

OKLAHOMA STATE BOARD OF OSTEOPATHIC EXAMINERS

Special Quarterly Board Meeting
Thursday, December 8, 2022, 09:00 a.m.
4848 N. Lincoln Blvd.
Oklahoma City, OK 73105
(405) 528-8625 - Facsimile (405) 557-0653

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

TEAMS CALL INFORMATION – PASSCODE IS REQUIRED

Join Teams Meeting on Computer or Mobile App:
[Click here to join the meeting](#)

Meeting ID: 250 776 951 611
Passcode: VeXt6L

Join on the web: [Join a Microsoft Teams Meeting by ID | Microsoft Teams](#)

AGENDA

Presiding: Bret Langerman, D.O., President

- 1. ROLL CALL TO ESTABLISH QUORUM 9:00 a.m.**
 - 2. WELCOMING SUSAN WINCHESTER, SECRETARY OF LICENSING AND REGULATION**
 - 3. APPROVAL OF PAST MINUTES p. 6**
Special Quarterly Meeting of 9-15-2022
 - 4. PROBATION, MONITORING, AND HEARING DOCKET 9:00 a.m.**
{Executive Session may be called – 25 O.S. § 307(B)(8)}
- | | | |
|--|--------------------------|--------------|
| Augter, Gary, D.O., # 3536
Case No. 2022-119 (MTL/RZ)
Hearing | Warren Gotcher, J.D. | p. 20 |
| Baracker, Lisa, D.O., # 7574
Case No. 2021-223 (RZ)
Monitoring Report Hearing | Kaylee Davis-Maddy, J.D. | p. 29 |

	Bumann, Colin, D.O., # 7512		p. 48
	Case No. 2021-098 (RZ)		
	Probationary Report Hearing		
	Clymer, W. Edward, D.O. # 2777	Nathan Mayes, J.D.	p. 65
	Case No. 2021-057 (MTL/RZ)		
	Hearing		
	Davis, Dustin, D.O., # 7059		p. 106
	Case No. 2020-072 (RZ)		
	Probationary Report Hearing		
	Howell, Clayton S., # 5398	Kaylee Davis-Maddy, J.D.	p. 126
	Case No. 2022-139 (MTL/RZ)		
	Hearing		
	Lovell, Andrew, D.O. # 5921		p. 135
	Case No. 2021-043 (RZ)		
	Probationary Report Hearing		
	Mercer, Mary Kathryn, D.O., # 2887	Elizabeth Scott, J.D.	p. 161
	Case 2020-88 (RZ)		
	Hearing		
	Thomas, Jeremy, D.O., # 4495	James Connor, J.D.	p. 229
	Case No. 1017-128 (RZ)		
	Probationary Report Hearing		
5.	LICENSURE & RENEWAL HEARING DOCKET	1:00 p.m.	p. 274
	Christi Aquino, Director of Licensing		
	Michael T. Leake Jr., J.D., Executive Director		
	{Executive Session may be called – 25 O.S. § 307(B)}		
	<u>Applicants for Licensure or Renewal – Appearing</u>		
	Huff, Ian, D.O. – Applicant Reappearance		
	Newborn, Adam, D.O. – Resident Training Applicant Reappearance		
	Turner, Skylar, D.O. - Applicant		
	<u>Request for Mid-Level Exception</u>		p. 292
	Garriott, Charles, D.O., # 5168		
	Husen, Alfred, D.O. # 4527		
	Penwell, Kevin, D.O. # 3873		

- 6. RATIFICATION OF SURRENDERED LICENSES** **p. 297**
 {Executive Session may be called – 25 O.S. § 307 (B)}
- Robison, Melvin, D.O. # 2832**
- 7. RATIFICATION OF APPROVED LICENSES** **p. 299**
 {Executive Session may be called – 25 O.S. § 307(B)}
- 8. 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. 303**
 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. 308**
 6. Proper Prescribing Instructors Qualifications
- Daniel Gamino, J.D., Board 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)}
- 9. OLD BUSINESS**
 {Executive Session may be called – 25 O.S. § 307(B)}
- 10. NEW BUSINESS**
 {Executive Session may be called – 25 O.S. § 307(B)}
- 11. PUBLIC COMMENT**
 (Limited to five minutes per person absent Board majority vote to extend time)
- 12. ADJOURNMENT** **p. 314**

ROLL CALL

WELCOMING
SECRETARY
SUSAN
WINCHESTER

APPROVAL OF PAST MINUTES

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

DATE OF MEETING September 15, 2022

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

MEMBERS PRESENT Dennis Carter, D.O.
Chelsey Gilbertson, D.O.
Duane Koehler, D.O.
Bret Langerman, D.O.
C. Michael Ogle, D.O.
Katie Templeton, J.D.
LeRoy Young, D.O.

MEMBERS ABSENT Catherine Taylor, J.D.

ALSO PRESENT In-Person Attendees:
Christi Aquino, *Board of Osteopathic Examiners*
Gregory Avetisov, D.O.
Kim Contreras, *Board of Osteopathic Examiners*
Kenneth Cox
Kelsey Devinney, *Board of Osteopathic Examiners*
Molly Finley, D.O.
Teresa Hardesty, D.O.
Marilyn Hines, D.O.
Wilson Knight, D.O.
Tom Kowalski
Alfred Laborde, D.O.
Michael Leake Jr., J.D., *Board of Osteopathic Examiners*
J. Patrick Quillian J.D., *Board Special Prosecutor*
David Russell, J.D.
Mitchell Steckbeck, D.O.
Doug Stewart, D.O.
Geno Stewart
Layne Subera, D.O.
Jami Treantafeles
Sherri Wise, *Osteopathic Founders Foundation*
Janis Womack, *Board of Osteopathic Examiners*
Richard Zimmer, CMBI, *Board of Osteopathic Examiners*
OSU Residents

Teleconference Attendees:
Paul Cheng, M.D., *OHPP*
John Gimpel, D.O., *NBOME*
Andrew Lovell, D.O.

OSBOE Special Meeting, September 15, 2022

Douglas Murray, J.D., *NBOME*
Patrick O'Hayre II, D.O.
Shontay Patterson
Tessa Ray
Kim Rector
General Public

PRESIDING: Bret Langerman, J.D., *President*

1. ROLL CALL TO ESTABLISH QUORUM

Bret Langerman, J.D., *President*, called the meeting to order at 9:00 a.m. and announced that a quorum was established. Dr. Langerman acknowledged that Board General Counsel, Daniel Gamino, J.D., was unable to attend this meeting and announced that Board Special Prosecutor, J. Patrick Quillian, J.D., would be acting as the board's counsel for the duration of the meeting.

2. APPROVAL OF PAST MINUTES

Dr. Langerman asked the members of the Board if they had reviewed the minutes from the Special Quarterly Board Meeting of June 16, 2022. He asked for any additions, corrections or deletions to those minutes.

Dr. Koehler moved to approve the minutes of the June 16, 2022 Special Quarterly Board Meeting as presented.
Dr. Gilbertson seconded the motion.

Dr. Langerman called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Gilbertson, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

3. APPROVAL OF 2023 QUARTERLY BOARD MEETING DATES

Dr. Langerman asked the members of the Board if they had reviewed the proposed dates of March 16, 2023, June 15, 2023, September 21, 2023, and December 14, 2023 for the Regularly Scheduled Meetings in 2023.

Dr. Koehler moved to approve the presented dates of March 16, 2023, June 15, 2023, September 21, 2023, and December 14, 2023 for the Boards 2023 Meeting Schedule.
Ms. Templeton seconded the motion.

Dr. Langerman called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Gilbertson, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

4. PROBATION, MONITORING, AND HEARING DOCKET

Gary Augter, D.O.

It was announced that Dr. Augter and his counsel, Warren Gotcher, J.D., requested a hearing continuance until the December 2022 meeting.

Lisa Baracker, D.O.

It was announced that Dr. Baracker and her counsel, Kaylee Davis-Maddy, J.D., requested a hearing continuance until the December 2022 meeting.

W. Edward Clymer, D.O.

It was announced that Dr. Clymer and his counsel, Nathan Mayes, J.D., requested a hearing continuance until the December 2022 meeting.

Wilson G. Knight, D.O.

Dr. Langerman called the matter of Wilson G. Knight, D.O., to order. Dr. Knight appeared in person without counsel. Chief Investigator for the Board, Rick Zimmer, appeared in person and gave testimony. The Board considered Dr. Knight's request to amend his order to allow supervision of mid-level practitioners.

<p>Dr. Young moved to table Dr. Knight's request until he submits a more detailed request with his plan for the supervision of mid-level practitioners. If no such request is submitted, Dr. Knight will next appear in six (6) months. Ms. Templeton seconded the motion.</p>
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Dr. Langerman called for the votes on the motion and a roll call.

<p>The roll call/votes were: Dr. Carter, yes; Dr. Gilbertson, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.</p>
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The motion passed.

Andrew Lovell, D.O.

Dr. Langerman called the matter of Andrew Lovell, D.O., to order. Dr. Lovell appeared via Zoom without counsel. Paul Cheng, M.D. of OHPP appeared via Zoom and gave testimony. Chief Investigator for the Board, Rick Zimmer appeared in person and gave testimony. The Board considered Dr. Lovell's compliance with his Board Order. The Board urged Dr. Lovell to stay in compliance and remit payment for his past-due monthly monitoring fee.

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No motion was made.

Patrick O'Hayre II, D.O.

Dr. Langerman called the matter of Patrick O'Hayre II, D.O., to order. Dr. O'Hayre appeared via Zoom without counsel. Chief Investigator for the Board, Rick Zimmer, appeared in person and gave testimony. The Board considered Dr. O'Hayre's compliance with his Board Order.

Dr. Carter moved to grant termination of Dr. O'Hayre's Reciprocal Order of Discipline for good cause shown.
Dr. Koehler seconded the motion.

Dr. Langerman called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Gilbertson, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

5. LICENSURE & RENEWAL HEARING DOCKET

Applicants for Licensure- Appearing

Gregory Avetisov, D.O.

Dr. Langerman called the matter of Gregory Avetisov, D.O., to order. Dr. Avetisov appeared in person with counsel of record, David Russell, J.D. and gave testimony. Director of Licensing, Christi Aquino, appeared in person and gave testimony. The Board considered Dr. Avetisov's application for Oklahoma licensure.

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

Dr. Langerman called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Gilbertson, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

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

Dr. Langerman called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Gilbertson, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Ms. Templeton moved to approve Dr. Avetisov's application for licensure.
Dr. Koehler seconded the motion.

Dr. Langerman called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Gilbertson, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Ian Huff, D.O.

It was announced that Dr. Huff requested a licensure hearing continuance until the December 2022 meeting.

Molly Finley, D.O.

Dr. Langerman called the matter of Molly Finley, D.O., to order. Dr. Finley appeared in person and gave testimony. Director of Licensing, Christi Aquino, appeared in person and gave testimony. The Board considered Dr. Finley's application for Oklahoma licensure.

Ms. Templeton moved to approve Dr. Finley's application for licensure.
Dr. Gilbertson seconded the motion.

Dr. Langerman called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Gilbertson, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Alfred Laborde, D.O.

Dr. Langerman called the matter of Alfred Laborde, D.O., to order. Dr. Laborde appeared in person with Chickasaw Nation Program Director, Marilyn Hines, D.O. and gave testimony. Director of Licensing, Christi Aquino, appeared in person and gave testimony. The Board considered Dr. Laborde's application for Oklahoma licensure.

Dr. Carter moved to approve Dr. Laborde's application for licensure.
Ms. Templeton seconded the motion.

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Dr. Langerman called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Gilbertson, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Mitchell Steckbeck, D.O.

Dr. Langerman called the matter of Mitchell Steckbeck, D.O. to order. Dr. Steckbeck appeared in person to give testimony regarding his residency status. Dr. Steckbeck has signed an Agreement Not to Practice while he is searching for a residency position.

No motions were made.

Request for Mid-Level Exception

Carlos Cabrera, D.O.

Ms. Templeton moved to approve Dr. Cabrera's mid-level practitioner supervision exception request. Dr. Cabrera is permitted to supervise ten (10) mid-level practitioners. Dr. Gilbertson seconded the motion.

Dr. Langerman called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Gilbertson, abstain; Dr. Koehler, yes; Dr. Langerman, abstain; Dr. Ogle, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Jennifer Ferrell, D.O.

Ms. Templeton moved to table Dr. Ferrell's request until the Board receives an update on Dr. Ferrell's practice location. Dr. Young seconded the motion.

Dr. Langerman called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Gilbertson, abstain; Dr. Koehler, yes; Dr. Langerman, abstain; Dr. Ogle, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

James Fitzgerald, D.O.

Ms. Templeton moved to approve Dr. Fitzgerald's mid-level practitioner supervision exception request. Dr. Fitzgerald is permitted to supervise seven (7) mid-level practitioners. Dr. Ogle seconded the motion.

Dr. Langerman called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Gilbertson, abstain; Dr. Koehler, yes; Dr. Langerman, abstain; Dr. Ogle, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Charles Garriott, D.O.

Ms. Templeton moved to table Dr. Garriott's request until the Board receives clarification regarding the request. Dr. Gilbertson seconded the motion.

Dr. Langerman called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Gilbertson, yes; Dr. Koehler, yes; Dr. Langerman, abstain; Dr. Ogle, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Alfred Husen, D.O.

Dr. Young moved to table Dr. Husen's request until the Board receives clarification regarding the request. Dr. Koehler seconded the motion.

Dr. Langerman called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Gilbertson, abstain; Dr. Koehler, yes; Dr. Langerman, abstain; Dr. Ogle, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Jarrod Mueggenborg, D.O.

Ms. Templeton moved to approve Dr. Mueggenborg's mid-level practitioner supervision exception request. Dr. Mueggenborg is permitted to supervise ten (10) mid-level practitioners. Dr. Carter seconded the motion.

Dr. Langerman called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Gilbertson, abstain; Dr. Koehler, yes; Dr. Langerman, abstain; Dr. Ogle, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

James Petersen, D.O.

Ms. Templeton moved to approve Dr. Petersen's mid-level practitioner supervision exception request. Dr. Petersen is permitted to supervise ten (10) mid-level practitioners.
Dr. Ogle seconded the motion.

Dr. Langerman called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Gilbertson, abstain; Dr. Koehler, yes; Dr. Langerman, abstain; Dr. Ogle, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Chad Ross, D.O.

Ms. Templeton moved to approve Dr. Ross' mid-level practitioner supervision exception request, in part. Dr. Petersen is permitted to supervise eight (8) mid-level practitioners. The additional amount applies only to the Emergency Room setting, not the personally owned Urgent Care clinic.
Dr. Koehler seconded the motion.

Dr. Langerman called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Gilbertson, abstain; Dr. Koehler, yes; Dr. Langerman, abstain; Dr. Ogle, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

6. CANCELLATION OF LICENSES

Dr. Langerman asked the members of the Board if they had reviewed the list for the cancellation of licenses. These are licenses that did not renew for the 2022-2023 renewal cycle.

Ms. Templeton moved to approve the cancellation of licenses list as presented.
Dr. Gilbertson 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.

OSBOE Special Meeting, September 15, 2022
The motion passed.

7. RATIFICATION OF SURRENDERED LICENSES

Dr. Langerman asked the members of the Board if they had reviewed the Affidavit of Surrender signed by Brian S. Page, D.O., License 3339.

Dr. Young moved to ratify the Affidavit of Surrender for Brian S. Page, D.O., 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.

8. RATIFICATION OF APPROVED LICENSES

Dr. Langerman 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 Special Quarterly Board meeting of June 16, 2022.

Ms. Templeton moved to ratify all licenses issued since the June 16, 2022 Board meeting.
Dr. Koehler seconded the motion.

Dr. Langerman called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Gilbertson, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

9. NBOME PRESENTATION

John Gimpel, D.O. and Douglas Murray, J.D. provided the Board with an update from the National Board of Osteopathic Examiners.

10. DISCUSSION AND POSSIBLE ACTION OF COMPENSATION AND/OR BONUSES FOR ALL ELIGIBLE EMPLOYEES

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

Dr. Langerman called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Gilbertson, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

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

Dr. Langerman called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Gilbertson, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Ms. Templeton moved to provide merit pay increases and budgeted bonus for all eligible employees.
Dr. Carter seconded the motion.

Dr. Langerman called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Gilbertson, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

11. **REPORTS AND RECOMMENDED ACTIONS**

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

1. Mr. Leake informed the Board that the financial documents were in the materials for review.
2. Mr. Leake informed the Board that there had been no new E-Prescribing waiver requests since the June 16, 2022 meeting.
3. Mr. Leake stated the Top Twenty Prescribers list was up on Box for the Board to review. The staff provided the Board with the physician's specialty in the data provided.
4. Mr. Leake announced that the requested visual representations of the investigative statistics for the Board are up for review.
5. Mr. Leake stated the licensing department numbers were in the Board Materials for review.
6. Mr. Leake informed the Board that staff have been working on obtaining the correct training to become eligible to process background checks and become a State of Principal License with the Interstate Medical Licensure Compact.

12. ABORTION LITIGATION UPDATE

Dr. Koehler moved to go into Executive Session for the abortion litigation update.
Dr. Gilbertson seconded the motion.

Dr. Langerman called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Gilbertson, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

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

Dr. Langerman called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Gilbertson, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed. No further motions were made.

13. REVIEW AND POSSIBLE APPROVAL OF DRAFT ABORTION GUIDELINES

Dr. Langerman asked the members of the Board if they had reviewed draft Abortion Guidelines. He asked for any additions, corrections or deletions to the proposed guidelines.

Ms. Templeton moved to approved the Draft Abortion Guidelines provided the paragraph regarding Accidental Death and Injury is restored, the language about persons liable is restored, "Attorney General" be added back in the disclaimer, and language about receiving training in another state is added.
Dr. Young seconded the motion.

Dr. Langerman called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Gilbertson, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

14. OLD BUSINESS

No old business was discussed.

15. NEW BUSINESS

No new business was discussed.

16. PUBLIC COMMENT

No public comment was made.

17. ADJOURNMENT

Dr. Koehler moved to adjourn at 1:30pm.
Dr. Young seconded the motion.

Dr. Langerman called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Gilbertson, yes; Dr. Koehler, yes; Dr. Langerman, yes; Dr. Ogle, yes; Ms. Taylor, abs; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

PROBATION,
MONITORING,
& HEARING
DOCKET

GARY
AUGTER, D.O.

3536

WARREN GOTCHER,
J.D.



