the Month of February, 2022

3/1/2022  
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 Page 1

**BUSINESS UNIT 52500**  
**CLASS 200**

Acctg Period	Revenue (Credit) Debit 4xxxxx	Expenditures (Credit) Debit 5xxxxx	Change in Liabilities (Incr) Decr 2xxxxx	Change in Receivables Incr (Decr) 1xxxxx	Net Payroll Withholdings (Credit) Debit 633xxx	Transfers In (Credit) 631100 and 631150	Transfers Out Debit 621000,621150, 631200, and 499600	Balance Or Changes In Investment (Credit) Debit 632100	Ending Cash Balance
0-Beg			<b>(1,315.00)</b>	<b>0.00</b>				<b>0.00</b>	<b>799,738.93</b>
1-Jul	0.00	67,029.84	423.43	0.00	0.00	0.00	0.00	0.00	732,285.66
2-Aug	(524,710.25)	66,397.34	791.57	0.00	0.00	0.00	0.00	0.00	1,189,807.00
3-Sep	(13,119.75)	109,560.02	(1,917.21)	0.00	0.00	0.00	0.00	0.00	1,095,283.94
4-Oct	(849.50)	63,749.74	2,017.21	0.00	0.00	0.00	0.00	0.00	1,030,366.49
5-Nov	(10,136.00)	58,401.70	0.00	0.00	0.00	0.00	0.00	0.00	982,100.79
6-Dec	(9,641.75)	62,982.62	0.00	0.00	0.00	0.00	0.00	0.00	928,759.92
7-Jan	(8,835.30)	76,443.01	0.00	0.00	0.00	0.00	0.00	0.00	861,152.21
8-Feb	(13,333.75)	58,088.34	0.00	0.00	0.00	0.00	0.00	0.00	816,397.62
Column Totals:	<u>(580,626.30)</u>	<u>562,652.61</u>	<u>1,315.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>		
Current Ledger Balance:			<u>0.00</u>	<u>0.00</u>					
<b>Class/Fund Balances:</b>							<u>0.00</u>	<u>816,397.62</u>	
							Current Ledger Balance-Liabilities:	0.00	
							<b>*Budgeted Cash Balance:</b>	<u>816,397.62</u>	

\*Should agree with Cash Balance from Allotment Budget and Cash Balance (ABC) report.



State of Oklahoma  
 Summary of Receipts and Disbursements  
 From Business Unit 52500 To Business Unit 52500  
 For the Month of February, 2022

3/1/2022  
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 Page 2

**BUSINESS UNIT 52500**  
**CLASS 79901**

Acctg Period	Revenue (Credit) Debit 4xxxxx	Expenditures (Credit) Debit 5xxxxx	Change in Liabilities (Incr) Decr 2xxxxx	Change in Receivables Incr (Decr) 1xxxxx	Net Payroll Withholdings (Credit) Debit 633xxx	Transfers In (Credit) 631100 and 631150	Transfers Out Debit 621000,621150, 631200, and 499600	Balance Or Changes In Investment (Credit) Debit 632100	Ending Cash Balance
0-Beg			<b>0.00</b>	<b>0.00</b>				<b>0.00</b>	<b>460,717.75</b>
1-Jul	(116,576.50)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	577,294.25
2-Aug	566,511.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	10,783.25
3-Sep	537.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	10,246.03
4-Oct	(754.27)	55.00	0.00	0.00	0.00	0.00	0.00	0.00	10,945.30
5-Nov	5,288.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,656.55
6-Dec	(1,148.25)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6,804.80
7-Jan	(3,492.95)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	10,297.75
8-Feb	(11,190.00)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	21,487.75
9-Mar	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	21,487.75
10-Apr	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	21,487.75
11-May	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	21,487.75
12-Jun	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	21,487.75
Column Totals:	439,175.00	55.00	0.00	0.00	0.00	0.00	0.00		
Current Ledger Balance:			<u>0.00</u>	<u>0.00</u>					
<b>Class/Fund Balances:</b>								<u>0.00</u>	<u>21,487.75</u>
								Current Ledger Balance-Liabilities:	0.00
								<b>*Budgeted Cash Balance:</b>	<u>21,487.75</u>

\*Should agree with Cash Balance from Allotment Budget and Cash Balance (ABC) report.