Oklahoma State Board of Osteopathic Examiners

BOARD MEMBERS

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MUSTANG

CATHERINE C. TAYLOR, J.D.
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OKLAHOMA CITY

C. MICHAEL OGLE, D.O.
BARTLESVILLE

DENNIS J. CARTER, D.O.
POTEAU

CHELSEY D. GILBERTSON, D.O.
EDMOND

November 15, 2022

VIA EMAIL
AND U.S. MAIL

Gary Augter, D.O. (#3536)

Re: Notice of Hearing re OSBOE v. Gary
Augter, D.O. (No. OSBOE-2022-119)

Dear Dr. Augter:

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 **December 8, 2022. All such appearances for this docket are set for 9:00 a.m.** The Hearing Docket will be held 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 warren@gotcher-beaver.com
AND U.S. MAIL

Mr. Warren Gotcher, J.D.
Gotcher Beaver Attorneys at Law
PO Box 160
McAlester, OK 74502
(918) 423-0412

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

RECEIVED/FILED

STATE OF OKLAHOMA, ex rel.,)
STATE BOARD OF OSTEOPATHIC)
EXAMINERS,)
)
Petitioners,)
)
v.)
)
GARY AUGTER, D.O.)
Osteopathic Medicine License No. 3536.)
)
Respondent.)

AUG 26 2022

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

Case No. 2022-119 (RZ)

CITATION AND NOTICE OF HEARING

TO: GARY AUGTER, 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 Oklahoma State University Medical Center, 744 West 9th Street, 2nd Floor Auditorium, Tulsa, Oklahoma 74127, on **September 15, 2022**. 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 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 Amended Complaint, his license is in good standing.

LEGAL AUTHORITY AND JURISDICTION FOR HEARING

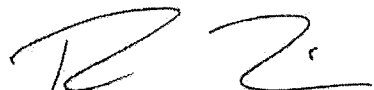
The hearing is ordered pursuant to the authority and jurisdiction conferred upon the Board by Title 59 O.S. 1991 § 637 and 631.1 and will be conducted according to the procedures set forth in the Oklahoma Administrative Procedures Act, Title 75 O.S. § 301, *et seq*, and the Rules and Regulations of the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

RIGHTS OF RESPONDENT

Be advised of your rights, which are as follows:

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

Respectfully submitted,



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

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

RECEIVED/FILED

AUG 26 2022

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

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

Petitioners,)

v.)

Case No. 2022-119 (RZ)

GARY AUGTER, D.O.)
Osteopathic Medicine License No. 3536.)

Respondent.)

COMPLAINT

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

1. Gary Augter, D.O., is the holder of a license to practice as an osteopathic physician in the State of Oklahoma, license number 3536. Dr. Augter received his license as an osteopathic physician in Oklahoma from the Board in March of 1998. Dr. Augter has a dermatology practice in McAlester, Oklahoma.

2. Dr. Augter is in violation of the Oklahoma Osteopathic Medicine Act (the "Act"), Tit. 59 O.S. § 637(A)(2) and (A)(5), 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 ... unethical conduct or unprofessional conduct, as determined by the Board, in the performance of the functions or duties of an osteopathic physician; [or]

...

5. Has violated or failed to comply with provisions of any act or regulation administered by the Board[.]

3. Section 510: 5-5-3(a) of the Oklahoma Administrative Code, a regulation administered by the Board, states:

(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 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.

4. In November 2021, Dr. Augter sold A.E. a .95-acre property located on Lake Eufala, in Pittsburgh County, Oklahoma.

5. In April 2022, A.E. discovered large amounts of medical waste on the property while cleaning a wooded area to the northeast of the house.

6. A.E. contacted the local authorities, prompting the Oklahoma Department of Environmental Quality (the "DEQ") to investigate.

7. On April 15, 2022, the DEQ inspected the property and found approximately 5 yd³ of medical solid waste, such as needles, glass sample bottles, glass microscope slides, and blood draw tubes. Some of the sample medical waste the DEQ collected contained patient names and dates.

8. After the inspection, a DEQ investigator interviewed Dr. Augter, who admitted that he himself had dumped the medical waste on the property after having a

disagreement with the medical waste disposal company he had been using. Dr. Augter admitted to the same when being interviewed by Board investigator Richard Zimmer in August 2022.

9. At the conclusion of the investigation, the DEQ found that Dr. Augter had violated their regulations by disposing of solid waste at an unpermitted site and creating a public nuisance by placing waste in a location where it was likely to cause pollution. The DEQ formalized this finding in a “Notice of Violation” dated June 8, 2022 (the “Notice”), which required Dr. Augter to correct the violation within fifteen (15) days of his receipt of the Notice.

10. Board investigators found that although Dr. Augter had hired a company to clean up the medical waste after receiving the Notice, the work was not completed because of a dispute over pricing.

11. On August 11, 2022, Board and DEQ investigators met with Dr. Augter and provided him hard copies of the DEQ Guidelines for Medical Waste Cleanup. Dr. Augter told the investigators the medical waste discussed herein still had not been removed but that he would follow the guidelines when the cleanup occurred. To date, investigators do not believe any further removal of the medical waste has occurred.

12. Dr. Augter has violated the Act by acting unprofessionally and unethically in dumping medical waste on property unapproved for dumping, in violation of DEQ and Board regulations, as outlined in the paragraphs above.

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

LISA
BARACKER,
D.O.

7574

KAYLEE
DAVIS-MADDY, J.D.

OSBOE HISTORY SHEET

Lisa Baracker, D.O.

Family Practice

Okla. Lic Number: 7574

Case Number: 2021-223 (RZ)

Status: Licensed with Conditions

TOTAL COSTS AND FINES:

- X Monthly Administrative Fee: \$100/month

1-11-2022 INTERIM ORDER TABLING APPLICATION

- X Undergo an assessment to review the issues raised at the December 9, 2021 Board Meeting, specifically past employment and post-graduate training
- X Sign any and all authorizations necessary to released the finding of the assessment directly to the Board
- X Bear any related financial costs and expenses
- X Reappear before Board to review all documents and information

4-15-2022 ORDER GRANTING LICENSE WITH TERMS AND CONDITIONS

- X 2 year term of conditions on license
- X Practice is limited to active employment in an ACGME accredited residency program only. No moonlighting or outside practice
 - Zero-tolerance policy for poor professional communication
- X Complete a Professional Communications Certification course, such as Crucial Conversations, or equivalent as approved by the Board.
- X Provide Board with proof of successful completion of course
- X Monthly Administrative Maintenance fee \$100/month
 - Bear any financial costs of any expenses related to this or other orders
- X Sign any and all authorizations to release all reports, documents, etc directly to the Board
- X Appear before the Board in compliance with this Order on June 16, 2022

7-12-2022 INTERIM ORDER

- Hearing was continued to the September 15, 2022 Special Board meeting to provide an opportunity to obtain legal counsel

(was continued again to December 8, 2022)



Oklahoma State Board of Osteopathic Examiners

BOARD MEMBERS

BRET S. LANGERMAN, D.O.
PRESIDENT
MUSTANG

CATHERINE C. TAYLOR, J.D.
VICE PRESIDENT
TULSA

DUANE G. KOEHLER, D.O.
SECRETARY-TREASURER
VINITA

KATIE L. TEMPLETON, J.D.
OKLAHOMA CITY

LEROY E. YOUNG, D.O.
OKLAHOMA CITY

C. MICHAEL OGLE, D.O.
BARTLESVILLE

DENNIS J. CARTER, D.O.
POTEAU

CHELSEY D. GILBERTSON, D.O.
EDMOND

November 15, 2022

VIA EMAIL [REDACTED]
AND U.S. MAIL

Lisa Baracker, D.O. (#7574)
[REDACTED]

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

Dear Dr. Baracker:

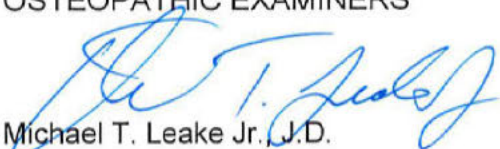
Please be advised that you are required to appear on the Probation, Monitoring and Hearing Docket before the Oklahoma State Board of Osteopathic Examiners at its next meeting on **December 8, 2022. All such appearances for this docket are set for 9:00 a.m.** The Hearing Docket will be held at the Board's 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 kmaddy@dnda.com
AND U.S. MAIL

Ms. Kaylee P. Davis-Maddy, J.D.
Doerner Saunders Daniel & Anderson
210 Park Avenue
Suite 1200
Oklahoma City, OK 73102
(405) 319-3513
(405) 319-3524

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

RECEIVED/FILED

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

Petitioners,

v.

LISA BARACKER, D.O., Osteopathic
Medicine License No. 7574,

Respondent.

JUL 12 2022

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

Case No. 2021-223 (JM)

INTERIM ORDER

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners ("Board") at a special meeting of the Board on June 16, 2022. Lisa Baracker, D.O. ("Dr. Baracker") Dr. Baracker presented in person and without 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.*


The Board, when informed Dr. Baracker's counsel would unexpectedly not be appearing, enters this Interim Order as set out below.

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Board that, for good cause shown, Dr. Baracker's hearing is continued to the September 15, 2022, Special Board Meeting to provide an opportunity for Dr. Baracker to obtain legal counsel. The Board's previous Order from the March 2022 Board Meeting shall remain in effect.

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

IT IS SO ORDERED this 12th day of July 2022.



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



Oklahoma State Board of Osteopathic Examiners

BOARD MEMBERS

KATIE TEMPLETON, J.D.
PRESIDENT
OKLAHOMA CITY

BRET LANGERMAN, D.O.
VICE PRESIDENT
MUSTANG

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

LEROEY E. YOUNG, D.O.
OKLAHOMA CITY

JAY D. CUNNINGHAM, D.O.
OKLAHOMA CITY

DUANE KOEHLER, D.O.
TULSA

C. MICHAEL OGLE, D.O.
BARTLESVILLE

DENNIS J. CARTER, D.O.
POTEAU

May 25, 2022

VIA EMAIL [REDACTED]
AND U.S. MAIL

Lisa Baracker, D.O. (#7574)
[REDACTED]

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 Probation, Monitoring and Hearing Docket before the Oklahoma State Board of Osteopathic Examiners at its next meeting on **June 16, 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.

Join Zoom Meeting:

<https://zoom.us/j/98817835727?pwd=R093Myt6NFA2VHhBUDNFskZyZ2RQZz09>

Meeting ID: **988 1783 5727**

Password: **060826**

Find your local number: <https://zoom.us/u/aGp5kcByB>

Please let us know in advance whether you intend to appear at the meeting by Zoom or in person.

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 elizabeth.scott@crowedunlevy.com**
AND U.S. MAIL

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

APR 15 2022

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

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

IN THE MATTER OF LISA)
BARACKER, D.O., APPLICANT FOR) Case No. 2021-223 (JM)
ISSUE OF LICENSE)
(Osteopathic Medical License No.
7574)

**ORDER GRANTING LICENSE WITH
TERMS AND CONDITIONS**

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners ("Board") at a special meeting of the Board on March 24, 2022. Lisa Baracker, D.O. ("Dr. Baracker") appeared in person and with counsel, Elizabeth Scott. The Board's Special Investigator, John Mobley, and Dr. Vanessa Meuniot, McAlester Regional Program Director, also appeared and gave sworn testimony.

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

The Board, after reviewing Dr. Baracker's Application for Licensure and being fully advised, enters this Order Granting Oklahoma License with Terms and Conditions.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Board that, for good cause shown, Dr. Baracker's application for Licensure is hereby **GRANTED** and subject to the following terms and conditions:

1. That Dr. Baracker's license, number 7574 is under a two (2) year term of conditions as set forth herein. Such conditions may be extended or continued at the discretion of the Board.
2. That Dr. Baracker is limited to practice only as actively employed in an ACGME accredited residency program. No moonlighting or other outside practice shall be permitted during the aforesaid period.
3. That there will be a zero-tolerance policy for poor professional communication.
4. That Dr. Baracker shall successfully complete a Professional Communications

Certification Course, such as Crucial Conversations, or equivalent as approved by the Board. Dr. shall provide the Board with proof of successful completion of the course.


5. That Dr. Barracker is assessed an ongoing monthly Administrative Maintenance fee of one hundred dollars (\$100) due by the first day of each month. Dr. Baracker's first monthly fee payment is due on May 1, 2022 and continues monthly during the aforesaid period.
6. That Dr. Baracker shall bear the financial costs of any expenses incurred from this Order.
7. That Dr. Baracker shall ensure all authorizations are signed and completed to release all reports, documents, etc., directly to the Board.
8. That Dr. Baracker is required to notify the Board within fourteen (14) days of any changes to her residential or practice address.
9. That Dr. Baracker is required to notify the Board within fourteen (14) days of any changes to her cell phone number.
10. That Dr. Baracker complete the Compliance Information Request Form within ten (10) days of signing this Order. (Exhibit A, Compliance Information Request Form).
11. That Dr. Baracker complete the Monthly Supervision Self-Report by the tenth (10th) day of each month. (Exhibit B, Monthly Supervision Self-Report).
12. That Dr. Baracker appear before the Board in compliance with this Order on June 16, 2022.
13. In the event Dr. Baracker leaves the State of Oklahoma to practice medicine in

another jurisdiction, and surrenders her license here in Oklahoma, 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 HEREBY ORDERED AND EFFECTIVE this 15th day of April 2022.


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

Oklahoma State Board of Osteopathic Examiners

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

Phone: 405-528-8625

Fax: 405-557-0653



COMPLIANCE INFORMATION REQUEST

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

NAME: _____ LICENSE NO. _____

DOB: _____ SEX: _____ SSN: _____

MAILING ADDRESS: _____

BUSINESS ADDRESS: _____

RESIDENCE ADDRESS: _____

ADD'L BUSINESS ADDRESS(ES): _____

RESIDENCE TELEPHONE: _____

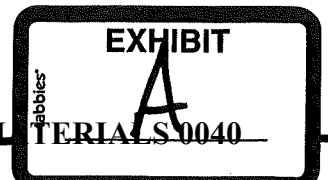
CELL PHONE: _____

BUSINESS TELEPHONE: _____

EMAIL ADDRESS: _____

OTHER STATES LICENSED IN: _____

HOSPITAL PRIVILEGES: _____



Name: _____

Reporting Period (MO/YR): _____

MONTHLY SUPERVISION SELF-REPORT

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

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

HOME: _____

PRACTICE: _____

CELL: _____

EMAIL: _____

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

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

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

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

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

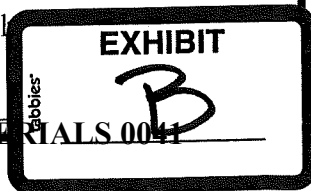
- 7.) **Since your last report:** If you have been treated by a health care provider, who provided the care and what was the reason? _____

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

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

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

Signature: _____





Oklahoma State Board of Osteopathic Examiners

BOARD MEMBERS

KATIE TEMPLETON, J.D.
PRESIDENT
OKLAHOMA CITY

BRET LANGERMAN, D.O.
VICE PRESIDENT
MUSTANG

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

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 1, 2022

VIA EMAIL [REDACTED]
AND U.S. MAIL

Lisa Baracker, D.O.
[REDACTED]

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>

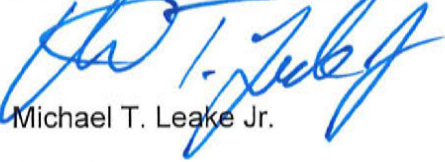
If you would prefer to attend the meeting in person, the Hearing Docket will be held in the large meeting room at the Board's Office, 4848 N. Lincoln Blvd., Ste. 100, Oklahoma City, Oklahoma.

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**

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:

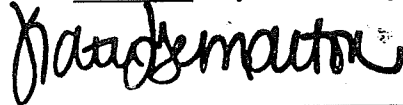
1. In order to protect the public, Dr. Baracker shall undergo an assessment determined by Board Staff to review the issues raised at the December 9, 2021 Board Meeting, specifically to include a review of past employment and post-graduate training.
2. In order to protect the public, Dr. Baracker shall 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 11th day of January 2022.



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



Oklahoma State Board of Osteopathic Examiners

BOARD MEMBERS

KATIE TEMPLETON, J.D.
PRESIDENT
OKLAHOMA CITY

BRET LANGERMAN, D.O.
VICE PRESIDENT
MUSTANG

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

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

November 16, 2021

VIA EMAIL [REDACTED]
AND U.S. MAIL

Lisa Baracker, D.O. (Applicant)
[REDACTED]

Re: Notice of Hearing re OSBOE v. Lisa
Baracker, D.O. (No. 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 **December 9, 2021**. **All such appearances for this docket are set for 9:30 a.m.**

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

Join Zoom Meeting:

<https://zoom.us/j/93770804057?pwd=ZXNZK2hSdXorTm5xbjdWOEIKZ2x4Zz09>

Meeting ID: 937 7080 4057

Password: 185284

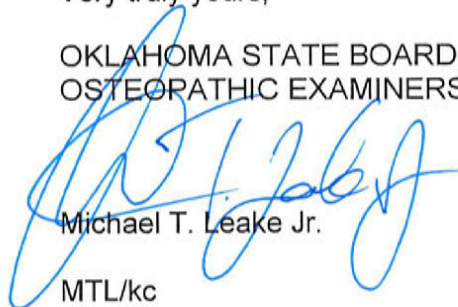
Find your local number: <https://zoom.us/u/atzBUi7F3>

Be further advised that at the conclusion of the Hearing, the Board may take no action, or any action allowed by provisions of the Oklahoma Osteopathic Medicine Act, 59 O.S. Section 620 et. seq., including 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 typed name and extends upwards into the space between the typed name and the closing.

Michael T. Leake Jr.

MTL/kc

COLIN
BUMANN, D.O.
7512

OSBOE HISTORY SHEET

Colin Bumann, D.O.

Emergency Medicine

Okla. Lic Number: 7512

Case Number: 2021-098 (RZ)

Status: Licensed with Conditions

TOTAL COSTS AND FINES:

- X Monthly Administrative Fee: \$100/month

7-9-2021 INTERIM ORDER TABLING APPLICATION AND GRANTING EXTENSION OF TRAINING LICENSE

- X Enroll in OHPP and comply with all requirements of the program
- X Undergo an evaluation by Julio Rojas, Ph.D.
- X Sign any and all authorizations to release information to the Board from OHPP and/or Dr. Rojas
- X Dr. Bumann's Resident Training License has been extended until 9-16-2021 to allow him to continue training with his current residency program
- X Reappear before Board to review all documents and information

10-11-2021 SECOND INTERIM ORDER TABLING CONSIDERATION OF APPLICATION AND EXTENSION OF TRAINING LICENSE

- X Hearing continued until 12-9-2021
- X Comply with all requirements set forth in the Interim Order signed on 7-9-2021
- X Sign any authorizations necessary to release all reports, documents, etc. directly to the Board
- X Dr.'s Resident Training License has been extended until 12-9-2021
- X Re-appear before the Board to review all requested documentation and information, Application will remain tabled until this time

1-11-2022 ORDER GRANTING LICENSE WITH TERMS AND CONDITIONS

- X License granted under a 5 year term of Probation (may be continued or extended at the discretion of the Board)
- X Successfully comply with OHPP contract, following all terms and conditions
- X Sign any releases necessary for the Board to obtain any records from, or communicate with OHPP
- X Continue with current drug and alcohol therapy, complying with any recommendations, including any subsequent therapy that is recommended
- X Monthly Administrative fee \$100/month

OSBOE HISTORY SHEET

- X Bear the financial costs of any related expenses
- X Sign and complete all authorizations are signed and completed to release all reports, documents, etc directly to the Board



OKLAHOMA HEALTH PROFESSIONALS PROGRAM

November 29, 2022

Richard Zimmer, CMBI
Chief Investigator
Oklahoma State Board of Osteopathic Examiners
4848 N. Lincoln Blvd, Suite 100
Oklahoma City, OK 73105

Regarding: Colin Bumann, DO

This letter is in reference to Colin Bumann, DO. Dr. Bumann signed a contract with the Oklahoma Health Professionals Program (OHPP) on July 7th, 2021, while he attended treatment at Bradford. Dr. Baumann returned to work/Residency rotation for ophthalmology in Mid-November 2021 and has been practicing since. He is required to submit 18 random drug/alcohol screens, 2 Hair tests, 3 support meetings in addition to Caduceus and quarterly therapy. All alcohol/drug screens have been negative since his discharge from treatment on October 28th, 2021.

Dr. Bumann last met with OHPP on October 19th, 2022, to follow up with OHPP since his 6-month follow up in June 2022. At that time, he reported doing really well in sobriety. At the date of this letter, Dr. Bumann is in compliance with all his OHPP contract 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





Oklahoma State Board of Osteopathic Examiners

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DENNIS J. CARTER, D.O.
POTEAU

CHELSEY D. GILBERTSON, D.O.
EDMOND

November 15, 2022

VIA EMAIL [REDACTED]
AND U.S. MAIL

Colin Bumann, D.O. (#7512)
[REDACTED]

Re: Notice of Hearing re OSBOE v. Colin
Bumann, D.O. (No. OSBOE-2021-098)

Dear Dr. Bumann:

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 **December 8, 2022. All such appearances for this docket are set for 9:00 a.m.** The Hearing Docket will be held at the Board's Office, 4848 N. Lincoln Blvd., Ste. 100, Oklahoma City, Oklahoma.

Join Teams Meeting on Computer or Mobile App:

[Click here to join the meeting](#)

Meeting ID: **250 776 951 611**

Passcode: **VeXt6L**

Join on the web: [Join a Microsoft Teams Meeting by ID | Microsoft Teams](#)

Please let us know in advance whether you intend to appear at the meeting by Teams or in person.

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



Oklahoma State Board of Osteopathic Examiners

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OKLAHOMA CITY

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TULSA

C. MICHAEL OGLE, D.O.
BARTLESVILLE

DENNIS J. CARTER, D.O.
POTEAU

May 25, 2022

VIA EMAIL [REDACTED]
AND U.S. MAIL

Colin Bumann, D.O. (#7512)

Re: Notice of Hearing re OSBOE v. Colin
Bumann, D.O. (No. OSBOE-2021-098)

Dear Dr. Bumann:

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 **June 16, 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.

Join Zoom Meeting:

<https://zoom.us/j/98817835727?pwd=R093Myt6NFA2VHhBUDNFskZyZ2RQZz09>

Meeting ID: **988 1783 5727**

Password: **060826**

Find your local number: <https://zoom.us/u/aGp5kcByB>

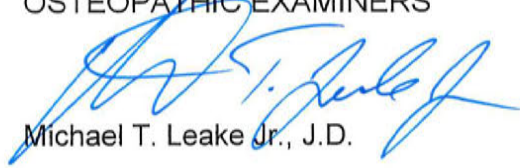
Please let us know in advance whether you intend to appear at the meeting by Zoom or in person.

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

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

Michael T. Leake Jr., J.D.

MTL/kc

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

IN THE MATTER OF COLIN)
BUMANN, D.O., APPLICANT FOR)
ISSUE OF LICENSE)
(Osteopathic Medical License No.
7512)

Case No. 2021-098 (RZ)

RECEIVED/FILED

JAN 11 2022

**ORDER GRANTING LICENSE WITH
TERMS AND CONDITIONS**

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

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. Colin Bumann, D.O. ("Dr. Bumann") presented without counsel. The Board's Chief Investigator, Richard Zimmer, and John Kuhn, M.D., 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. seq.

The Board, after reviewing Dr. Bumann's Application for Licensure and being fully advised, enters this Order Granting License with Terms and Conditions.

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Board that, for good cause shown, of Dr. Bumann's application for Licensure is hereby **GRANTED** and subject to the following terms and conditions:

1. That Dr. Bumann's license, number 7512 is under a five (5) year term of **PROBATION**. Said probation may be extended or continued at the discretion of the Board.
2. That Dr. Bumann continue to successfully comply with Oklahoma Health Professional Program ("OHPP") contract, following all terms and conditions. Dr. Bumann shall sign any releases necessary for the Board to obtain any records from, or communicate with, OHPP regarding Dr. Bumann.

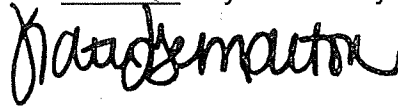
3. That Dr. Bumann continue with his current drug and alcohol therapy, complying with any recommendations, including any subsequent therapy that is recommended.
4. That Dr. Bumann is assessed an ongoing monthly Administrative Maintenance fee of one hundred dollars (\$100) due by the first day of each month. Dr. Bumann's first monthly fee payment is due on February 1, 2022, and continues monthly during the pendency of his probation.
5. That Dr. Bumann shall bear the financial costs of any expenses incurred from this Order.
6. That Dr. Bumann shall ensure all authorizations are signed and completed to release all reports, documents, etc., directly to the Board.
7. That Dr. Bumann is required to notify the Board within fourteen (14) days of any changes to his residential or practice address.
8. That Dr. Bumann is required to notify the Board within fourteen (14) days of any changes to his cell phone number.
9. That Dr. Bumann complete the Compliance Information Request Form within ten (10) days of signing this Order. (Exhibit A, Compliance Information Request Form).
10. That Dr. Bumann complete the Monthly Supervision Self-Report by the tenth (10th) day of each month. (Exhibit B, Monthly Supervision Self-Report).
11. That Dr. Bumann appear before the Board in compliance with this Order on March 17, 2022.
12. In the event Dr. Bumann 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.

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 HEREBY ORDERED AND EFFECTIVE this 11th day of January 2022.



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



Oklahoma State Board of Osteopathic Examiners

BOARD MEMBERS

KATIE TEMPLETON, J.D.
PRESIDENT
OKLAHOMA CITY

BRET LANGERMAN, D.O.
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OKLAHOMA CITY

CARL B. PETTIGREW, D.O.
OKLAHOMA CITY

DUANE KOEHLER, D.O.
TULSA

DALE DERBY, D.O.
OWASSO

November 16, 2021

VIA EMAIL [REDACTED]
AND U.S. MAIL

Colin Bumann, D.O. (Applicant)
[REDACTED]

Re: Notice of Hearing re OSBOE v. Colin
Bumann, D.O. (No. 2021-098)

Dear Dr. Bumann:

Please be advised that you are required to appear on the Licensure & Renewal Hearing Docket before the Oklahoma State Board of Osteopathic Examiners at its next meeting on **December 9, 2021. All such appearances for this docket are set for 9:30 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 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., J.D.

MTL/kc

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

IN THE MATTER OF COLIN)
BUMANN, D.O., APPLICANT FOR)
ISSUE OF LICENSE (Osteopathic)
Medical License No. 0346R)

Case No. 2021-098 (RZ)

RECEIVED/FILED

OCT 11 2021

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

**SECOND INTERIM ORDER TABLING CONSIDERATION OF
APPLICATION AND EXTENSION OF TRAINING LICENSE**

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. Colin Bumann, D.O. ("Dr. Bumann"), applicant for licensure, was provided notice and was continued until the December 9, 2021 meeting.

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.*

Being fully advised, the Board modifies the previous Order of his Interim Order Tabling Consideration of Application and Extension of Training license as set forth below.

1. Dr. Bumann's hearing has been continued until December 9, 2021.
2. Dr. Bumann shall comply with all requirements set forth in the Interim Order signed on July 9, 2021.
3. Dr. Bumann shall bear all expenses related to the requirements outlined in this Second Interim Order, and any other Order issued by the Board.
4. Dr. Bumann shall sign any authorizations necessary to release all reports, documents, etc. directly to the Board.
5. Dr. Bumann's Application shall remain tabled until such time as the Board receives the requested documentation and/or information in this Second Interim Order, and any other Order issued by the Board.
6. Dr. Bumann's Resident Training License has been extended until December 9, 2021, wherein the doctor is permitted to continue his training within his current residency program.

SECOND INTERIM ORDER TABLING CONSIDERATION OF
APPLICATION AND EXTENSION OF TRAINING LICENSE

Colin Bumann, D.O. (Applicant)

OSBOE-2021-098

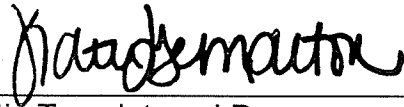
Page 1 of 2

OSBOE Q4 BOARD MATERIALS 0060

7. Following receipt of the requested documentation and information from this Second Interim Order, and the Interim Order issued on July 9, 2021, Dr. Bumann will be scheduled to appear before the Board for review of all documents and for any other issues raised by his Application and history.
8. This Second Interim Order is not a final determination of this Board and is therefore not appealable as a final order.
9. The Board has not reached any final determination in the Application, and nothing in this Order shall guarantee further licensure of Dr. Bumann.

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

IT IS HEREBY ORDERED AND EFFECTIVE this 11th day of October 2021.



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



Oklahoma State Board of Osteopathic Examiners

BOARD MEMBERS
KATIE TEMPLETON, J.D. BRET LANGERMAN, D.O. CATHERINE C. TAYLOR, J.D.
PRESIDENT VICE PRESIDENT SECRETARY-TREASURER
OKLAHOMA CITY MUSTANG TULSA

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

August 24, 2021

VIA EMAIL [REDACTED]
AND U.S. MAIL

Colin Bumann, D.O. (Applicant)
[REDACTED]

Re: Hearing Notice re Licensure Hearing and
 Reporting Docket

Dear Dr. Bumann:

Please be advised that you are required to appear on the Licensure Hearing and Reporting Docket before the Oklahoma Board of Osteopathic Examiners at its next meeting on **September 16, 2021. All such appearances for this docket are set for 1:00 p.m.** The Hearing Docket will be held in the 2nd Floor Auditorium of the Oklahoma State University Medical Center, 744 West 9th Street, Tulsa, OK 74127.

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

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

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

RECEIVED/FILED

JUL 09 2021

IN THE MATTER OF COLIN)
BUMANN, D.O., APPLICANT FOR) Case No. 2021-098 (BZ)
ISSUE OF LICENSE (Osteopathic)
Medical License No. 0346R) OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

**INTERIM ORDER TABLING APPLICATION AND
GRANTING EXTENSION OF TRAINING 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 17, 2021. Colin Bumann, D.O. ("Dr. Bumann"), applicant for licensure, appears at the hearing on this date via Zoom without counsel on his Application to practice Osteopathic Medicine in the State of Oklahoma. Dr. Bumann's residency coordinator and director appeared by Zoom.

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.*

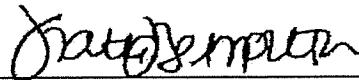
After reviewing Dr. Bumann's Application and hearing sworn testimony, the Board enters this Interim Order Tabling Application. Future consideration of this Application will occur upon the following terms and conditions:

1. In order to protect the public, Dr. Bumann shall enroll in the Oklahoma Health Professionals Program ("OHPP"), wherein he is required to comply with all requirements of the program.
2. In order to protect the public, Dr. Bumann shall undergo an evaluation by Julio Rojas, Ph.D.
3. Dr. Bumann shall sign any and all authorizations to release information to the Board from OHPP and/or Dr. Rojas.
4. Dr. Bumann shall bear all expenses related to the requirements outlined in this Order.
5. Dr. Bumann's Application shall remain tabled until such time as the Board receives the requested documentation and/or information in this Interim Order.
6. Dr. Bumann's Resident Training License has been extended until September 16,

2021, wherein the doctor is permitted to continue his training within his current residency program.

7. Following receipt of the requested documentation and information, Dr. Bumann will be scheduled to appear before the Board for review of all documents and for any other issues raised by his Application and history.
8. This Interim Order is not a final determination of this Board and is therefore not appealable as a final order.
9. The Board has not reached any final determination in the Application, and nothing in this Order shall guarantee further licensure of Dr. Bumann.
10. This Interim Order is a public record and, therefore, subject to the Oklahoma Open Records Act.

IT IS HEREBY ORDERED AND EFFECTIVE this 9th day of July 2021.



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

W. EDWARD
CLYMER, D.O.

2777

NATHAN MAYES, J.D.

OSBOE HISTORY SHEET

W. Edward Clymer, D.O.

Family Practice

Okla. Lic Number: 2777

Case Number: 2021-057 (RZ)

Status: Unrestricted license

TOTAL COSTS AND FINES:

- \$23,650.00 – OSBOE accepted \$10,000 as PIF when Dr. Clymer surrendered his license in 2011

COMPLAINT:

- Engaging in sexual activity within a physician/patient relationship
- Inappropriate unsolicited sexual comments and touching without consent

6-15-2005 Voluntary Agreement to undergo evaluation and complete CMEs

- As response to the Complaint filed against Dr. Clymer, offered a voluntary submission to undergo evaluation for sexual addiction/boundary issues, agreed to follow any recommendations
- Offered to complete 50 hours of CME on medical ethics issues
- Offered to complete 50 hours of CME on sexual boundary issues
- Agreed to a 2 year period to complete the terms

3-19-2007 FINDINGS OF FACT, CONCLUSIONS OF LAW AND AGREED ORDER

- Probation 3 years
- May not seek modification of this Agreed Order for 1 year
- Get an assessment within 3 months from a Board approved psychiatrist that specializes in sexual boundary issues in the medical profession
- Follow and successfully complete any recommendations from the assessment
- Appear 2x during calendar year
- Reimburse administrative costs \$23,650.00 upon receipt of this Board Order

3-18-2010 ORDER TABLED FOR CONSIDERATION AND CONTINUING PROBATION

- Consideration of case will be terminated until next meeting (6-17-2010) due to pending resolution of criminal case

6-16-2011 ORDER TERMINATING PROBATION

- 3 year Probation TERMINATED

6-29-2011 AFFIDAVIT FOR SURRENDER OF LICENSE

CLYMER

1

OSBOE Q4 BOARD MATERIALS 0066

OSBOE HISTORY SHEET

X Affidavit of Surrender signed and effective 6-29-2011

3-21-2013 INTERIM ORDER TABLING CONSIDERATION OF APPLICATION

- X CPEP evaluation of his clinical skills and medical knowledge, including a psychological and physical fitness determination
- X All completed reports shall be sent directly to the Board from CPEP
- X Dr. Clymer shall bear all related expenses
- X Appear before the Board to review documentation of completed evaluations

9-19-2013 ORDER OR PRECEPTORSHIP

- X Issued a temporary resident license (keeping same license #2777) with terms and conditions
- X Authorized under a 1 year Preceptor Plan
 - Preceptor must be approved by Board
 - First 3 months "shoulder to shoulder"
 - Remainder monitored by Preceptor with regular meetings to review charts and cases
- X Preceptor will make quarterly progress reports to Board
- X Review of 2 Journal articles per week
- X Complete 50 hours CME prior to completion of Preceptorship
- X May be required to pass a Proficiency Examination at conclusion of Preceptorship
- X Communicate regularly with Board staff
- X Make quarterly appearances before Board
- X Abide by all OHPP Agreement Terms and Conditions
- X Board may choose to extend the Preceptorship beyond 1 year at its discretion

5-18-2015 PRECEPTORSHIP PLAN SIGNED

- X Continuous monitoring for 12 months
- X Read and review (provide summary) 2 journal articles per week
- X Submit a monthly report of summaries/review meetings with Preceptor to the Board (signed by Preceptor)
- X Attend Board approved CME during the term of the plan (50 hours during first 12 months)
- X A Proficiency Examination may be require by the Board at the conclusion of the Preceptorship

9-17-2015 ORDER CONTINUING PRECEPTORSHIP

- X Continue clinical work in OK as authorized under Preceptor Plan, authorized to more to step 2 of Plan

CLYMER

2

OSBOE Q4 BOARD MATERIALS 0067

OSBOE HISTORY SHEET

X All other terms and conditions remain in effect

6-16-2016 INTERIM ORDER FOR TESTING AT CONCLUSION OF PRECEPTORSHIP

- X Take the NBOME Convex Exam as authorized by Preceptor Plan
- X Have results provided directly for the Board to consider at the September 2016 meeting
- X All other terms and conditions of the Preceptorship Order and Plan remain in effect

12-8-2016 ORDER TERMINATING PROBATION FOLLOWING SUCCESSFUL COMPLETION

- X Termination of Probation TERMINATED



Oklahoma State Board of Osteopathic Examiners

BOARD MEMBERS

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PRESIDENT
MUSTANG

CATHERINE C. TAYLOR, J.D.
VICE PRESIDENT
TULSA

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C. MICHAEL OGLE, D.O.
BARTLESVILLE

DENNIS J. CARTER, D.O.
POTEAU

CHELSEY D. GILBERTSON, D.O.
EDMOND

November 15, 2022

VIA EMAIL [REDACTED]
AND U.S. MAIL

W. Edward Clymer, D.O. (#2777)
[REDACTED]

Re: Notice of Hearing re OSBOE v. W. Edward
Clymer, D.O. (No. OSBOE-2021-057)

Dear Dr. Clymer:

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 **December 8, 2022. All such appearances for this docket are set for 9:00 a.m.** The Hearing Docket will be held 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 nathanmays@sckmlaw.com
AND U.S. MAIL

Mr. Nathan Mays, J.D.
Schaffer Carter Kennedy & Mays
1001 McKinney Street
Suite 1600
Houston, TX 77002
(281) 357-9351
(713) 228-0034

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

STATE OF OKLAHOMA, ex rel.,)
STATE BOARD OF OSTEOPATHIC)
EXAMINERS,)
)
Petitioners,)
)
v.)
)
W. EDWARD CLYMER, D.O.,)
Osteopathic Medicine License No. 2777.)
)
Respondent.)