Report Name: OCGL0059

Query Title: OCP\_GL0059



State of Oklahoma  
 Summary of Receipts and Disbursements  
 From Business Unit 52500 To Business Unit 52500  
 For the Month of February, 2022

3/1/2022  
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 Page 3

**BUSINESS UNIT 52500**

**CLASS**

Acctg Period	Revenue (Credit) Debit 4xxxxx	Expenditures (Credit) Debit 5xxxxx	Change in Liabilities (Incr) Decr 2xxxxx	Change in Receivables Incr (Decr) 1xxxxx	Net Payroll Withholdings (Credit) Debit 633xxx	Transfers In (Credit) 631100 and 631150	Transfers Out Debit 621000,621150, 631200, and 499600	Balance Or Changes In Investment (Credit) Debit 632100	Ending Cash Balance
Column Totals:	(141,451.30)	562,707.61	1,315.00	0.00	0.00	0.00	0.00		
Prior Year AP BU Balance:			<u>(1,315.00)</u>	<u>0.00</u>					
Current AP Business Unit Balance:			<u><u>0.00</u></u>	<u><u>0.00</u></u>					
<b>Business Unit Balances:</b>							<u><u>0.00</u></u>	<u><u>837,885.37</u></u>	

## Licensing update for March 2022

### Total Active licenses – 3,650

- Total Number of New/Initial Applications Only (in-state and out-of-state) (\$575 fee):
  - 2019: 302
  - 2020: 315
  - 2021: 334
  - 2022: 46(Jan.-March)
- Total Number of In-State Renewals Only (\$225 per year fee):
  - 2019-20: 2,235
  - 2020-21: 2,448
  - 2021-22 2,403
  - 2022-23
- Total Number of Out-of-State Renewals Only (\$150 per year fee):
  - 2019-20: 388
  - 2020-21: 394
  - 2021-22: 490
  - 2022-23: 0
- Total Number of Late Renewals Only (\$150fee):
  - 2019-20: 132
  - 2020-21: 83
  - 2022-23: 7(Jan.-March)
- Total Number of Residents & Fully Retired Licenses Renewals Only (\$200 per year fee):
  - 2019-20: 346
  - 2020-21: 293
  - 2022-23: 0(Jan.-March)
- Total Number of Emergency Temporary Licenses (No fee):
  - 2019: 0
  - 2020: 56
  - 2021: 64 altogether that has now expired
  - 2022: 0
- Total Number of Temporary Resident Licenses Only (\$100 per year fee):
  - 2019: 0
  - 2020: 0
  - 2021: 12
  - 2022: 2
- Total Number of Resident Training Licenses Only (\$120 fee):
  - 2019: 57
  - 2020: 65
  - 2021: 75
  - 2022: 0

- Total Number of Telemedicine License Only (\$500 fee):
  - 2019: 1
  - 2020: 1
  - 2021: 0
  - 2022: 0
- Total Number of Spouse of Active-Duty Military Licenses Only (\$250 fee):
  - 2019: 0
  - 2020: 0
  - 2021: 0
  - 2022: 0
- Total Number of Special Volunteer Licenses Only (No fee):
  - 2019: 5
  - 2020: 0
  - 2021: 4
  - 2022: 0
- Total Number of IMLCC Full Licenses (\$575):
  - 2019: 0
  - 2020: 35
  - 2021: 25
  - 2022: 11

# 2022 REPORT & RECOMMENDATIONS

A STUDY OF OCCUPATIONAL LICENSING IN  
OKLAHOMA

## Occupational Licensing Advisory Commission Report



THIS REPORT WAS PREPARED BY:

The Occupational Licensing Advisory  
Commission  
December 2021



## Occupational Licensing Advisory Commission Members

- Labor Commissioner Leslie Osborn
- Senator Nathan Dahm
- Senator Kay Floyd
- Senator Adam Pugh
- Representative Mark McBride
- Representative Cyndi Munson
- Representative Mike Osburn
- Matthew Burns, Chief Communications Officer, Grail, Inc
- Lisa Dillon, Goodwill Industries of Central Oklahoma, Inc
- Jerry Moore, Chief Information Officer, OMES
- Mike Robins, Founder, Michael Robins Consulting LLC
- Steven Shoemaker, President, Ideal Homes

Commission Staff: Janet DeVeney-Edwards, Project Director

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## Executive Summary

In 2018, the Occupational Licensing Advisory Commission (“Commission”) was formed and charged with conducting a comprehensive review of Oklahoma’s occupational and professional licenses (collectively, “occupational licenses”) not less than once every four (4) years and to provide recommendations to the Oklahoma Legislature. A written report of the Commission’s legislative recommendations shall be provided to the Governor, President Pro Tempore of the Senate, and the Speaker of the House of Representatives prior to the deadline for requesting legislation for the upcoming legislative session. The Commission’s report strives to balance free market principles with protecting public safety, and reducing unreasonable barriers to entry into the workforce.