RECEIVED/FILED

AUG 30 2022

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

Case No. 2021-57 (RZ)

CITATION AND NOTICE OF HEARING

TO: W. EDWARD CLYMER, 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 Oklahoma State University Medical Center, 744 West 9th Street, 2nd Floor Auditorium, Tulsa, Oklahoma 74127, on **September 15, 2022**. 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 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 Amended Complaint, his license is in good standing.

LEGAL AUTHORITY AND JURISDICTION FOR HEARING

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

RIGHTS OF RESPONDENT

Be advised of your rights, which are as follows:

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

Respectfully submitted,



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

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

STATE OF OKLAHOMA, ex rel.,)
STATE BOARD OF OSTEOPATHIC)
EXAMINERS,)
)
Petitioners,)
)
v.)
)
W. EDWARD CLYMER, D.O.,)
Osteopathic Medicine License No. 2777.)
)
Respondent.)

RECEIVED/FILED

AUG 30 2022

**OKLA. BOARD OF
OSTEOPATHIC EXAMINERS**

Case No. 2021-57 (RZ)

COMPLAINT

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

1. W. Edward Clymer, D.O., is the holder of a license to practice as an osteopathic physician in the State of Oklahoma, license number 2777. Dr. Clymer received his license to practice as an osteopathic physician in Oklahoma from the Board in July of 1989 and is currently in good standing. Dr. Clymer is primarily engaged in the practice of family medicine and pain management in Pawnee, Oklahoma. Dr. Clymer is also trained as a veterinarian.

2. Dr. Clymer is in violation of the Oklahoma Osteopathic Medicine Act (the "Act"), Tit. 59 O.S. § 637(A)(2) and/or (A)(2)(h), which states

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 ... unethical conduct or unprofessional

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

...

- h. engaging in any sexual activity within a physician/patient relationship[.]

3. M.T. was a pain management patient of Dr. Clymer for over ten (10) years. Throughout this time, Dr. Clymer sexually harassed M.T. numerous times during appointments, including telling M.T. that he/she had a “nice butt and breasts,” asking whether M.T. had a boyfriend, massaging M.T. unnecessarily, and frequently hugging M.T.

4. In late 2018, M.T. received a text message outside of regular office hours from Dr. Clymer in which he stated that he loved M.T. A few days later M.T. received another after-hours text from Dr. Clymer in which he stated that he wanted to meet up with M.T. in Ponca City, go out to dinner, go back to a hotel room after dinner and have sex. A month after this message, M.T. asked Dr. Clymer during a scheduled visit to look at a rash on his/her stomach. Dr. Clymer, without asking, proceeded to unbuckle M.T.’s belt and put his hand down M.T.’s pants below the rash down to the pubis bone. Dr. Clymer then walked behind M.T. and groped M.T.’s breasts telling him/her that he was listening to M.T.’s breathing. Dr. Clymer then told M.T. that M.T. had nice breasts and that he knew someone who could enlarge them for \$5,000. During another visit in March 2019, Dr. Clymer grabbed M.T.’s face with his hands and kissed M.T. on the lips and put his tongue in M.T.’s mouth.

5. S.T. was a pain management patient of Dr. Clymer during all times

discussed herein. Dr. Clymer sexually harassed S.T. during scheduled visits by groping S.T. on more than one occasion, making unwanted sexual advances, and kissing S.T.

6. During a visit on January 9, 2019, S.T. attempted to secretly video Dr. Clymer's sexual harassment with his/her phone. During this visit, Dr. Clymer placed prescription papers directly over the phone, blocking the video recording. Dr. Clymer discussed trying to meet with S.T. that weekend at a dispensary where he would be working and to have drinks afterward. Dr. Clymer can also be heard kissing S.T. and whispering, "I'll kiss you more when you feel better" shortly before ending the appointment.


7. S.T. took another video at a subsequent appointment with Dr. Clymer on February 6, 2019, with Dr. Clymer asking S.T. why S.T. had not answered the phone when he called him/her to meet up at the dispensary as well as talking about them going out to eat together in the future. At the end of this appointment, Dr. Clymer again asked about S.T.'s social life.

8. Dr. Clymer initiated the above-referenced incidents of sexual harassment without M.T.'s or S.T.'s consent or invitation. No nurse or other staff member was present for any of the incidents discussed above.

9. Dr. Clymer has violated the Act by generally engaging in unethical and unprofessional conduct as well as engaging in sexual activity within the physician/patient relationship, to wit: sexually harassing patients M.T. and S.T. during office visits and outside of office hours by having inappropriate conversations with them, improperly touching and kissing them during visits, and making unwanted

sexual advances towards them.

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

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

STATE BOARD OF OSTEOPATHIC
EXAMINERS,

Petitioner,

v.

W. EDWARD CLYMER, D.O., D.V.M.
Osteopathic Medical License No. 2777,

Respondent.

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Case No. 2006-09-04
2005-3

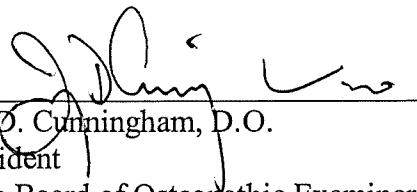
**ORDER TERMINATING PROBATION FOLLOWING
SUCCESSFUL COMPLETION**

This matter comes before the State Board of Osteopathic Examiners [Board] at a regularly scheduled meeting of the Board held on December 8, 2016 in the above styled individual proceeding. W. Edward Clymer, D.O. [Dr. Clymer] made a Preceptor Plan appearance on this date for the Board to consider **TERMINATION** of his **PRECEPTORSHIP** ordered on September 19, 2013 and effective on March 19, 2015.. For good cause shown, **TERMINATION** of Dr. Clymer's Preceptorship is **GRANTED**. Having successfully completed all terms and conditions of the Preceptorship and all previous Orders of the Board, Dr. Clymer's license to practice osteopathic medicine in the State of Oklahoma is in good standing without any restrictions.

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

IT IS SO ORDERED, ADJUDGED AND DECREED.

Dated this 8th day of December, 2016.


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

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

IN THE MATTER OF WILLIAM E. CLYMER, D.O.
APPLICANT FOR REINSTATEMENT OF LICENSE
License Number 2777

INTERIM ORDER FOR TESTING AT CONCLUSION OF PRECEPTORSHIP

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, 2016. William E. Clymer, D.O. [Dr. Clymer] appears at the hearing on this date with his counsel, Sherry Boyce. Dr. Clymer is also accompanied by Dr. Merlin Kilbury, M.D. of the Oklahoma Health Professionals Program [OHPP]. The Board's Chief Investigator, Richard Zimmer, also appears and gives testimony.

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

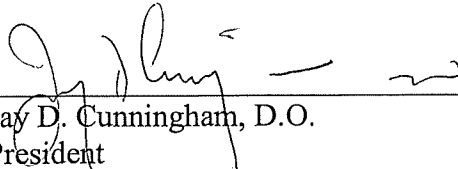
The Board reviewed Dr. Clymer's Order of Preceptorship of 9/19/2013, and his Preceptor Plan of 3/19/2015, both of which are incorporated by reference as if they appear in full herein. The Board, after reviewing the Orders and Dr. Clymer's compliance therewith, enters the following Order:

1. Dr. Clymer, as authorized under the Preceptor Plan, is to take the Convex Exam administered by NBOME. Dr. Clymer is to bear all expenses related to taking the exam. He is to direct NBOME to provide the test results directly to the Board for consideration at the September, 2016, meeting.

2. All other terms and conditions of the Order of Preceptorship, and the Preceptor Plan remain in full force and effect.

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

IT IS SO ORDERED, ADJUDGED AND DECREED on this 16th day of June, 2016.



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

OKLAHOMA STATE BOARD OF OSTEOPATHIC EXAMINERS
4848 North Lincoln Boulevard, Suite 100
Oklahoma City, Oklahoma 73105-3321
Phone: (405) 528-8625 Fax: 405-557-0653

PRECEPTOR PLAN

FOR

WILLIAM E. CLYMER, D.O.

This plan was developed, based upon areas of need identified by the Oklahoma State Board of Osteopathic Examiners [hereinafter Board], as a result of disciplinary action involving the above referenced physician, Dr. William E. Clymer, D.O. [hereinafter Physician]. This plan will address the Physician's fund of medical knowledge, patterns of clinical reasoning and judgment, quality of documentation of patient care, ability to communicate with patients and the skill to treat them. This Plan will involve direct supervision and regularly scheduled meetings between the Physician and the Preceptor to review cases and documentation, discuss decisions related to those cases, review specific topics, and make plans for future learning.

The Physician is responsible for participation, documentation of progress, and improvements and changes in medical practice. The Board will utilize information from the written reports of the Physician and the Preceptor to determine if the objectives of the Plan are being met and that practice enhancements are occurring.

The Physician is also responsible for locating and identifying a potential Preceptor and submitting that name to the Board for approval. The Preceptor should be an experienced physician in the same area of practice as the Physician. The Physician is also responsible for returning signed copies of this Preceptor Plan to the Board office. The Plan will not begin until the fully executed Preceptor Plan is received in the Board office and approved by the Board.

Upon completion of the Plan and Proficiency Examination, the Physician must appear before the Board for authorization to return to full active licensure status.

The Preceptor is responsible for Monitoring the Physician and preparing and submitting Monthly Reports on the Physician to the Board. The Preceptor shall also sign the Physician's Monthly Reports to the Board.

CLINICAL PLAN:

1. The Physician will initially be directly monitored, practicing "shoulder to shoulder" with the Preceptor. The Preceptor is to prepare and send to the Board a monthly report detailing the Physician's progress.

2. Following completion of direct monitoring, the Physician must appear before the Board to determine readiness to transition to direct patient care with the Preceptor being readily available for case discussion. Monthly progress reports from the Preceptor and Physician shall continue.

DIDACTIC PLAN:

1. The Physician will read and review a number of journal articles each week of relevant content areas and prepare a summary for each article, describing how the information will be integrated into clinical practice. The Physician may choose the articles, but the Preceptor must approve them.
2. The Physician will prepare a Journal of the meetings with the Preceptor with the discussed articles delineated. The Physician will submit a Monthly report of these meetings to the Board. This report is to be signed by the Preceptor.
3. The Physician will attend Continuing Medical Education during the term of the Plan. All courses require Board approval prior to attendance.
4. At the conclusion of the Preceptor Plan, the Physician must take and pass a proficiency examination in the Physician's area of specialization.

DURATION:

The Physician is to be continuously monitored for **TWELVE** months.

At the conclusion of the shoulder-to-shoulder portion of the Clinical Plan, the Physician is to appear before the Board to determine readiness for direct patient care. The duration of this Plan may be extended at the sole discretion of the Board.

EDUCATIONAL MATERIALS:

The Physician is to read and review **TWO (2)** Journal articles per week.

CONTINUING EDUCATION COURSES:

The Physician is to acquire **FIFTY (50)** hours of Continuing Medical Education during the next **TWELVE** months.

ASSESSMENT:

A Proficiency Examination may be required by the Board at the conclusion of the Preceptorship.

I hereby agree to abide by all the terms and conditions of this Preceptor Plan.

PHYSICIAN:

William E. Clymer, DO William E. Clymer, DO Date: 5-14-15
NAME (PRINTED) SIGNATURE

PRECEPTOR:

James Campbell James Campbell Date: 5/14/15
NAME (PRINTED) SIGNATURE

Accepted by Board:

DEBORAH J. BRUCE Deborah Bruce Date: 5/18/15
NAME (PRINTED) SIGNATURE

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

IN THE MATTER OF WILLIAM E. CLYMER, D.O.
APPLICANT FOR REINSTATEMENT OF LICENSE
License Number 2777

ORDER CONTINUING PRECEPTORSHIP

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, 2015. William E. Clymer, D.O. [Dr. Clymer] appears at the hearing on this date with his counsel, Sherry Boyce. Dr. Clymer is also accompanied by Dr. Merlin Kilbury, M.D. of the Oklahoma Health Professionals Program [OHPP]. The Board's Chief Investigator, Richard Zimmer, also appears and gives testimony.

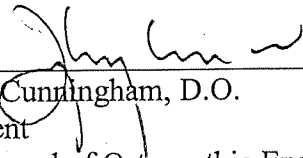
This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

The Board, after reviewing Dr. Clymer's Order of Preceptorship of 9/19/2013, and his Preceptor Plan of 3/19/2015, and his compliance therewith enters the following Order:

1. Dr. Clymer is to continue his clinical work in Oklahoma as authorized under the Preceptor Plan which is incorporated by reference as if it appeared in full herein. He is hereby authorized to continue to step two (2) of the Plan.
2. All other terms and conditions of the Order of Preceptorship, hereby incorporated by reference as if it appeared in full herein and the Preceptor Plan remain in full force and effect.
3. This Order is a public record and therefore subject to the Open Records Act.

IT IS SO ORDERED, ADJUDGED AND DECREED.

This date: September 17, 2015.



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

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

IN THE MATTER OF WILLIAM E. CLYMER, D.O.
APPLICANT FOR REINSTATEMENT OF LICENSE
License Number 2777

ORDER OF PRECEPTORSHIP

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners [Board] at a regular meeting of the Board on September 19, 2013. William E. Clymer, D.O. [Dr. Clymer] appears at the hearing on this date with his counsel, Sherry Boyce, applying for reinstatement of his license, number 2777, to practice osteopathic medicine in the State of Oklahoma. Dr. Clymer is also accompanied by Dr. Merlin Kilbury, M.D. of the Oklahoma Health Professionals Program [OHPP]. The Board is represented by Special Prosecutor for the Board, Richard A. Mildren, of Riggs, Abney, Neal, Turpen, Orbison & Lewis.

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

The Board, after reviewing Dr. Clymer's Application for Re-Licensure, grants his request for Temporary licensure contingent upon successful resolution of the criminal charges pending against him in Pawnee County District Court. Upon receipt of the Order or Minute of the District Court of Pawnee County indicating all legal issues have been favorably resolved, the Board issues this Order of Preceptorship.

ORDER

IT IS THEREFORE ORDERED THAT a temporary resident license, re-issue of license number 2777, to practice osteopathic medicine in the State of Oklahoma is hereby issued to William E. Clymer, D.O., subject to the following terms and conditions:

1. Dr. Clymer's clinical work in Oklahoma is authorized under a Preceptor Plan which is incorporated by reference as if it appeared in full herein.
2. The duration of the Preceptor Plan is one (1) year. The first three (3) months of the plan, Dr. Clymer is to work "shoulder-to-shoulder" with the Preceptor. For the remainder of the Preceptorship, he is to be monitored by the Preceptor and meet with the preceptor and review charts and cases regularly. Dr. Clymer must have the Preceptor approved by Board Staff.

3. Dr. Clymer is to cause the Preceptor to make quarterly progress reports on his performance to the Board. Such reports are to be narrative and may be in any form chosen by the Preceptor. The reports should arrive in the Board Office on or about December 1, 2013, March 1, 2014, June 1, 2014 and September 1, 2014.

4. Dr. Clymer is to complete the Educational portion of the Preceptor Plan by reviewing two (2) Journal articles per week. He is also to attend fifty (50) hours of Continuing Medical Education prior to completion of the Preceptorship.

5. At the conclusion of the Preceptorship, Dr. Clymer may be required to pass a Proficiency Examination.

6. Dr. Clymer is to communicate regularly with Board Staff. No term or condition of this Order shall be changed without first being approved by Board Staff and then by the Board en banc.

7. During the term of the Preceptor Plan, Dr. Clymer is to make quarterly appearances before the Board for review of the Preceptor Plan and his performance thereof.

8. Dr. Clymer shall continue to abide by all the terms and conditions of his agreement with OHPP.

9. At the conclusion of one (1) year of the Preceptorship, the Board may, in its discretion, order the Preceptorship to continue for another time certain.

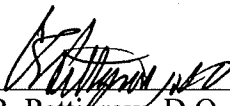
10. Failure to follow all terms and conditions of this Order may result in disciplinary action including suspension of the temporary license to practice osteopathic medicine.

11. Nothing in this Order is a guarantee of future licensure for Dr. Clymer.

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

IT IS SO ORDERED, ADJUDGED AND DECREED.

Dated this 19th day of September, 2013.



C.B. Pettigrew, D.O.
President
State Board of Osteopathic Examiners

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

IN THE MATTER OF WILLIAM E. CLYMER, D.O.
APPLICANT FOR REISSUE OF LICENSE NO. 2777

INTERIM ORDER TABLING CONSIDERATION OF APPLICATION

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners [Board] at a regular meeting of the Board on March 21, 2013. William E. Clymer, D.O. [Dr. Clymer] appears at the hearing on this date in person accompanied by counsel, Sherry Boyce, J.D., in application for reissuance of his license to practice osteopathic medicine in the State of Oklahoma.

The Board, after reviewing Dr. Clymer's request and sworn testimony presented to the Board enters this Interim Order. Future consideration of this application is tabled and will occur upon the following terms and conditions:

1. In consideration of the admitted fact that Dr. Clymer has been out of the practice of medicine for two (2) years, he is directed to the Center for Personalized Education for Physicians [CPEP] in Denver, Colorado for evaluation of his clinical skills and medical knowledge. The evaluation shall also include a determination of the psychological and physical fitness of Dr. Clymer to return to the active practice of osteopathic medicine. Dr. Clymer shall cause a copy of any and all completed reports and/or evaluations to be sent to the Board directly from CPEP. Further, Dr. Clymer shall bear all expenses related to this evaluation.

2. Following completion of the evaluation, receipt of the results by the Board, and adequate time to analyze the reports, Dr. Clymer will be scheduled to appear before the Board for review of all documentation and all other issues raised by his application and history. Based upon a positive evaluation and recommendation from CPEP and on all other evidence received,

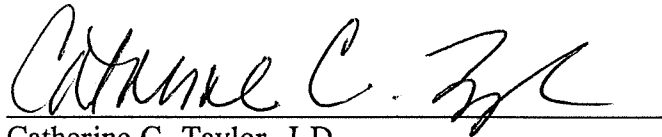
the Board may in the exercise of its discretion fashion some form of training plan, Preceptorship, or mentoring program for Dr. Clymer.

3. Dr. Clymer is directed to continue his relationship with the Oklahoma Health Professionals Program.

4. This Interim Order is not a final determination of this Board and is therefore not a public record, and not appealable as a final order.

5. The Board has not reached any final determination in the application and nothing in this order shall guarantee future licensure of Dr. Clymer.

IT IS SO ORDERED this 21st day of March, 2013.



Catherine C. Taylor, J.D.

President

State Board of Osteopathic Examiners

AFFIDAVIT FOR SURRENDER OF LICENSE

STATE OF ~~OKLAHOMA~~ *Arkansas*

COUNTY OF _____

The undersigned, being of legal age and upon oath, hereby alleges and states as follows:

- 1. I am the holder of a license to practice osteopathic medicine issued by the Oklahoma State Board of Osteopathic Examiners (the "Board").
- 2. I request that the Board cancel my license to practice osteopathic medicine in the state of Oklahoma.
- 3. I hereby surrender the certificate for my license # 2777.
- 4. The reason for my request to cancel my license is [check statement(s) applicable to you]:
 - I retired from the practice of osteopathic medicine effective [date] _____.
 - I terminated my practice of osteopathic medicine in the state of Oklahoma effective [date] _____ and plan to practice in one or more other states under the following licenses: [states/license numbers] _____.
 - I understand the Board is investigating conduct for which disciplinary action may be sought against me.
 - I understand the Board is seeking disciplinary action against me.
- 5. I understand that I must complete a full application for licensure and meet all licensing requirements then in effect if I wish to ask the Board to reinstate my license in the future.

6. My current address is _____

⇔ 11501-062 ⇔
William Clymer
11501-062
FPC/ PO Box 8000
Delta
Forrest CITY, AR 72336
United States

William E. Clymer, DO
Signature (Osteopathic Physician and Surgeon)

6-29-11
Date

William E. Clymer, DO
Printed Name

This document received and signature witnessed by:

Glenn A. Railsback
Signature

Glenn A. Railsback, witness
Printed Name and Title

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

STATE BOARD OF OSTEOPATHIC)
EXAMINERS,)
)
 Petitioner,)
)
v.)
)
W. EDWARD CLYMER, D.O., D.V.M.)
Osteopathic Medical License No. 2777,)
)
 Respondent.)

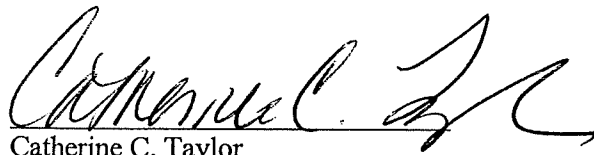
Case No. 2006-09-04
2005-3

ORDER TERMINATING PROBATION

This matter comes before the State Board of Osteopathic Examiners [Board] at a regularly scheduled meeting of the Board held on June 16, 2011, in the above styled individual proceeding. W. Edward Clymer, D.O. [Dr. Clymer] made a Probation appearance on this date for the Board to consider **TERMINATION** of his three (3) year **PROBATION** ordered on March 15, 2007. Board President, Gordon P. Laird, D.O., recused himself from participation herein. For good cause shown, **TERMINATION** of Dr. Clymer's Probation is **GRANTED**. The restrictions ordered by the Board on Dr. Clymer's license are hereby removed. Dr. Clymer's license to practice osteopathic medicine in the State of Oklahoma is now in good standing without any restrictions.

IT IS SO ORDERED, ADJUDGED AND DECREED.

Dated this 16th day of June 2011.



Catherine C. Taylor
Vice-President
State Board of Osteopathic Examiners

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

STATE BOARD OF OSTEOPATHIC EXAMINERS,)
)
)
 Petitioner,)
)
)
 v.)
)
)
 W. EDWARD CLYMER, D.O., D.V.M.)
 Osteopathic Medical License No. 2777,)
)
 Respondent.)

**Case No. 2006-09-04
2005-3**

ORDER TABLING CONSIDERATION AND CONTINUING PROBATION

This matter comes before the State Board of Osteopathic Examiners [Board] at a regularly scheduled meeting of the Board held on March 18, 2010, in the above styled individual proceeding. W. Edward Clymer, D.O. [Dr. Clymer] made a Probation appearance on this date accompanied by his counsel, Sherry Boyce, for review of his 2007 Order of **PROBATION** [2007 Order] and to determine if he has complied with all the terms and conditions of said Order.

This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 *et. seq.*, Rules of the Board, 510 OAC § 510:1-1-1 *et. seq.*, and the Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

At the hearing Dr. Clymer reported on the status of the pending criminal case against him in Pawnee County. Resolution of that criminal case is still pending; however, a ruling is expected on March 26, 2010.

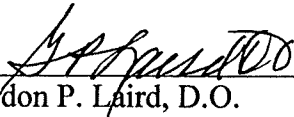
ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Osteopathic Examiners that consideration of Dr. Clymer's case is to be tabled until the next meeting of the Board on June 17, 2010, at which time the Board will again consider the status of Dr. Clymer's probation for such further orders as the Board deems necessary and proper.

IT IS FURTHER ORDERED that Dr. Clymer's probationary period will continue and that all terms and conditions of the 2007 Order shall remain in full force and effect.

IT IS SO ORDERED, ADJUDGED AND DECREED.

Dated this 18th day of March, 2010.



Gordon P. Laird, D.O.
President
State Board of Osteopathic Examiners

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

STATE OF OKLAHOMA, ex rel.,)	
STATE BOARD OF OSTEOPATHIC)	
EXAMINERS,)	
)	
Petitioners,)	
)	
v.	)	Case No. 2006-09-04
	)	2005-3
W. EDWARD CLYMER, D.O., D.V.M.)	
Osteopathic Medicine License No. 2777.)	
)	
Respondent.)	

FINDINGS OF FACT, CONCLUSIONS OF LAW AND AGREED ORDER

This matter comes before the State Board of Osteopathic Examiners ("Board") for an individual proceeding in the above-styled matters, Case Nos. 2006-09-04 and 2005-3. The Board is represented by the Special Prosecutor for the State Board of Osteopathic Examiners ("Board"), Richard A. Mildren of Riggs, Abney, Neal, Turpen, Orbison & Lewis. The Respondent, W. Edward Clymer, D.O. ("Dr. Clymer") appeared and was represented by Scott Adams with Adams and Associates. The Board finds, by clear and convincing evidence, the following Findings of Fact and Conclusions of Law to be true and correct.

FINDINGS OF FACT

1. W. Edward Clymer, D.O., D.V.M., ("Dr. Clymer") is the holder of a license issued by the State Board of Osteopathic Examiners ("Board") to practice osteopathic medicine in the State of Oklahoma, license number 2777. At the date of these Complaints, said license issued to Dr. Clymer is in good standing.

2. Dr. Clymer engaged in sexual activity with a female patient known as DF. DF became a patient of Dr. Clymer in July 1996. Between November 9, 2001 and February 18, 2003, DF was treated by Dr. Clymer on at least nine occasions. During the period of November 19, 2002 to October 22, 2003, Dr. Clymer issued twenty-four prescriptions for DF. Dr. Clymer and DF had sexual encounters over a period of time from the spring of 2002 to the spring of 2003. DF also was employed at the Pawnee Municipal Hospital as an RN beginning in 1997 and ending on July 14, 2003.

3. RR has been a RN for approximately twenty-two years and has worked at the Pawnee Municipal Hospital for ten years. Dr. Clymer has sexually harassed RR on numerous occasions over approximately a two year period. As late as August 19, 2006, Dr. Clymer put his hand on her buttocks and said “nice ass.” RR did not solicit such activities or comments from Dr. Clymer and he initiated such activities and comments without consent, warning or invite from RR.

4. JD has been a RN for approximately twenty-five years and has worked in the emergency room at the Pawnee Municipal Hospital for two years. For the past nine months, Dr. Clymer has sexually harassed her on numerous occasions. Dr. Clymer tries to “feel her up.” While alone in the emergency room, Dr. Clymer will put his hand on her breast, crotch or other parts of her body. Dr. Clymer has tried on many occasions to get JD to come over to his office after hours.

On August 19, 2006, Dr. Clymer and JD were treating a female patient in the emergency room. JD stepped out of the examination room. Dr. Clymer came out of the examination room and without warning, consent or invite Dr. Clymer first put his hand on her rib cage and then grasped and caressed her breast. JD did not solicit such activities from Dr. Clymer. He initiated such activities without consent, warning or invite from JD.

5. The Board agrees that the allegations pled in the criminal case styled *State of Oklahoma v. William Edward Clymer, Case No. CF 2005-161*, by itself, do not constitute a violation of the Oklahoma Osteopathic Medicine Act. The parties agree that the above-styled criminal case is a historic fact and may be acknowledged as such historic fact.

CONCLUSIONS OF LAW

1. The Board concludes that it has jurisdiction over the practice of osteopathic medicine in the State of Oklahoma, individuals licensed to practice osteopathic medicine in the State of Oklahoma and this individual proceeding pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. Sections 602 et seq. (“Osteopathic Act”) and the Oklahoma Administrative Proceeding Act, 75 O.S. Sections 309 et seq.

2. The Board concludes that Dr. Clymer has violated Section 637(A)(2) and (A)(2)(h) of the Osteopathic Act.

3. The Board concludes that because Dr. Clymer has violated Section 637(A)(2) and (A)(2)(h) of the Osteopathic Act, that it has jurisdiction to impose sanctions pursuant to Sections 637 and 637.1 of the Osteopathic Act.

The Board, having found by clear and convincing evidence the above cited Findings of Fact and Conclusions of Law to be true and correct, adopts this Agreed Order.

AGREED ORDER

1. The license issued by the Board to Dr. Clymer to practice osteopathic medicine in the State of Oklahoma is placed on **PROBATION** for a period of three (3) years.

2. Dr. Clymer will not be able to seek modification of this Agreed Order for a period of

one (1) year from the date this Board adopts this Agreed Order.

3. Dr. Clymer is required to get an assessment from a psychiatrist that specializes in sexual boundary issues in the medical profession. Said psychiatric must be approved by the Board. Dr. Clymer is required to get these assessments within three (3) months of the date of the Agreed Order as adopted by The Board. Dr. Clymer will be required to follow, and successfully complete, any recommendations issued by said psychiatrist. Dr. Clymer shall cause a report from the psychiatrist to be sent to The Board. Dr. Clymer will be required to report to the Board, in writing, any effort to follow these recommendations.

4. During this period of probation, Dr. Clymer will notify the Board immediately of any change in the address of his business or residence, phone number, facsimile or e-mail.

5. During this period of probation, Dr. Clymer will permit any representative of the Board to enter his office for official duties.

6. During this period of probation, Dr. Clymer will appear before the Board only twice during each calendar year.

7. During this period of probation, Dr. Clymer shall reimburse the Board for the administrative costs incurred in these matters in an amount equal to twenty- three thousand six hundred fifty dollars (\$23,650.00). Dr. Clymer is required to pay to The Board these administrative costs upon receipt of this Agreed Order.

8. During this period of probation, if Dr. Clymer leaves the State of Oklahoma to practice osteopathic medicine or for residential purposes, the period of probation will be tolled for the period of time he is outside the State of Oklahoma and will not count for this three year period of probation.

9. If Dr. Clymer is found to have violated any terms and conditions of this Agreed


Order, the Board may initiate a show cause proceeding to show cause why Dr. Clymer may have violated this Agreed Order and impose sanctions.

10. The Board may initiate another individual proceeding against Dr. Clymer for acts not giving rise to the acts described in this Agreed Order.

11. This Findings of Fact, Conclusions of Law and Agreed Order is a public record and subject to disclosure under the Oklahoma Open Records Act.

IT IS SO ORDERED, ADJUDGED AND DECREED.

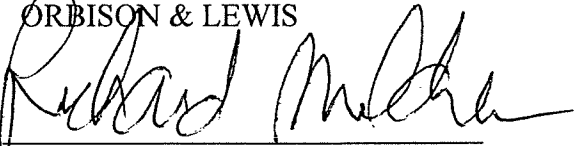
Dated this 19th day of March, 2007.


Cheryl A. Vaught
President
Oklahoma State Board of
Osteopathic Examiners

AGREED TO AS TO FORM AND SUBSTANCE:

Respectfully submitted,

RIGGS, ABNEY, NEAL, TURPEN,
ORBISON & LEWIS



Richard A. Mildren, OBA No. 6182
5801 Broadway Extension, Suite 101
Oklahoma City, Oklahoma 73118
(405) 843-9909
(405) 842-2913 Facsimile

SPECIAL PROSECUTOR FOR THE
STATE BOARD OF OSTEOPATHIC
EXAMINERS

ADAMS & ASSOCIATES, P.C.

A PROFESSIONAL CORPORATION

LAWYERS

CITY PLACE BUILDING
204 NORTH ROBINSON
TWENTY FIFTH FLOOR

OKLAHOMA CITY, OKLAHOMA 73102

405 - 232 - 9100

FAX 232 - 9114

June 15, 2005

State Board of Osteopathic Examiners
of the State of Oklahoma
c/o Gary Clark, Executive Director
4848 N. Lincoln Boulevard
Oklahoma City, Oklahoma

Re: State of Oklahoma, ex rel., State Board of Osteopathic Examiners v.
W. Edward Clymer, D.O., D.V.M.
Osteopathic Medicine License No. 2777
Case No. 2005-3

Dear Mr. Clark:

In an attempt to resolve the above-captioned matter, I would offer to the Board that Dr. Clymer would voluntarily submit to an evaluation to determine whether or not he has a sexual addiction or boundary problems and will follow any recommendations contained in that evaluation. Dr. Clymer would agree to complete 50 hours of CME on medical ethics issues and 50 hours of CME on sexual boundary issues. These two different CME's would be completed over a two (2) year period of time. Dr. Clymer would agree to pay reasonable costs incurred by the Board in this matter.

Upon completion of the above, the above-captioned matter would be dismissed.

Sincerely,

ADAMS & ASSOCIATES, P.C.


R. Scott Adams

RSA:sc

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

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

Petitioners,)

v.)

Case No. 2006-09-04

W. EDWARD CLYMER, D.O., D.V.M.)
Osteopathic Medicine License No. 2777.)

Respondent.)

COMPLAINT

The Special Prosecutor for the State Board of Osteopathic Examiners (“Board”), Richard A. Mildren of Riggs, Abney, Neal, Turpne, Orbison & Lewis, states:

1. W. Edward Clymer, D.O., D.V.M., (“Dr. Clymer”) is the holder of a license issued by the State Board of Osteopathic Examiners (“Board”) to practice osteopathic medicine in the State of Oklahoma, license number 2777. At the date of this Complaint, said license issued to Dr. Clymer is in good standing.

2. Dr. Clymer is in violation of the Oklahoma Osteopathic Medicine Act, 59 O.S. Section 637 et seq. (“Act”) and specifically Section 637(A)(2) 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:

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:

3. Person #1 is a registered nurse for approximately twenty-two years and has worked at the Pawnee Municipal Hospital for ten years. Dr. Clymer has sexually harassed Person #1 on numerous occasions over approximately a two year period. As late as August 19, 2006, Dr. Clymer put his hand on her buttocks and said "nice ass." Person #1 did not solicit such activities or comments from Dr. Clymer as he initiated such activities and comments without consent, warning or invite from Person #1.

4. Person #2 has been a registered nurse for approximately twenty-five years and has worked in the emergency room at the Pawnee Municipal Hospital for two years. For the past nine months, Dr. Clymer has sexually harassed her on numerous occasions and it seems like every chance Dr. Clymer gets, he tries to "feel her up." While alone in the emergency room, Dr. Clymer will put his hand on her breast, crotch or other parts of her body. Dr. Clymer has tried on many occasions to get Person #2 to come over to his office after hours. His office is across the street from the Pawnee Municipal Hospital.

As late as August 19, 2006, Dr. Clymer and Person #2 were treating a female patient in the emergency room. Person #2 stepped out of the examination room. Dr. Clymer came out of the examination room and without warning, consent or invite Dr. Clymer first put his hand on her rib cage and then grasped and caressed her breast.

Person #2 did not solicit such activities from Dr. Clymer as he initiated such activities without consent, warning or invite from Person #2.

Respectfully submitted,

RIGGS, ABNEY, NEAL, TURPEN,
ORBISON & LEWIS

A handwritten signature in black ink, reading "Richard A. Mildren". The signature is written in a cursive style with a horizontal line underneath it.

Richard A. Mildren, OBA No. 6182
5801 Broadway Extension, Suite 101
Oklahoma City, Oklahoma 73118
(405) 843-9909
(405) 842-2913 Facsimile

SPECIAL PROSECUTOR FOR THE
STATE BOARD OF OSTEOPATHIC
EXAMINERS

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

STATE OF OKLAHOMA, ex rel.,)	
STATE BOARD OF OSTEOPATHIC)	
EXAMINERS,)	
)	
Petitioners,)	
)	
v.	)	Case No. 2006-09-04
)	
W. EDWARD CLYMER, D.O., D.V.M.)	
Osteopathic Medicine License No. 2777.)	
)	
Respondent.)	

TO: W. EDWARD CLYMER, D.O., D.V.M.

COMPLAINT AND NOTICE OF HEARING

YOU ARE HEREBY NOTIFIED that under the Oklahoma Osteopathic Medicine Act ("Osteopathic Act"), 59 O.S. 1991, Section 620 et seq., and the Oklahoma Administrative Procedures Act, 75 O.S. 1991, Section 301 et seq., as amended, a hearing will be held before the Oklahoma State Board of Osteopathic Examiners ("Board"), at the offices of the Board, 4848 North Lincoln Boulevard, Suite 100, Oklahoma City, Oklahoma 73105, at 1 p.m.. on December 14, 2006.

PURPOSE OF HEARING

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

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

LEGAL AUTHORITY FOR HEARING

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


RIGHTS OF RESPONDENT

Please be advised of your rights, to-wit:

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

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

Dated this 21st day of Sept, 2006.



CATHERINE C. TAYLOR
Secretary - Treasurer
Oklahoma Board of Osteopathic Examiners
4848 North Lincoln, Suite 100
Oklahoma City, OK 73105

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

STATE OF OKLAHOMA, ex rel.,)
STATE BOARD OF OSTEOPATHIC)
EXAMINERS,)
)
 Petitioners,)
)
v.)
)
W. EDWARD CLYMER, D.O., D.V.M.)
Osteopathic Medicine License No. 2777.)
)
 Respondent.)

Case No. 2005-3

COMPLAINT

The Special Prosecutor for the State Board of Osteopathic Examiners ("Board"), Richard A. Mildren with Riggs, Abney, Neal, Turpen, Orbison & Lewis, states:

1. W. Edward Clymer, D.O., D.V.M. ("Dr. Clymer") is the holder of a license to practice osteopathic medicine and surgery in State of Oklahoma. As of the date of this Complaint, said license is in good standing.