In 2019, immense work was done to create an updated data source of all occupations requiring a license in Oklahoma. Through a refocused consideration of licensure classification, the Commission adjusted its initial listing of over four hundred (400) licenses to the accurate number of two hundred ten (210) occupational licenses, which are being administered by forty-two (42) separate licensing entities in Oklahoma. This change was due to information received in response to a letter the Commission sent to all licensing entities (attached) requesting updated information on occupational licenses, exclusive of sub-license categories, and updated agency contact information. Licensing entities were also requested to provide information on their fee structures, annual fiscal information, and implementation efforts for HB 1373 and SB 670 relating to felony convictions and military member/spouse reciprocity, respectively. They were also requested to provide information on implementation provisions for HB 2933, which requires a one-time, one-year, fee waiver for low-income individuals seeking occupational licensure. This database is available on the Oklahoma Department of Labor’s website ([www.ok.gov/odol/](http://www.ok.gov/odol/)) as well as that of Office of Management and Enterprise Services (<https://omes.ok.gov/boards-commissions/occupational-licensing-advisory-commission>).

Two (2) 2019 bills significantly reduced barriers into Oklahoma’s workforce:

- HB 1373 supports criminal justice reform by requiring state licensing entities to modify licensure requirements for convicted felons through the limitation of disqualifying felony convictions to only those offenses that substantially relate to the duties and responsibilities of the occupation and pose a reasonable threat to public safety.
- SB 670 supports military personnel and their families’ expedited integration and licensure into the workforce upon presentation of satisfactory evidence of equivalent education, training, and experience for the desired license(s).

In 2020 Senate Bill 1823 added a new occupational license in Oklahoma and was therefore added to the Commission’s review. Under SB 1823, a Certified Professional Midwife (CPM) or Certified Midwife (CM) would be required to be licensed in Oklahoma. All midwives would be required to disclose what credentials or licensure they may or may not have, their limitation of skills and whether they carry malpractice insurance. A required informed consent document would also include information on the midwife’s plan for emergencies and complications and gives parents the ability to pre-select a hospital in case of an emergency.

In 2021 two bills passed for easier access to an occupational license in Oklahoma:

- HB 1880 to allow district attorneys to create restorative justice programs for non-violent offenders.
- HB 2873 to allow a person living in Oklahoma that can show proof of residency or is married to an active member of the military, to be able to apply for licensing or certification and be able to use their previous scope of work, education, clinical supervision to satisfy requirements for issuance of a license or certification in Oklahoma.

The Commission held three (3) separate meetings and examined fifty-two (52) licenses issued through thirteen (13) different licensing entities, in making this recommendation of whether those licenses should be maintained, modified, or eliminated. An Occupational Regulation Blueprint (“Blueprint”) (attached) went to all reviewed licensing entities in advance of their appearances before the Commission to assist with the Commission’s review.

The Commission’s legislative recommendations for licenses reviewed in 2021 are as follows and listed on the Recommendation page of this report.

**1. Discussion, Recommendations and Public Action/Vote on all Licenses reviewed in 2021.**

Licensing entities provided clarifications for the following licenses; the Commission makes no recommendations:

*Board of Chiropractic Examiners*

1. Chiropractor
2. Certified Chiropractic Assistant

*Department of Consumer Credit*

3. Precious Metal and Gem Dealer
4. Mortgage Loan Originators

*Council on Law Enforcement Training*

5. Bail Enforcer-Armed
6. Bail Enforcer-Unarmed
7. Peace Officer
8. Polygraph Examiner
9. Combination Licensed (Private Investigator/Security Guard-Armed)
10. Private Investigator-Armed
11. Private Investigator- Unarmed
12. Security Guard-Armed
13. Security Guard-Unarmed

*Oklahoma Insurance Department*

14. Bail Bondsman License
15. Adjuster Individual-Public
16. Adjuster Individual-Insurance Adjuster
17. Producer - Limited Lines
18. Producer - General Lines and Variable

*Real Estate Appraiser Board*

19. Certified General Real Estate Appraiser
20. Certified Residential Real Estate Appraiser
21. State Licensed Real Estate Appraiser
22. Trainee Real Estate Appraiser

*Oklahoma Board of Osteopathic Examiners*

23. Osteopathic Physician (D.O.)

*Oklahoma State Board of Examiners of Psychologist*

24. Psychologist

*Oklahoma Board of Examiners for Long Term Care Administrators*

25. Adult Day Care (ADC) Administrator
26. Certified Nursing Home Assistant Administrator (CAA)
27. Nursing Home Administrator (NHA)
28. Residential Care Administrator (RC)
29. Residential Care/Assisted Living (RCAL) Administrator