2. Dr. Clymer is in violation of the Oklahoma Osteopathic Medicine Act, 59 O.S. § 637(A)(2)(h), 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 the applicant or holder of such a license:

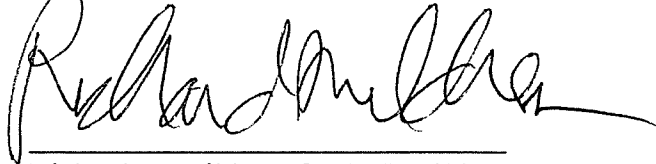
2. Has engaged in the use or employment of dishonesty, fraud, misrepresentation, false promise, false pretense, unethical conduct or unprofessional conduct, as may be determined by the Board, in the performance of the functions or duties of an osteopathic physician, including but not limited to the following:

(h). engaging in any sexual activity within a physician/patient relationship.

3. Dr. Clymer engaged in sexual activity with a female person known as DF. DF was employed at the Pawnee Hospital as an RN beginning in 1997 and ending on or about July 14, 2003. Dr. Clymer and DF had sexual encounters over a period of time from approximately the spring of 2002 to the spring of 2003. DF first became a patient of Dr. Clymer in July 1996. Between November 9, 2001 and February 18, 2003, DF was treated by Dr. Clymer on nine (9) occasions. A printout from the Drug Warehouse in Ponca City, Oklahoma, showed that DF had twenty-four (24) prescriptions filled that were issued by Dr. Clymer. These prescriptions were filled between November 19, 2002 and October 22, 2003. None of these prescriptions were for controlled dangerous substances.

Respectfully submitted,

RIGGS, ABNEY, NEAL, TURPEN,
ORBISON & LEWIS



Richard A. Mildren, OBA No. 6182
5801 Broadway Extension, Suite 101
Oklahoma City, Oklahoma 73118
(405) 843-9909
(405) 842-2913 Facsimile
SPECIAL PROSECUTOR FOR THE
STATE BOARD OF OSTEOPATHIC EXAMINERS

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

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

Petitioners,)

v.)

Case No. 2005-3

W. EDWARD CLYMER, D.O., D.V.M.)
Osteopathic Medicine License No. 2777.)

Respondent.)

TO: W. EDWARD CLYMER, D.O., D.V.M.

CITATION AND NOTICE OF HEARING

YOU ARE HEREBY NOTIFIED that under the Oklahoma Osteopathic Medicine Act ("Osteopathic Act"), 59 O.S. 1991, Section 620 et seq., and the Oklahoma Administrative Procedures Act, 75 O.S. 1991, Section 301 et seq., as amended, a hearing will be held before the Oklahoma State Board of Osteopathic Examiners ("Board"), at the offices of the Board, 4848 North Lincoln Boulevard, Suite 100, Oklahoma City, Oklahoma 73105, at 10:30 a.m. on June 16, 2005.

PURPOSE OF HEARING

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

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

LEGAL AUTHORITY FOR HEARING

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


RIGHTS OF RESPONDENT

Please be advised of your rights, to-wit:

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

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

Dated this 29th day of March, 2005.


CHERYL A. VAUGHT
Secretary - Treasurer C by HOT
Oklahoma Board of Osteopathic Examiners
4848 North Lincoln, Suite 100
Oklahoma City, OK 73105

DUSTIN
DAVIS, D.O.
7059

OSBOE HISTORY SHEET

Dustin Davis, D.O.

Family Practice

Okla. Lic Number: 7059

Case Number: 2020-72 (RZ)

Status: Licensed with terms of Monitoring

TOTAL COSTS AND FINES:

- X Monthly Administrative Fee: \$100/month

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

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



OKLAHOMA HEALTH PROFESSIONALS PROGRAM

November 29, 2022

Richard Zimmer, CMBI
Chief Investigator
Oklahoma State Board of Osteopathic Examiners
4848 N. Lincoln Blvd # 100
Oklahoma City, OK 73105

Regarding: Dustin Davis, DO

This letter is in reference to Dustin Davis, DO. Dr. Davis signed a 3-year contract with the Oklahoma Health Professionals Program (OHPP) on July 9th, 2020. He is required to attend caduceus meetings weekly, additional recovery support meetings and random drug/alcohol screens. All alcohol/drug screens have been negative, he is current on all recovery support meetings, logs and compliant with Caduceus Attendance.

Dr. Davis underwent an evaluation with Dr. Julio Rojas in June 2022 and Dr. Rojas recommended that Dr. Davis continue with OHPP during the duration of his contract. OHPP has made sure this has been implemented. 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





Oklahoma State Board of Osteopathic Examiners

BOARD MEMBERS

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PRESIDENT
MUSTANG

CATHERINE C. TAYLOR, J.D.
VICE PRESIDENT
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SECRETARY-TREASURER
VINITA

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OKLAHOMA CITY

LEROY E. YOUNG, D.O.
OKLAHOMA CITY

C. MICHAEL OGLE, D.O.
BARTLESVILLE

DENNIS J. CARTER, D.O.
POTEAU

CHELSEY D. GILBERTSON, D.O.
EDMOND

November 15, 2022

VIA EMAIL [REDACTED]
AND U.S. MAIL

Dustin Davis, D.O. (#7059)
[REDACTED]

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

Dear Dr. Davis:

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 **December 8, 2022. All such appearances for this docket are set for 9:00 a.m.** The Hearing Docket will be held at the Board's Office, 4848 N. Lincoln Blvd., Ste. 100, Oklahoma City, Oklahoma.

Join Teams Meeting on Computer or Mobile App:

[Click here to join the meeting](#)

Meeting ID: **250 776 951 611**

Passcode: **VeXt6L**

Join on the web: [Join a Microsoft Teams Meeting by ID | Microsoft Teams](#)

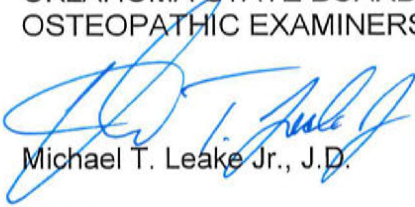
Please let us know in advance whether you intend to appear at the meeting by Teams or in person.

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

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

Michael T. Leake Jr., J.D.

MTL/kc



Oklahoma State Board of Osteopathic Examiners

BOARD MEMBERS

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DUANE KOEHLER, D.O.
TULSA

C. MICHAEL OGLE, D.O.
BARTLESVILLE

DENNIS J. CARTER, D.O.
POTEAU

May 25, 2022

VIA EMAIL [REDACTED]
AND U.S. MAIL

Dustin Davis, D.O. (#7059)
[REDACTED]

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

Dear Dr. Davis:

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 **June 16, 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.

Join Zoom Meeting:

<https://zoom.us/j/98817835727?pwd=R093Myt6NFA2VHhBUDNFskZyZ2RQZz09>

Meeting ID: **988 1783 5727**

Password: **060826**

Find your local number: <https://zoom.us/u/aGp5kcByB>

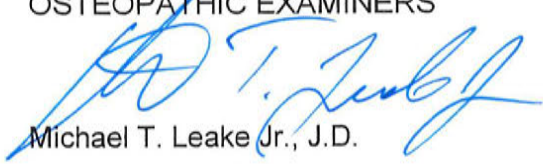
Please let us know in advance whether you intend to appear at the meeting by Zoom or in person.

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

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

Michael T. Leake Jr., J.D.

MTL/kc



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

November 16, 2021

VIA EMAIL [REDACTED]
AND U.S. MAIL

Dustin Davis, D.O. (#7059)

[REDACTED]

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

Dear Dr. Davis:

Please be advised that you are required to appear on the Probation, Monitoring and Hearing Docket before the Oklahoma Board of Osteopathic Examiners at its next meeting on **December 9, 2021**. **All such appearances for this docket are set for 9:00 a.m.**

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

Join Zoom Meeting:

<https://zoom.us/j/93770804057?pwd=ZXNZK2hSdXorTm5xbjdWOEIKZ2x4Zz09>

Meeting ID: 937 7080 4057

Password: 185284

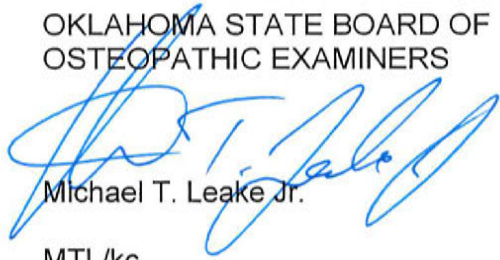
Find your local number: <https://zoom.us/u/atzBUi7F3>

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

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

Very truly yours,

OKLAHOMA STATE BOARD OF
OSTEOPATHIC EXAMINERS



Michael T. Leake Jr.

MTL/kc



Oklahoma 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

May 26, 2021

VIA EMAIL [REDACTED]
AND U.S. MAIL

Dustin Davis, D.O. (#7059)
[REDACTED]

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

Dear Dr. Davis:

Please be advised that you are required to appear on the Joint Hearing/Probation & Monitoring Hearing Docket before the Oklahoma Board of Osteopathic Examiners at its next meeting on **June 17, 2021. All such appearances for this docket are set for 9:00 a.m.**

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

Join Zoom Meeting:

<https://zoom.us/j/94061437453?pwd=RDZBdXNCbGhNOTeYWEZTbDJLSFp2QT09>

Meeting ID: 940 6143 7453

Password: 395896

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

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

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

Very truly yours,

OKLAHOMA STATE BOARD OF
OSTEOPATHIC EXAMINERS



Michael T. Leake Jr.

MTL/kc



Oklahoma State Board of Osteopathic Examiners

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TULSA

DALE DERBY, D.O.
OWASSO

February 23, 2021

VIA EMAIL [REDACTED]
AND U.S. MAIL

Dustin Davis, D.O. (#7059)
[REDACTED]

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

Dear Dr. Davis:

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

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

Join Zoom Meeting:

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

Meeting ID: 996 1935 9869

Password: 851879

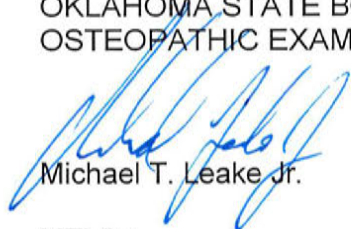
Find your local number: <https://zoom.us/u/atzBUi7F3>

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

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

Very truly yours,

OKLAHOMA STATE BOARD OF
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Michael T. Leake Jr.

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TULSA

DALE DERBY, D.O.
OWASSO

November 17, 2020

VIA EMAIL [REDACTED]
AND U.S. MAIL

Dustin Davis, D.O. (#7059)
[REDACTED]

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

Dear Dr. Davis:

Please be advised that you are required to appear on the Probation & Monitoring Hearing Docket before the Oklahoma Board of Osteopathic Examiners at its next meeting on **December 10, 2020**. **All such appearances for this docket are set for 1:30 p.m.** The Probation & Monitoring Hearing Docket will be held in large meeting room at the Board's Office, 4848 N. Lincoln Blvd., Ste. 100, Oklahoma City, Oklahoma.

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

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

Very truly yours,

OKLAHOMA STATE BOARD OF
OSTEOPATHIC EXAMINERS

Michael T. Leake Jr.

MTL/kc

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

RECEIVED/FILED

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

Case No. 2020-72

JUL 07 2020

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

**ORDER GRANTING APPLICATION FOR LICENSURE WITH
TERMS OF MONITORING**

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

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

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

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

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

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

changes to his residential or practice address.

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

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

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

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

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

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

DJ CARTER

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



Oklahoma State Board of Osteopathic Examiners

June 9, 2020

VIA EMAIL [REDACTED]

Dustin Davis, D.O. (#0)
[REDACTED]
[REDACTED]

Re: Zoom Meeting Information re OSBOE
June 18, 2020 Board Meeting

Dear Dr. Davis:

Please be advised that you are required to appear before the Oklahoma Board of Osteopathic Examiners at its next meeting on **June 18, 2020**. The Board Meeting will start at 9:00 a.m. You are receiving this correspondence because you were sent a Notice on May 22, 2020, that requires you to appear on one of the following dockets: Hearing Docket (9:00 a.m.), Licensure Hearing and Reporting Docket (1:15 p.m.), and Probation and Monitoring Docket (2:00 p.m.).

Due to the on-going pandemic involving Covid-19, the June 18 Board Meeting will be held via Zoom. The following is the necessary information to join the Zoom video conference. Please note that you will be required to enter a password for the meeting.

Join Zoom Meeting:

<https://zoom.us/j/96936728087?pwd=UDB2aGxGOUZoSnBSMIJVclE3K0x2Zz09>

Meeting ID: 969 3672 8087

Password: 855035

Find your local number: <https://zoom.us/u/ac1D41Hyh7>

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

Very truly yours,

OKLAHOMA STATE BOARD OF
OSTEOPATHIC EXAMINERS

Michael T. Leake Jr.

MTL/kc



Oklahoma State Board of Osteopathic Examiners

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CARL B. PETTIGREW, D.O.
OKLAHOMA CITY

CATHERINE C. TAYLOR, J.D.
TULSA

DUANE KOEHLER, D.O.
TULSA

May 27, 2020

VIA EMAIL [REDACTED]
AND U.S. MAIL

Dustin Davis, D.O. (Applicant)
[REDACTED]

Re: Hearing Notice re Licensure Hearing and
Reporting Docket

Dear Dr. Davis:

Please be advised that you are required to appear on the Licensure Hearing and Reporting Docket before the Oklahoma Board of Osteopathic Examiners at its next meeting on **June 18, 2020. All such appearances for this docket are set for 1:15 p.m.**

Please note that due to the evolving situation regarding Covid-19, all hearings will be held via Zoom. The information for the Zoom call will be provided within ten (10) days of the June 18 meeting.

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

Very truly yours,

OKLAHOMA STATE BOARD OF
OSTEOPATHIC EXAMINERS


Michael T. Leake Jr.

MTL/kc

CLAYTON S.
HOWELL, D.O.

#5398

KAYLEE DAVIS-MADDY,
J.D.



Oklahoma State Board of Osteopathic Examiners

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OKLAHOMA CITY

C. MICHAEL OGLE, D.O.
BARTLESVILLE

DENNIS J. CARTER, D.O.
POTEAU

CHELSEY D. GILBERTSON, D.O.
EDMOND

November 15, 2022

VIA EMAIL [REDACTED]
AND U.S. MAIL

Clayton Howell, D.O. (#5398)
[REDACTED]

Re: Notice of Hearing re OSBOE v. Clayton
Howell, D.O. (No. OSBOE-2022-139)

Dear Dr. Howell:

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 **December 8, 2022. All such appearances for this docket are set for 9:00 a.m.** The Hearing Docket will be held 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 kmaddy@dnda.com
AND U.S. MAIL

Ms. Kaylee P. Davis-Maddy, J.D.
Doerner Saunders Daniel & Anderson
210 Park Avenue
Suite 1200
Oklahoma City, OK 73102
(405) 319-3513
(405) 319-3524

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

STATE OF OKLAHOMA, ex rel.,)	
STATE BOARD OF OSTEOPATHIC)	
EXAMINERS,)	
)	
Petitioners,)	
)	
v.	)	Case No. 2022-139
)	
CLAYTON SHANE HOWELL, D.O.,)	
Osteopathic Medicine License No. 5398.)	
)	
Respondent.)	

CITATION AND NOTICE OF HEARING

TO: CLAYTON SHANE HOWELL, D.O. [Licensee]

YOU ARE GIVEN NOTICE that pursuant to the Oklahoma Osteopathic Medicine Act [Act], Title 59 O.S. 1991, § 620, *et seq*, and the Oklahoma Administrative Procedures Act Title 75 O.S. 1991 § 301, *et seq*, you are commanded to appear at a hearing held before the Oklahoma State Board of Osteopathic Examiners [Board], at the OSBOE Board Room, 4848 North Lincoln Blvd., Suite 100, Oklahoma City, Oklahoma 73105, on **December 8, 2022**. 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, 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.

RESPONDING TO THIS COMPLAINT

Pursuant to our regulations (OAC 510:1-5-5), you have twenty (20) days from the date this Complaint is served to respond to it in writing. You may do this yourself or through counsel. Failure to comply with this requirement will cause the Board to find you to be in default and the Board could impose appropriate sanctions as a result.

Respectfully submitted,



J. Patrick Quillian, OBA #20811
Phillips, Coventon, Quillian, & Banner, PLLC
1900 N.W. Expressway, Suite 601
Oklahoma City, OK 73118

Page 2 of 3

(405) 418-8888 - (405) 260-9573 Facsimile
jpatrickquillianpc@gmail.com
SPECIAL PROSECUTOR FOR PETITIONER

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

STATE OF OKLAHOMA, ex rel.,)	
STATE BOARD OF OSTEOPATHIC)	
EXAMINERS,)	
)	
Petitioners,)	
)	
v.	)	Case No. 2022-139
)	
CLAYTON SHANE HOWELL, D.O.,)	
Osteopathic Medicine License No. 5398.)	
)	
Respondent.)	

COMPLAINT

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

1. Clayton Shane Howell, D.O., is the holder of a license to practice as an osteopathic physician in the State of Oklahoma, license number 5398. Dr. Howell received his license to practice as an osteopathic physician in Oklahoma from the Board July 1, 2015 and is currently in good standing. Dr. Howell is primarily engaged in the practice of family medicine in Tulsa, Oklahoma.

2. Dr. Howell is in violation of the Oklahoma Osteopathic Medicine Act (the “Act”), Tit. 59 O.S. § 637(A)(2) and/or (A)(2)(h), which states

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 ... unethical conduct or unprofessional conduct, as determined by the Board, in the performance of the functions or duties of an osteopathic physician,

including but not limited to the following:

...

h. engaging in any sexual activity within a physician/patient relationship[.]

3. Dr. Howell was the primary care physician for patient T.E. from April 2019 to February 2022.

4. Sometime in 2020, Dr. Howell began to communicate directly with T.E. by text messaging T.E.'s personal cell phone. The texts were initially of a doctor-patient nature but eventually became personal, with Dr. Howell and T.E. discussing their respective marriages.

5. In approximately Fall of 2021, Dr. Howell arranged to meet T.E. in person in the parking lot of his medical practice in Tulsa, Oklahoma. After this meeting, the meetings between Dr. Howell and T.E. become more frequent and evolved into a sexual relationship between the two.

6. The sexual relationship between T.E. and Dr. Howell would last into early 2022, at which point Dr. Howell terminated T.E. as a patient. Dr. Howell and T.E.'s sexual relationship would also end around this time.

7. T.E. has suffered psychological distress as a result of having this relationship with Dr. Howell.

8. Dr. Howell has violated the Act by engaging in sexual activity within the physician-patient relationship, to wit: having a sexual relationship with T.E. while T.E. was one of his current patients.

Respectfully submitted,



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

ANDREW
LOVELL, D.O.
5921

OSBOE HISTORY SHEET

Andrew Lovell, D.O.

Emergency Medicine

Okla. Lic Number: 5921

Case Number: 2021-043 (RZ)

Status: Monitoring

TOTAL COSTS AND FINES:

- X Costs: \$1,600.00 Due 1-11-2023 **PAID IN FULL 11-18-2022**
- X 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 10th of each month

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

- X License is restricted under a 5 year Probation
- X Comply with all of the following recommendations from the FRC Assessment:
 - X Professional Monitoring with OHPP and TPHP
 - X OHPP approved Psychiatrist or Addiction Medicine Physician
 - X OHPP approved individual therapist, with weekly therapy for 3 months (then frequency to be determined by provider)
 - X Mutual aid meetings at least 3x week
 - X Weekly Caduceus meeting
 - X 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 Q4 BOARD MATERIALS 0136

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
- X Pay recovery costs \$1,600.00 by 1-11-2023 – PIF 11/18/2022
- X Pay monthly probationary fee \$100 per month, due 1st 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 Appear at 3-24-2022 Regular Board Meeting – was continued to 6-16-2022 Board meeting

7-12-2022 MODIFIED ORDER OF PROBATION WITH CONDITIONS

- X Modification of monthly practice hours limit from 160 hrs to 168 hrs per Dr. Lovell's request
- X All other terms and conditions from 1-11-2022 Probation Order remain in place



OKLAHOMA HEALTH PROFESSIONALS PROGRAM

November 29, 2022

Richard Zimmer, CMBI
Chief Investigator
Oklahoma State Board of Osteopathic Examiners
Oklahoma City, OK 73105

Regarding: Andrew Lovell, DO

This letter is in reference to Andrew Lovell, DO. Dr. Lovell signed his initial contract with the Oklahoma Health Professionals Program (OHPP) on March 16th, 2021. He underwent initial treatment at Acumen, and he relapsed before completing treatment. In August 2021 Dr. Lovell relapsed on THC, Hydrocodone and Alcohol. He underwent a 2nd treatment at FRC with admission date of August 16, 2021, and successfully completed treatment on November 10, 2021. All drug/alcohol screens have been negative since his discharge from FRC. In March 2022 OHPP updated Dr. Lovell contract to add therapy as a requirement and his new completion date to reflect 5 years after discharge from treatment. Dr. Lovell's contract with the Oklahoma Health Professionals Program (OHPP) requires cooperation with the completion of random weekly alcohol/drug screens, participation in weekly Caduceus meetings, and therapy. All alcohol/drug screens have been negative.

Dr. Lovell is current and compliant with all contract requirements as of the date on this letter. 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





Oklahoma State Board of Osteopathic Examiners

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BARTLESVILLE

DENNIS J. CARTER, D.O.
POTEAU

CHELSEY D. GILBERTSON, D.O.
EDMOND

November 15, 2022

VIA EMAIL [REDACTED]
AND U.S. MAIL

Andrew Lovell, D.O. (#5921)

[REDACTED]

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 **December 8, 2022. All such appearances for this docket are set for 9:00 a.m.** The Hearing Docket will be held 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



Oklahoma State Board of Osteopathic Examiners

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OKLAHOMA CITY

C. MICHAEL OGLE, D.O.
BARTLESVILLE

DENNIS J. CARTER, D.O.
POTEAU

CHELSEY D. GILBERTSON, D.O.
EDMOND

August 23, 2022

VIA EMAIL [REDACTED]
AND U.S. MAIL

Andrew Lovell, D.O. (#5921)
[REDACTED]

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 **September 15, 2022. All such appearances for this docket are set for 9:00 a.m.** The Hearing Docket will be held in the 2nd Floor Auditorium at Oklahoma State University Medical Center, 744 West 9th Street, Tulsa, Oklahoma.

Join Teams Meeting:
[Click here to join the meeting](#)

Meeting ID: **212 459 239 207**

Passcode: **ArFyCi**

Join on the web: [Join a Microsoft Teams Meeting by ID | Microsoft Teams](#)

Please let us know in advance whether you intend to appear at the meeting by Teams or in person.

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

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

JUL 12 2022

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

Case No. 2021-043 (RZ)

MODIFIED ORDER OF PROBATION WITH TERMS AND CONDITIONS

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners ("Board") at a special meeting of the Board on June 16, 2022. Andrew Joseph Lovell, D.O. ("Dr. Lovell") appeared at the hearing on this date without counsel via Zoom. The Board's Chief Investigator, Richard Zimmer, and John Kuhn, M.D. and Paul Cheng of OHPP, also appeared and gave sworn testimony.

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

The Board, after reviewing Dr. Lovell's compliance with his Agreement Not to Practice signed August 10, 2021, and his previous Board Order entered on December 9, 2021 wherein terms of probation were placed on Dr. Lovell's Oklahoma Osteopathic medical license, the Board modifies the previous Order of his probation as set forth below.

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Board that Dr.

Lovell's license to practice osteopathic medicine in the State of Oklahoma remains in effect, and is subject to the following terms and conditions:

1. That Dr. Lovell's license remains restricted under a five (5) year term of **PROBATION** imposed on December 9, 2021. 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 primary and secondary with 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 eight (168) hours per month in any state or practice setting;

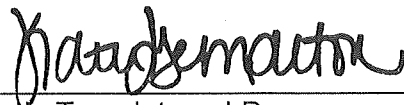
6. That Dr. Lovell maintain a record of the hours he has worked during the pendency of his probation which shall be provided to Board Investigators upon request;
7. That Dr. Lovell is to pay the costs and investigation charges for this case in the amount of sixteen hundred dollars (\$1,600.00). He is 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 day of each month 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 (10th) 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 this Order on December 8, 2022;

19. In the event Dr. Lovell leaves the state of Oklahoma to practice medicine in another jurisdiction, 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. Moreover, any violation of this Order may result in a referral to the Oklahoma Attorney General or an appropriate District Attorney for the unauthorized practice of osteopathic medicine in the State of Oklahoma.

IT IS SO ORDERED this 12th day of July 2022.



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



Oklahoma State Board of Osteopathic Examiners

KATIE TEMPLETON, J.D.
PRESIDENT
OKLAHOMA CITY

BOARD MEMBERS
BRET LANGERMAN, D.O.
VICE PRESIDENT
MUSTANG

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

LEROY E. YOUNG, D.O.
OKLAHOMA CITY

JAY D. CUNNINGHAM, D.O.
OKLAHOMA CITY

DUANE KOEHLER, D.O.
TULSA

C. MICHAEL OGLE, D.O.
BARTLESVILLE

DENNIS J. CARTER, D.O.
POTEAU

May 25, 2022

VIA EMAIL [REDACTED]
AND U.S. MAIL

Andrew Lovell, D.O. (#5921)
[REDACTED]

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 **June 16, 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.

Join Zoom Meeting:

<https://zoom.us/j/98817835727?pwd=R093Myt6NFA2VHhBUDNFskZyZ2RQZz09>

Meeting ID: **988 1783 5727**

Password: **060826**

Find your local number: <https://zoom.us/u/aGp5kcByB>

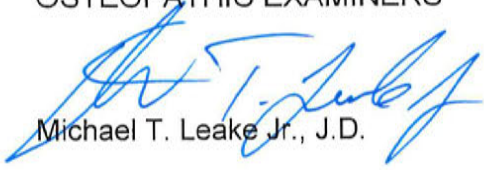
Please let us know in advance whether you intend to appear at the meeting by Zoom or in person.

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

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

Michael T. Leake Jr., J.D.

MTL/kc



Oklahoma State Board of Osteopathic Examiners

BOARD MEMBERS

KATIE TEMPLETON, J.D.
PRESIDENT
OKLAHOMA CITY

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VICE PRESIDENT
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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 [REDACTED]
AND U.S. MAIL

Andrew Lovell, D.O. (#5921)
[REDACTED]

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>

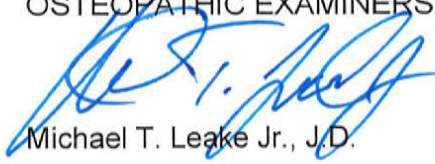
If you would prefer to attend the meeting in person, the Hearing Docket will be held in the large meeting room at the Board's Office, 4848 N. Lincoln Blvd., Ste. 100, Oklahoma City, Oklahoma.

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

**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 (1st) 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 (10th) 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 11th day of January 2022,



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,)

NOV 17 2021

Petitioners,)

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

v.)

OSBOE-2021-043 (RZ)

ANDREW LOVELL, D.O.)
Osteopathic Medicine License No. 5921.)

Respondent.)

AGREEMENT NOT TO PRACTICE

COMES NOW, on this 10th 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.

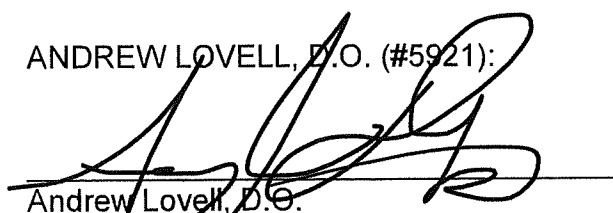
9. Dr. Lovell acknowledges that the execution of this Agreement does not in any way prohibit the Board from filing a Complaint at a future date regarding the facts at issue in OSBOE-2021-043, or assigning investigative/hearing costs or an administrative penalty in connection with this Agreement or the 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 10th 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

MARY
KATHRYN
MERCER, D.O.

2887

ELIZABETH SCOTT, J.D.

OSBOE HISTORY SHEET

Mary Kathryn Mercer, D.O.

Internal Medicine

Okla. Lic Number: 2887

Case Number: 1215-148, 0908-080 (RZ)

Status: Suspended

TOTAL COSTS AND FINES:

- X Costs: Assessed (12-10-2009): \$4,332.00, Paid: PIF, Overdue: No
- Costs: Assessed (7-17-2016): \$2,500.00, Paid: \$0, Overdue: **DUE 1-17-2017**

EMERGENCY COMPLAINT (0908-080):

- X DUI
- X Recommendation from OHPP for psychiatric evaluation of ability to practice medicine
- X Hospital privileges terminated/concerned report from hospital

9-4-2009 FINDING OF FACT, CONCLUSIONS OF LAW AND EMERGENCY ORDER (0908-080)

- X Suspended until Board determines otherwise

12-10-2009 ORDER OF PRECEPTORSHIP (0908-080)

- X 3-month closely monitored
- X 2-year Preceptorship by Dr. Grandle or Board Staff approved physician (detailed in order)
- X 12-month OHPP monthly random drug screening, report results to Board
- X Continue treatment with therapist and/or psychiatrist, quarterly progress reports to Board
- X Close satellite office (Edmond) until Board approves multiple practice locations
- X 3-month reduced schedule – 20 patients/day, 6 hr workday maximum, no more than 5 days a week
- X Therapeutic drug levels monitored and reported to Board quarterly
- X Appear at quarterly Board meetings
- X No hospital privileges until Board approves
- X No medications other than those prescribed, regularly report all medications being taken to Board staff
- X Costs \$4,332

3-10-2010 ORDER AMENDING PRECEPTORSHIP (0908-080)

- X Adjusted reduced schedule – extended 7 hr workday maximum

MERCER

1

OSBOE HISTORY SHEET

6-17-2010 ORDER TABLING REQUEST FOR SECOND AMENDMENT TO PRECEPTORSHIP (0908-080)

- X Request Tabled, pending receipt of:
 - Detailed written description of requested amendment
 - Precise plan of the work and hours to be performed in Edmond office
 - Written support for all amendments from Preceptor, Dr. Grandle

9-16-2010 ORDER GRANTING SECOND AMENDMENT TO PRECEPTORSHIP (0908-080)

- X Adjusted schedule – 25 patients/day, 40 hr/week maximum
- X Notify Board staff with days and times to be worked in Edmond office

12-8-2011 ORDER TERMINATING PRECEPTORSHIP (0908-080)

- X 2-year Preceptorship terminated

2-2016 COMPLAINT (1215-148):

- X Unprofessional conduct, behavioral issues (10 patient complaints)

6-16-2016 FINDING OF FACT, CONCLUSIONS OF LAW AND AGREED ORDER OF DEFERRED PROSECUTION (1215-148)

- Effective date 7-17-2016
- X 2-year prosecution deference, no sanction if all compliance requirements are met
- X Monitoring contract with OHPP – length of time to be determined by them
- OHPP professional coach to mediate issues raised in the Acumen Assessment Report
- Pursue a trial of a mood stabilizer with an OHPP-approved psychiatrist
- Acquire a primary care physician and refrain from self-medication
- Have Board-approved physician shadow one-day and provide feedback for managing her practice more effectively. If recommended, repeat quarterly
- Implement Acumen Assessment plan:
 - Stop answering telephone
 - Do not give cell phone number to patients
 - Save making return phone calls until end-of-day timeslot
 - 8-hr maximum daily patient encounters, 30 patient/day maximum
 - Delegate normal staff functions to staff
- Allow staff to perform telephone triage of all new patients and redirect pain management patients
- X Appear at quarterly Board meetings

OSBOE HISTORY SHEET

- Costs \$2,500 to be paid 6 months prior to eligibility for termination of order (DUE 1-17-2018)
- X See that all reports of professionals are provided directly to the Board

9-15-2016 INTERIM ORDER OF SUSPENSION PENDING EVALUATION (1215-148)

- Effective date 11-2-2016
- X Suspension pending completion and results of neuropsychological evaluation
- X Independent psychological evaluation by Dr. A.W. Rousseau and testing done by Dr. David Johnsen
- X Upon receipt of the testing and evaluation, appear at the next regularly scheduled Board meeting

AMENDED COMPLAINT (1215-148):

- Unprofessional conduct, behavioral issues

12-8-2016 INTERIM ORDER GRANTING RESPONDENT'S MOTION FOR RE- HEARING AND DENYING RESPONDENT'S MOTION TO VACATE SUSPENSION (1215-148)

- X Suspension remains in effect pending a Rehearing of the Compliance Hearing (9-15-2016) and Hearing on the Amended Complaint (1-6-2017)

10-17-2017 NOTICE OF NON-COMPLIANCE AND ORDER TO SHOW CAUSE (1215-148)

- X Appear 12-14-2017 to show cause to prevent further discipline due to failure to wholly comply with terms and conditions of Order (failed to complete a neuro-psychological evaluation)

12-14-2017 ORDER MODIFYING INTERIM ORDER OF SUSPENSION (1215-148)

- X Interim suspension to remain in place
- X Obtain a final assessment from Dr. Rousseau and sign full release due 6-14-2018
- X Obtain a neurological assessment from a Board-approved licensed neurologist and sign full release due 6-14-2018
- Provide copies of all personal medical records of last 12 months
- Provide monthly reports to Board staff
- X Provide physical evidence supporting 12-14-2017 testimony that she did not write the prescriptions attributed to her on the PMP (some Rx were not reconciled)

OSBOE HISTORY SHEET

8-22-2018 OSBOE REVOCATION APPEAL AT DISTRICT COURT

- X Dr. Mercer appealed the OSBOE Revocation to Oklahoma County District Court, Judge Richard Ogden
- X Case Number CV-2018-1776

7-26-2019 DISTRICT COURT ORDER REMANDING CASE BACK TO OSBOE

- X Dr. Mercer's case 1215-148 was remanded by Oklahoma County District Court back to OSBOE
- X Case taken back to OSBOE Order 12-14-2017 – ORDER MODIFYING INTERIM ORDER OF SUSPENSION

AGREEMENT BETWEEN OSBOE AND DR. MERCER

- Agreement made by Elizabeth Scott, J.D., for Dr. Mercer, and Patrick Quillian, OSBOE Prosecuting Attorney
- X Dr. Mercer to obtain an evaluation from Professional Renewal Center (PRC)
- X Re-appear before Board for review once evaluation results are received

10-11-2021 SECOND ORDER MODIFYING INTERIM ORDER OF SUSPENSION

- X Dr. Mercer's license remains suspended
- Permission to take the COMVEX exam **GRANTED**
- Complete all of the following recommendations from the PRC Evaluation:
 - CPEP Evaluation
 - Sleep study by a Board-approved evaluator
 - Neuropsychological evaluation by a Board-approved evaluator
 - FDG PET Scan
 - Establish care with a Board-approved neurologist
 - Establish care with a Board-approved psychiatrist
- Bear all related financial costs
- Sign all authorizations to release all documents, reports, etc directly to the Board

MERCER

4



Oklahoma State Board of Osteopathic Examiners

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MUSTANG

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C. MICHAEL OGLE, D.O.
BARTLESVILLE

DENNIS J. CARTER, D.O.
POTEAU

CHELSEY D. GILBERTSON, D.O.
EDMOND

November 15, 2022

VIA EMAIL [REDACTED]
AND U.S. MAIL

Mary Kathryn Mercer, D.O. (#2887)
[REDACTED]

Re: Notice of Hearing re OSBOE v. Mary Kathryn
Mercer, D.O. (No. OSBOE-1215-148)

Dear Dr. Mercer:

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 **December 8, 2022. All such appearances for this docket are set for 9:00 a.m.** The Hearing Docket will be held 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 elizabeth.scott@crowedunlevy.com
AND U.S. MAIL

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



Oklahoma State Board of Osteopathic Examiners

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OKLAHOMA CITY

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DALE DERBY, D.O.
OWASSO

March 1, 2022

VIA EMAIL [REDACTED]
AND U.S. MAIL

Mary Kathryn Mercer, D.O. (#2887)
[REDACTED]

Re: Notice of Hearing re OSBOE v. Mary Kathryn
Mercer, D.O. (No. OSBOE-1215-148)

Dear Dr. Mercer:

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 elizabeth.scott@crowedunlevy.com
AND U.S. MAIL

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

OCT 11 2021

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

STATE OF OKLAHOMA, ex rel.)
OKLAHOMA STATE BOARD OF)
OSTEOPATHIC EXAMINERS,)
)
Petitioner,)
)
v.)
)
MARY KATHRYN MERCER, D.O.,)
Osteopathic Medical License No.)
2887,)
)
Respondent.)

Case No. 1215-148 (RZ)

SECOND ORDER MODIFYING INTERIM ORDER OF SUSPENSION

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. Mary Kathryn Mercer, D.O., Okla. Lic. No. 2887 ("Dr. Mercer") presents with counsel, Elizabeth Scott. The Board's Chief Investigator, Richard Zimmer, also appeared and gave testimony.

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

The Board, after reviewing Dr. Mercer's previous Board Orders, hearing testimony, and being fully advised, modifies the previous Orders of her suspension as set forth below.