*Board of Dentistry*

- 30. Dental Assistant Permit
- 31. Dental Hygiene License
- 32. Dental License

*Oklahoma Department of Public Safety*

- 33. Commercial Motorcycle Training School Instructor
- 34. Commercial Truck Driver Training School Instructor
- 35. Driver License - Designated Examiners
- 36. Driver License - Third Party Testers
- 37. Driver Training Commercial School Instructor
- 38. Wrecker Service Operator

*Oklahoma Real Estate Commission*

- 39. Active Broker License
- 40. Broker Associate License
- 41. Provisional Sales License
- 42. Sales Associate License

*Oklahoma Securities Department*

- 43. Broker-Dealer Agent
- 44. Investment Adviser Representative (or Individual Investment Adviser)
- 45. Issuer Agent (Non-FINRA)

**2. Additional Commission review in 2022 of the following licenses:**

*Department of Mental Health & Substance Abuse Services*

- 46. Alcohol and Drug Substance Abuse Course Assessor
- 47. Alcohol and Drug Substance Abuse Course Facilitator
- 48. Behavioral Health Case Manager
- 49. Peer Recovery Support Specialists

**3. Elimination of the following licenses:**

*Oklahoma Department of Securities*

- 50. Subdivided Land Sales Agent

*Oklahoma Insurance Department*

- 51. Customer Service Rep
- 52. Insurance Consultant

After extensive work and input from Commission members, various boards and stakeholders, and the public, the Commission respectfully submits this report of its findings and recommendations for licenses reviewed in 2021.



## Background

### *What is Occupational Licensing?*

Occupational licensing is the process by which an agency or state board enforces and maintains licensing requirements for persons/legal entities providing regulated, professional or occupational services. A licensure board is typically made up of individuals from the profession who will accept and review applications or oversee the administration of certain requirements (such as exams). These powers and the organization of such licensure bodies are created by legislation.

### *Benefits of Occupational Licensing*

Occupational licensing ensures integrity of the trade and protects the public. Workers may seek to become licensed as a move toward greater professionalism. It also builds community and cohesiveness within an occupation to standardize work functions. Consumers benefit as they are able to research information through the licensing entity before seeking service. Licensing creates incentives for workers to invest in increased training and skill development for high quality services.

### *History of Licensing Review in Oklahoma*

Oklahoma began addressing the issue of occupational licensing by convening an Occupational Licensing Task Force in 2017 (Final Report can be found at ([www.ok.gov/odol/](http://www.ok.gov/odol/)) per Executive Order No. 2018-02 by Governor Fallin. What the Task Force found was a state of complete disarray in licensing review and administration. The Task Force recommended additional occupational license review through an independent entity tasked with considering the necessity, utility, and impact of all existing licensing regulations in the state. As a result of the Task Force the Oklahoma Legislature enacted SB1475, creating an Occupational Licensing Advisory Commission (effective July 1, 2018). This Commission is comprised of a broad representation of needed stakeholders including: legislators, industry members, information technology representatives, license holders, and others. It is tasked with conducting a review of all Oklahoma occupational licenses and making recommendations to the Legislature.

### *Work of the Commission*

Each year the Commission reviews a portion of the occupational licenses issued in Oklahoma to make recommendations to the legislature and administrative agencies for potential reform or modification. The review will be prioritized by critical occupations to Oklahoma. These recommendations are made following a public meeting and vast input from stakeholders. The recommendations for reform or modification are made to the Oklahoma Legislature in December of each year, prior to the start of the legislative session. The Commission also compiles data to determine the number of differing occupational licenses issued by Oklahoma's agencies, boards, and commissions, in order to continually update the online database created by the Task Force ([licensing.ok.gov](http://licensing.ok.gov)).

### *License Review Process*

The Commission uses informational meetings with licensed entities, industry participants and the public; independent research; and fact gathering tools such as the Occupational Regulation Blueprint ("Blueprint" attached) in its review of licensing requirements and in submitting its informed recommendations to the Oklahoma Legislature. These tools, which are under constant review for potential improvement, allow for an objective, practical determination of whether an occupational license is necessary or whether a lesser form of regulation would be equally effective. This process helps determine whether there is a governmental interest in regulating an occupation (such as public safety, public health, a fiduciary responsibility, or preservation of a fundamental right.) It also questions whether insurance, bonding, or registration would be preferable to licensing. Furthermore, it considers the composition of Oklahoma licensing boards.



Newly created licenses will be reviewed by the Commission within ninety (90) days of enactment. In year one, (i.e., 2019 Report and Recommendations), the Commission examined some of Oklahoma's critical occupations with high economic potential indicators and licenses that appeared to be outliers. In this second year, the 2020 Report and recommendations will focus on many of Oklahoma's remaining critical occupation licenses (as identified by Oklahoma Works), and the Occupational Licensing Policy Learning Consortium's targeted occupations list. The following years will examine the balance of Oklahoma's occupational licenses. Commission members can add licenses to the proposed schedule at any time with a majority vote.

In 2021 the Commission completed the first review of all occupational licenses for the state of Oklahoma. The Commission discussed recommendations for future license review as well as interest to serve on the Commission for the next four years. Some of the ideas discussed were to revise the Blueprint, appropriated boards versus non-appropriated boards, reciprocity, fees, and the possibility of more compacts for Oklahoma.

## Commission Members and Staff Activities

### *January – March 2021*

Part of this quarter was spent tracking licensing legislation dealing with licensing reform during the current legislative session. Due to the legislative session being cut short last year because of COVID, as well as an increased interest in occupational licensing issues in Oklahoma, there were 46 bills pertaining to occupational licensing.

In January, zoom meetings and email correspondence were used to present the Occupational Licensing Advisory Commission Report and Recommendations. The boards/entities that were involved in the report were also contacted and sent a report.

Contact was made with several entities to start the process of getting the Occupational Licensing database changed into an easily searchable product. The goal is for individuals to have one spot they can come to and have the answers to what they need to apply/renew any of the occupational licenses in Oklahoma.

### *April – June 2021*

To determine future Commission meetings a survey monkey poll was sent to all the Commission members with optional dates. Meeting dates were set for August 10<sup>th</sup>, September 9<sup>th</sup>, and October 5<sup>th</sup>. Work began on notifying and gathering information from entities for the 2021 meetings.

Meetings were held with several businesses to research the development of a website for the Occupational Licensing Commission. This website would contain one location to determine where to pursue any occupational license in the state of Oklahoma. The goal is to have the information and links to the location needed for each license.

### *July – September 2021*

In July prep work was completed getting ready for the August 10<sup>th</sup> Occupational Licensing Advisory Commission meeting. Blueprints were gathered, the meeting agenda was set, as well as meeting notices and invites sent to interested parties.

On August 10<sup>th</sup> a meeting was held to review 15 licenses from 5 different Boards. COVID continues to play a part in the meetings as originally there were 11 more licenses that were to be viewed but had to be moved to the September meeting due to COVID exposure. The licenses viewed in August are as follows:

#### **Board of Chiropractic Examiners**

1. Chiropractor
2. Certified Chiropractic Assistant

#### **Department of Consumer Credit**

1. Precious Metal and Gem Dealer
2. Mortgage Loan Originators

#### **Council on Law Enforcement Training**

1. Bail Enforcer-Armed
2. Bail Enforcer-Unarmed
3. Peace Officer
4. Polygraph Examiner

5. Combination Licensed (Private Investigator/Security Guard-Armed)

6. Private Investigator-Armed

7. Private Investigator- Unarmed

8. Security Guard-Armed

9. Security Guard-Unarmed

#### **Oklahoma Board of Osteopathic Examiners**

1. Osteopathic Physician (D.O.)

#### **Oklahoma State Board of Examiners of Psychologist**

1. Psychologists

As soon as the August meeting was completed prep work continued for the September 9<sup>th</sup> Occupational Licensing Advisory Commission meeting. Three Boards were requested to come back to the September meeting for follow-up on the following licenses:

**Board of Chiropractic Examiners**

1. Chiropractor

**Department of Consumer Credit**

1. Precious Metal and Gem Dealer

**Council on Law Enforcement Training**

1. Bail Enforcer-Armed

Thirty-Four (34) licenses were reviewed and voted on from 7 Boards below:

**Board of Examiners for Long Term Care Administrators**

1. Long Term Care Administrator
2. Nursing Home Administrator (NHA)
3. Residential Care/Assisted Living (RCAL) Adm
4. Residential Care Administrator (RC)
5. Adult Day Care (ADC) Administrator
6. Certified Nursing Home Assistant Adm (CAA)

**Board of Dentistry**

1. Dental Assistant Permit
2. Dental Hygiene License
3. Dental License

**Oklahoma Department of Public Safety**

1. Third Party Testers
2. Designated Examiners
3. Wrecker Service Operator
4. Driver Training Commercial School Instructor
5. Commercial Motorcycle Training School Instructor
6. Commercial Truck Driver Training School Instructor

**Oklahoma Real Estate Commission**

1. Provisional Sales License

2. Sales Associate License
3. Broker Associate License
4. Active Broker License

**Oklahoma Securities Department**

1. Subdivided Land Sales Agent
2. Issuer Agent (Non-FINRA)
3. Broker-Dealer Agent
4. Investment Adviser Representative (or Individual Investment Adviser)

**Oklahoma Insurance Department**

1. Bail Bondsman License
2. Adjuster Individual-Public
3. Adjuster Individual-Insurance Adjuster
4. Customer Service Rep
5. Insurance Consultant
6. Producer - Limited Lines
7. Producer - General Lines and Variable

**Real Estate Appraiser Board**

1. Certified General Real Estate Appraiser
2. Certified Residential Real Estate Appraiser
3. State Licensed Real Estate Appraiser
4. Trainee Real Estate Appraiser

**October - November 2021**

Due to scheduling issues and lack of a quorum, the originally scheduled meeting for October 5<sup>th</sup> was moved to November 30<sup>th</sup>. The meeting agenda was set, as well as meeting notices and invites sent to interested parties for the November meeting. Four Boards were requested to come back to the November meeting for follow-up listed below:

**State Board of Chiropractic Examiners**

1. Chiropractor

**Department of Consumer Credit**

1. Precious Metal and Gem Dealer Employee

**Oklahoma Securities Department**

1. Subdivided Land Sales Agent

**Real Estate Appraiser Board**

1. Trainee Real Estate Appraiser

Four (4) licenses were reviewed and voted on from one board below:

**Dept of Mental Health & Substance Abuse Services**

1. Alcohol & Drug Substance Abuse Course  
Assessor
2. Alcohol & Drug Substance Abuse Course  
Facilitator
3. Behavioral Health Case Manager
4. Peer Recovery Support Specialists

With the completion of the above licenses Oklahoma has completed its first view of all occupational licenses in Oklahoma. The Commission discussed recommendations for future license review as well as interest to serve on the Commission. Ideas for the next four years are as follows:

- Revise Blueprint
- Deeper dive into the makeup of Boards
- Check if Boards are following the bills that have passed on Occupational Licensing
- Compacts
- Fees - Is there financial gain to the agency involved

The Legislative recommendations proposed by the Commission for this 2022 Report and Recommendations are listed on the following pages.



## Recommendations

### *Licenses to Investigate Further by Commission*

#### **Department of Mental Health & Substance Abuse Services**

1. Alcohol and Drug Substance Abuse Course Assessor
2. Alcohol and Drug Substance Abuse Course Facilitator
3. Behavioral Health Case Manager
4. Peer Recovery Support Specialists

### *Licenses to Eliminate*

#### **Oklahoma Department of Securities**

5. Subdivided Land Sales Agent

#### **Oklahoma Insurance Department**

6. Customer Service Rep
7. Insurance Consultant

### *Licenses to Be Maintained As Is*

Licensing entities provided clarifications for the following licenses, the Commission makes no recommendations:

#### **Board of Chiropractic Examiners**

8. Chiropractor
9. Certified Chiropractic Assistant

#### **Department of Consumer Credit**

10. Precious Metal and Gem Dealer
11. Mortgage Loan Originators

#### **Council on Law Enforcement Training**

12. Bail Enforcer-Armed
13. Bail Enforcer-Unarmed
14. Peace Officer
15. Polygraph Examiner
16. Combination Licensed (Private Investigator/Security Guard-Armed)
17. Private Investigator-Armed
18. Private Investigator- Unarmed
19. Security Guard-Armed
20. Security Guard-Unarmed

#### **Oklahoma Insurance Department**

21. Bail Bondsman License
22. Adjuster Individual-Public
23. Adjuster Individual-Insurance Adjuster
24. Producer - Limited Lines
25. Producer - General Lines and Variable

#### **Real Estate Appraiser Board**

26. Certified General Real Estate Appraiser
27. Certified Residential Real Estate Appraiser
28. State Licensed Real Estate Appraiser
29. Trainee Real Estate Appraiser

#### **Oklahoma Board of Osteopathic Examiners**

30. Osteopathic Physician (D.O.)

#### **Oklahoma State Board of Examiners of Psychologist**

31. Psychologist

**Oklahoma Board of Examiners for Long Term Care Administrators**

- 32. Adult Day Care (ADC) Administrator
- 33. Certified Nursing Home Assistant Administrator (CAA)
- 34. Nursing Home Administrator (NHA)
- 35. Residential Care Administrator (RC)
- 36. Residential Care/Assisted Living (RCAL) Administrator

**Board of Dentistry**

- 37. Dental Assistant Permit
- 38. Dental Hygiene License
- 39. Dental License

**Oklahoma Department of Public Safety**

- 40. Commercial Motorcycle Training School Instructor
- 41. Commercial Truck Driver Training School Instructor
- 42. Driver License - Designated Examiners
- 43. Driver License - Third Party Testers
- 44. Driver Training Commercial School Instructor
- 45. Wrecker Service Operator

**Oklahoma Real Estate Commission**

- 46. Active Broker License
- 47. Broker Associate License
- 48. Provisional Sales License
- 49. Sales Associate License

**Oklahoma Securities Department**

- 50. Broker-Dealer Agent
- 51. Investment Adviser Representative (or Individual Investment Adviser)
- 52. Issuer Agent (Non-FINRA)

# APPENDIX





## Letter to Licensed Entities

### Oklahoma Department of Labor



Leslie Osborn  
COMMISSIONER OF LABOR

March 19, 2019

Thanks to your help as a licensing entity, and the hard work of former Labor Commissioner Melissa Houston and Christina Foss, Program Administrator, the Oklahoma Department of Labor now has a permanent link on its webpage the public can access for a list of occupational licenses in Oklahoma. To ensure licensing information on the link remains accurate and up to date, the Occupational Licensing Advisory Commission<sup>1</sup> respectfully requests you review your previously submitted information and update or adjust where needed.

To review your agency's submission, please pull up the Occupational Licensing Database through the ODOL website. Click on the "Safety Inspections & Licensing" tab on the header. Then click on "Occupational Licensing Commission" in the dropdown menu, then the "Licensing Database" hyperlink on the right side of the page in the Related Topics box. Once you've accessed the Occupational Database, please confirm all information on your agency's row is accurate and complete. If your agency has not already done so, then please provide a brief response to the six questions listed below:

- |                                      |                                      |
|--------------------------------------|--------------------------------------|
| A. License Name                      | D. License Name                      |
| B. Licensing Authority Name/web link | E. Licensing Authority Name/web link |
| C. Required Education Level          | F. Required Education Level          |

For our records but not the online Occupational Database, please provide an updated agency contact, phone number mailing and email address.

In a continuing effort to best meet the needs of the public and avoid potential confusion, we do not want licenses listed the online Occupational Database that are not occupations. For example, a Commercial Applicator License for spraying pesticides would probably be something agriculturalists across the state utilize for buying chemicals in bulk, but is not their occupation. If you see any such listing, whether for your agency or another, please notify us so we may make an adjustment to the database. Also, please carefully consider whether subcategories need a separate listing, such as electricians for example. If a Licensee can attain multiple certifications or endorsements, which are all tied to a single, overarching license, then it may not be necessary to list each certification/endorsement as a separate license; the occupational license alone is likely sufficient. The intention of ODOL and the Occupational Licensing Advisory Commission is to have an accurate, easy to access website, showing citizens where to apply for occupational licenses via web links, and what it entails to do so.

The next round of occupational licenses to be reviewed by the Occupational Licensing Advisory Commission will come post legislative session so it is essential we clean up the Occupational Database prior to that start date.

Thank you very much, in advance. We respectfully request this information within the next thirty (30) days. Please send your agency's updated information to the following email addresses: [christina.foss@omes.ok.gov](mailto:christina.foss@omes.ok.gov); [liz.searock@labor.ok.gov](mailto:liz.searock@labor.ok.gov); [labor.commissloner@labor.ok.gov](mailto:labor.commissloner@labor.ok.gov). If you have questions, Christina Foss, Program Administrator may be reached at 405/521-6102.

Respectfully,

Leslie Osborn  
Commissioner of Labor

<sup>1</sup> The Occupational Licensing Advisory Commission is a successor to the Occupational licensing Task Force created on July 1, 2018, pursuant to 40 O.S.9 § 800.1 3017 N. Stiles, Suite 100. Oklahoma City. Oklahoma 73105-5212 · Telephone 405-521-6100 · Fax 405-521-6018 · [www.labor.ok.gov](http://www.labor.ok.gov) Toll-free 1-888-269-5353



## **Roadmap for Occupational Licensing**

- Is there a compelling public interest that needs to be protected?
  - If yes, then continue
  - If no, then no regulation is required
  - Types public interests
    - Public health
    - Public safety
    - Fundamental rights
    - Substantial fiduciary interest
- Is the least restrictive means that would sufficiently protect the public interest used?
  - If yes, then continue
  - If no, then use a less restrictive means
  - Regulation options from least restrictive to most restrictive
    - Market Competition
    - Third-party or consumer created ratings and reviews
    - Private certification
    - Specific private civil cause of action or alternative dispute resolution
    - Deceptive trade practice act
    - Regulation of the process of providing specific goods or services to consumers
    - Public inspection
    - Mandatory bonding or insurance
    - Registration
    - Government certification
    - Business License
    - Specialty occupational license for medial reimbursement
    - Occupational license
- If occupational licensing is used, does the board in charge of such licensure have a controlling number of board members as market participants?
  - If yes, continue (board does not have antitrust immunity yet)
  - If no, stop (board has antitrust immunity)
- Is there active supervision of the board's actions by the state?
  - If yes, then board has antitrust immunity
  - If no, then board is subject to antitrust litigation



## Occupational Regulation Blueprint

### License Details

What is the license? \_\_\_\_\_

\_\_\_\_\_

What does the license cover? \_\_\_\_\_

\_\_\_\_\_

What Board regulates the license? \_\_\_\_\_

\_\_\_\_\_

### Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? \_\_\_\_\_

\_\_\_\_\_

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?

\_\_\_\_\_

### Least Restrictive Means

What means is used to protect the public interest? \_\_\_\_\_

\_\_\_\_\_

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? \_\_\_\_\_

If the answer to the above question is “No” then do not use that type of regulation to protect the public interest.

-----*Continue only if Occupational Licensing was Used*-----

### Controlling Number of Market Participants on the Board

How many members are on the regulatory board? \_\_\_\_\_

How many of them are active market participants (see Annex, item 5)? \_\_\_\_\_

Is the board controlled by these active market participants (see Annex, item 6)? \_\_\_\_\_

-----*Continue only if the Board is Controlled by Market Participants*-----

### Active Supervision of the Board

Is there active state supervision of the board (see Annex, item 7)? \_\_\_\_\_

If the answer to the above question is “No” then board’s conduct may violate the Sherman Act and the board’s actions are not protected by state immunity.

## Annex

1. *Definition of a compelling public interest.* A compelling public interest must be one of the following interests: public health, public safety, fundamental rights, or a substantial fiduciary interest.
2. *Definition of a demonstrated, significant, and probable harm.* A harm is demonstrated when it has occurred in the past. A harm is significant when it could cause damage that merits action by lawmakers. A harm is probable when its propensity to occur merits action by lawmakers. When determining whether a harm is significant and probable, lawmakers may analyze various sources of information, including whether similar activities are licensed or regulated in other states. If, in other states, a lack of licensing does not cause significant harms, the harm is not demonstrated, real, or probable.
3. *List of means from least to most restrictive.*
  - Private Governance Options
    - Market Competition
    - Third-party or consumer created ratings and reviews
    - Private certification
    - Specific private civil cause of action or alternative dispute resolution
  - Public Regulation
    - Deceptive trade practice act
    - Regulation of the process of providing specific goods or services to consumers
    - Public inspection
    - Mandatory bonding or insurance
  - Command and Control
    - Registration
    - Government certification
    - Business license
    - Specialty occupational license for medical reimbursement
    - Occupational license
4. *Definition of sufficient protection.* A regulation sufficiently protects an interest if the regulation adequately remedies the harm or possible harm to the legitimate public interest so that the likelihood of such harm is appropriate considering the degree of damages which the harm may cause. “Sufficient” has not been uniformly defined by courts, but there should be some limitation on the choice to use a high standard of protection (like a guarantee) to justify the most restrictive mean every time.
5. *Definition of an active market participant.* The Court has found that active market participants possess strong private interests in a matter and pose a risk of self-dealing. A conservative interpretation of a “market participant” is any practitioner who works in the general industry, which is affected by the types regulations addressed by their respective boards. One could persuasively argue that these individuals possess strong interests and pose a threat of self-dealing.
6. *Definition of a controlling number.* Justice Alito, in his dissent in *NC Dental*, raises concerns that the Court did not define a “controlling number” on the board. He mentions how it could be a majority, a number required for a veto power, or even an obstructionist minority. To be safe, the State should consider all of these options to be a “controlling number,” especially since simpler terms like a “majority”—which clearly indicate a specific standard—are not used by the Court.
7. *Definition of active state supervision.* Active state supervision constitutes more than simply authorizing and enforcing decisions made by the board. States need to establish, review, or monitor decisions to ensure they are clearly articulated and firmly expressed as state policy. Therefore, a state must be reasonably informed of the decisions of a board, and then ratify the board’s conduct as proper state policy. The Court has made it clear that a “state does not give immunity to those who violate the Sherman Act by authorizing them to violate it, or by declaring that their violation is lawful.

DANIEL  
GAMINO, J.D.,  
GENERAL  
COUNSEL



JOHN  
KUHNS, M.D.,  
OHPP

# OLD BUSINESS

# NEW BUSINESS

# PUBLIC COMMENT

# ADJOURNMENT