ORDER

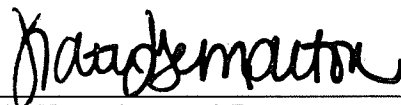
IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Board that the Interim Order of Suspension entered on September 15, 2016, and the Order Modifying Interim Order of Suspension entered on December 14, 2017, are modified as follows:

1. That Dr. Mercer's Oklahoma Osteopathic License remains suspended.
2. That Dr. Mercer is granted permission to take the COMVEX exam.
3. That Dr. Mercer completes all of the following recommendations from the Professional Renewal Center ("PRC") Evaluation:
 - a. CPEP evaluation;

- b. Sleep study by a Board-approved evaluator;
 - c. Neuropsychological evaluation by a Board-approved evaluator;
 - d. FDG PET Scan;
 - e. Establish care with a Board-approved neurologist;
 - f. Establish care with a Board-approved psychiatrist.
4. Dr. Mercer shall bear the financial costs of any expenses incurred from this Order.
 5. Dr. Mercer shall ensure all authorizations are signed and completed to release all reports, documents, etc., directly to the Board.
 6. That Dr. Mercer is required to notify the Board within fourteen (14) days of any changes to her residential or practice address.
 7. That Dr. Mercer is required to notify the Board within fourteen (14) days of any changes to her cell phone number.
 8. Any violation of this Order may result in further discipline of Dr. Mercer'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 11th day of October 2021.



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

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

Ms. Elizabeth Scott, J.D.
Crowe & Dunlevy
324 N. Robinson Ave, Ste 100
Oklahoma City, OK 73102
405/234-3248
405/272-5940 (Facsimile)
Elizabeth.scott@crowedunlevy.com

Attorney for Respondent,
Mary Kathryn Mercer, D.O.



Oklahoma State Board of Osteopathic Examiners

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OKLAHOMA CITY

DUANE KOEHLER, D.O.
TULSA

DALE DERBY, D.O.
OWASSO

August 24, 2021

VIA EMAIL [REDACTED]
AND U.S. MAIL

Mary Kathryn Mercer, D.O. (#2887)
[REDACTED]

Re: Notice of Hearing re OSBOE v. Mary Kathryn
Mercer, D.O. (No. 1215-148)

Dear Dr. Mercer:

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 **September 16, 2021. All such appearances for this docket are set for 9:00 a.m.** The Hearing Docket will be held in the 2nd Floor Auditorium of the Oklahoma State University Medical Center, 744 West 9th Street, Tulsa, OK 74127.

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 Q4 BOARD MATERIALS 0172

CC: VIA Email elizabeth.scott@crowedunlevy.com
AND U.S. MAIL

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



Oklahoma State Board of Osteopathic Examiners

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OKLAHOMA CITY

DUANE KOEHLER, D.O.
TULSA

DALE DERBY, D.O.
OWASSO

May 26, 2021

VIA EMAIL [REDACTED]
AND U.S. MAIL

Mary Kathryn Mercer, D.O. (#2887)
[REDACTED]

Re: Notice of Hearing re OSBOE v. Mary Kathryn
Mercer, D.O. (No. 1215-148)

Dear Dr. Mercer:

Please be advised that you are required to appear on the Joint Hearing/Probation Docket before the Oklahoma State Board of Osteopathic Examiners at its next meeting on **June 17, 2021**. **All such appearances for this docket are set for 9:00 a.m.** The Hearing Docket will be held in the Chesapeake Event Room at the Oklahoma History Center, 800 Nazih Zudhi Drive, Oklahoma City, Oklahoma 73105.

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 elizabeth.scott@crowedunlevy.com
AND U.S. MAIL

Ms. Elizabeth Scott, J.D.
Crowe & Dunlevy, Attorneys and Counselors at Law
Braniff Building
324 N. Robinson Ave, Ste 100
Oklahoma City, OK 73102
405-850-8641
(405) 272-5940



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

November 17, 2020

VIA EMAIL [REDACTED]
AND U.S. MAIL

Mary Kathryn Mercer, D.O. (#2887)

[REDACTED]

Re: Notice of Hearing re OSBOE v. Mary Kathryn
Mercer, D.O. (No. 1215-148)

Dear Dr. Mercer,

Please be advised that you are required to appear on the Hearing Docket before the Oklahoma State Board of Osteopathic Examiners at its next meeting on **December 10, 2020. All such appearances for this docket are set for 9:00 a.m.** The Hearing Docket will be held in large meeting room at the Board's Office, 4848 N. Lincoln Blvd., Ste. 100, Oklahoma City, Oklahoma.

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

If you are represented by counsel, a courtesy copy of this Notice has been emailed 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**

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**

STATE OF OKLAHOMA, ex rel.)	
OKLAHOMA STATE BOARD OF)	
OSTEOPATHIC EXAMINERS,)	
DEBORAH J. BRUCE, Director,)	
)	
Petitioner,	)	No. 1215-148
)	
v.)	
)	
MARY KATHRYN MERCER, D.O.,)	
Osteopathic Medical License No. 2887,)	
)	
Respondent.)	

ORDER MODIFYING INTERIM ORDER OF SUSPENSION

This matter comes on for hearing' before the Oklahoma State Board of Osteopathic Examiners [Board] at a regular meeting of the Board on December 14, 2017. The purpose for the hearing was to address the Notice of Non-Compliance and Order to Show Cause served on Dr. Mercer for failing to comply with previous Orders of the Board including the Interim Order of Suspension of 9/15/16. The Board is represented by the Special Prosecutor for the Board, Roma McElwee. Mary Kathryn Mercer, D.O. [Dr. Mercer] appears in person with her counsel of record, Elizabeth Scott of Crowe Dunlevy. The Board's Chief Investigator, Richard Zimmer also appears and gives testimony.

The Board, having heard the testimony and considered the evidence, issues this modification to the Interim Order of Suspension of 9/15/16. 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.*

ORDER

IT IS THEREFORE ORDERED by the Board that the Interim Order of Suspension of 9/15/16, is modified as follows:

The interim suspension of the license of Dr. Mercer to practice osteopathic medicine in the State of Oklahoma is to remain in place and the following terms and conditions are imposed:

2. Within the next six [6] months Dr. Mercer shall obtain a final assessment from Dr. Rousseau. All expenses related to this evaluation shall be borne by Dr. Mercer. Dr. Mercer shall sign full releases so that the Board may receive copies of the evaluation results directly from the physician.

3. Within the next six [6] months Dr. Mercer shall obtain a neurological assessment from a licensed neurologist. Board Staff will supply Dr. Mercer with approved neurological specialists and she may select a physician from this list:

Dr. Jay K. Johnson, D.O.
OSU Neurology Clinic
7134 S. Yale Avenue, Suite 450
Tulsa, OK
(918) 743-2882

Dr. Gabriel Pitman, D.O.
Neurology Oklahoma
401 S.W. 80
Oklahoma City, OK
(405) 632-9090

Dr. Mercer shall sign full releases so that the Board may receive copies of the evaluation results directly from one of the above physicians. The selected neurologist is to be supplied with all previous testing and evaluation results in order to effect a complete evaluation of Dr. Mercer's fitness to safely practice osteopathic medicine.

4. Dr. Mercer shall provide to Board Staff copies of all her personal medical records of the last twelve [12] months, including Dr. Rousseau's last evaluation and the medical records of any unnamed physicians who may have treated, tested or evaluated her per her testimony on 12/14/17.

5. Dr. Mercer shall provide monthly reports to Board Staff on her progress in complying with these terms and conditions.

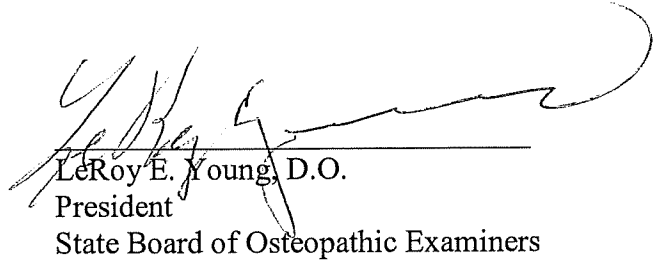
6. During this six [6] month period Board Staff may file any additional complaints and include PMP reports.

7. Dr. Mercer shall provide the Board with the physical evidence supporting her testimony on 12/14/17 that she did not write the prescriptions attributed to her on the PMP.

8. Failure to comply with all terms and conditions of this order may result in further discipline including but not limited to full suspension or revocation.

IT IS SO ORDERED, ADJUDGED AND DECREED

This 14th day of December, 2017.



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

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

STATE OF OKLAHOMA, ex rel.)	
OKLAHOMA STATE BOARD OF)	
OSTEOPATHIC EXAMINERS,)	
DEBORAH J. BRUCE, Director,)	
)	
Petitioner,	)	No. 1215-148
)	
v.)	
)	
MARY KATHRYN MERCER, D.O.,)	
Osteopathic Medical License No. 2887,)	
)	
Respondent.)	

NOTICE OF NON-COMPLIANCE AND ORDER TO SHOW CAUSE

COMES NOW the State of Oklahoma, ex rel. Deborah J. Bruce, Executive Director of the Oklahoma Osteopathic Board of Examiners [Board] and alleges and states as follows:

JURISDICTION

1. That Deborah J. Bruce is the Executive Director of the Board and as such is charged with the duty of administering and enforcing the provisions of the Osteopathic Medicine Act, 59 O.S. § 620 *et. seq.* including specifically 59 O.S. § 637 (A)(11).

2. That this matter shall come on for a Show Cause Hearing before the Oklahoma State Board of Osteopathic Examiners [Board] at a regular meeting of the Board on December 14, 2017.

ALLEGATIONS OF FACT

3. Mary Kathryn Mercer, D.O., is the holder of a license to practice osteopathic medicine in the State of Oklahoma, license number 2887. Said license was suspended by the Board on September 15, 2016, and became effective upon review by the Oklahoma Attorney General on November 2, 2016.

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

Order, paragraph 1, page 2: *"Prior to the next regular meeting of the Board scheduled for December 8, 2016, Dr. Mercer shall obtain and present an independent psychological evaluation by Dr. A.W. Rousseau, supported by neurological-psychological testing done by Dr. David Johnsen. All expenses related to this testing and evaluation shall be borne by Dr. Mercer. Dr. Mercer shall sign full releases so that the Board may receive copies of the testing and evaluation results directly from the physicians."*

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

6. Dr. Mercer completed the testing with Dr. Johnsen. The release and test results were forwarded to the Board and to Dr. Rousseau. It has been more than twelve (12) months and no report has been received from Dr. Rousseau. Implicit in any Board order for psychiatric or other evaluation is the duty of full cooperation by the patient and prompt reporting of the results. The failure to provide the results of her neurological/psychological evaluation to the Board can be viewed as a deliberate violation of the Board's Order.

ALLEGED CONCLUSIONS OF LAW

7. Dr. Mercer has violated the provisions of the Order of September 15, 2016, by failing to complete a neuro-psychological evaluation and by failing to have those results forwarded to the Board as ordered.

8. This conduct of Dr. Mercer warrants revocation of her license to practice osteopathic medicine in the State of Oklahoma and a fine levied of two thousand (\$2000) dollars.

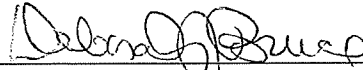
ORDER

WHEREFORE, premises considered, Dr. Mercer is hereby given notice to appear before the Board on **December 14, 2017 at 1:30 p.m.** and to show cause why her license to practice

osteopathic medicine in the state of Oklahoma should not be further disciplined for violating or refusing to comply with a lawful order of the Board as required by 59 O.S. § 637 (A)(11).

Dated this 17th Day of October, 2017.

Respectfully submitted,



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


CERTIFICATE OF SERVICE

This certifies that a true and correct copy of the above and foregoing Notice of Non-Compliance and Order to Show Cause was mailed to the following on this date, October 17, 2017, by placing it in the U.S. Mail, postage pre-paid.

Mary Kathryn Mercer, D.O.
5700 N. Portland, #102
Oklahoma City, OK 73112

Mary Kathryn Mercer, D.O.
3108 Kingwood Drive
Edmond, OK 73013

Elizabeth Scott
Crowe and Dunlevy
324 N. Robinson, Ste 100
Oklahoma City, OK 73102


Deborah J. Bruce

BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

STATE BOARD OF OSTEOPATHIC
EXAMINERS,)

Petitioner,)

v.)

MARY KATHRYN MERCER, D.O.
Osteopathic Medical License No. 2887,)

Respondent.)

Case No. 1215-148

**INTERIM ORDER GRANTING RESPONDENT'S MOTION FOR RE-HEARING
AND DENYING RESPONDENT'S MOTION TO VACATE SUSPENSION**

This matter comes before the Oklahoma State Board of Osteopathic Examiners [Board] at a hearing held before the Board on December 8, 2016, in the above-styled individual proceeding. The purpose for the proceeding is to hear Respondent's Combined Motion to Vacate Order Suspending License and Petition for Rehearing, the Petitioner's Response and Respondent's Reply. The Board is represented by the Special Prosecutor for the Board, Patricia High of Patricia L. High, P.C. The Respondent, Mary Kathryn Mercer, D.O. [Dr. Mercer] and her counsels of record, Ryan W. Hearne and Elizabeth Scott, appear in person at the hearing. The Board's Investigator, John Mobley, also appears and gives testimony.

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

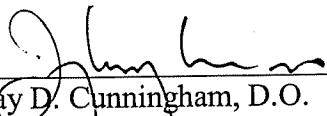
The Board, having heard the testimony, read and considered all the evidence, and being fully advised, issues this Interim Order Granting Respondent's Motion for Re-hearing and Denying Respondent's Motion to Vacate Suspension.

IT IS THEREFORE ORDERED that the license to practice osteopathic medicine in the State of Oklahoma held by Dr. Mary Kathryn Mercer, license number 2887, suspended effective November 9, 2016, remains suspended pending a Rehearing of the Compliance Hearing held on September 15, 2016 and a hearing on the Amended Complaint on January 6, 2017. The Board's Staff will notify all parties of the time for the Hearing.

Respondent's oral motion to stay the suspension of her license until the hearing is denied. The Board specifically makes no further findings on any issue raised and reserves all further rulings until the conclusion of the hearing set for January 6, 2017.

IT IS SO ORDERED, ADJUDGED AND DECREED.

Dated this 8th day of December, 2016.



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

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

STATE BOARD OF OSTEOPATHIC
EXAMINERS,

Petitioner,

v.

Mary Kathryn Mercer, D.O.
Osteopathic Medical License No. 2887,

Respondent.

Case No. 1215-148

AMENDED COMPLAINT

The Special Prosecutor for the State Board of Osteopathic Examiners [Board], Patricia L. High of Patricia L. High, P.C., files this Amended Complaint in the above-styled individual proceeding against Mary Kathryn Mercer, D.O. [Dr. Mercer] and states:

1. Dr. Mercer is the holder of a license issued by the Board to practice osteopathic medicine in the State of Oklahoma, License No. 2887. As of the date of this Complaint, the license issued to Dr. Mercer is in good standing.

2. The Board has previously disciplined Dr. Mercer for disruptive behavior. On December 10, 2009, Dr. Mercer was placed on a two-year Preceptorship, ordered to submit to random urine drug screens, reduce her work-load and participate in therapeutic counseling. That Order was terminated for good cause on December 8, 2011.

3. On February 23, 2016, a subsequent Complaint was filed by the Board against Dr. Mercer. On September 16, 2016, Dr. Mercer and the Board entered into an Agreed Order Of Deferred Prosecution as resolution of that complaint.

4. Dr. Mercer is in violation of the Oklahoma Osteopathic Medicine Act, 59 O.S. §§ 602 et seq [Osteopathic Act] and specifically Section 637(A) (2) (j), (3), (4), (8) and (13) of the Osteopathic Act, to wit:

A. The State Board of Osteopathic Examiners may refuse to admit a person to an examination or may 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 license:

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

(j) failing to furnish a copy of a patient's medical records upon a proper request from the patient'

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

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

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.

(13) Has been guilty of personal offensive behavior, which would include, but not limited to obscenity, lewdness, molestation and other acts of moral turpitude.

5. On June 14, 2013, the Board received a complaint from D.H., a patient of Dr. Mercer. D.H. stated he was in Dr. Mercer's office for his first office visit. D.H. stated Dr. Mercer called her to come to the receptionist window in the presence and hearing of two (2) office workers and five (5) other persons in the waiting room. Dr. Mercer asked D.H. the reason for his appointment. D.H. felt this question should have been asked in private and not within the presence or hearing of the other persons in the office, but he informed her he was to be seen for weight gain. Dr. Mercer informed D.H. she "did not just write prescriptions." She then asked

for his insurance information. D.H. informed her he was insured with Tricare. Dr. Mercer then announced she would not see D.H. because "Tricare doesn't pay."

6. Dr. Grandle was Dr. Mercer's preceptor during the two year period required by the Board during the previous discipline action against Dr. Mercer. On July 10, 2013, the Board received a complaint from E.K., an employee of Dr. Grandle. Dr. Grandle's office is located next door to Dr. Mercer's office. On July 8, 2013, Dr. Mercer entered Dr. Grandle's office and accused E.K. of using Dr. Mercer's DEA number. Dr. Mercer was using a loud voice and patients in the waiting room were able to hear Dr. Mercer's accusations. After loudly stating she was calling the police regarding the matter, Dr. Mercer stormed out of Dr. Grandle's office. On the same day, the Board received a complaint from B.B., Dr. Grandle's office manager. B.B. described Dr. Mercer as "ranting and raving" about Dr. Grandle hiring a person previously terminated by Dr. Mercer. B.B. stated this happened in the patient waiting room with at least two patients present. B.B. reported Dr. Mercer stated, "E.K. is using my DEA number and two other doctors. I'm calling the police." Dr. Mercer then left the patient waiting room. Both E.K. and B.B. further complained that Dr. Mercer had returned to Dr. Grandle's office the following day, July 9, 2013. On that day, in a loud voice, Dr. Mercer told the receptionist to tell E.K. she (Dr. Mercer) had called DEA and two pharmacies that E.K. had used her DEA number again.

7. On September 23, 2013, the Board received a complaint from C.H., a patient of Dr. Mercer. C.H. complained Dr. Mercer diagnosed her with cancer without an adequate exam. C.H. had diabetes and high blood pressure, and Dr. Mercer did not treat her for either condition. C.H. had also gone to Dr. Mercer for treatment for a blood clot in her lungs, and Dr. Mercer did not treat her for that condition. C.H. went to another physician for treatment and a stent was placed.

8. On August 6, 2014, the Board received a complaint from T.M., a patient of Dr. Mercer. T.M. stated she had a twenty minute office appointment with Dr. Mercer during which vital signs were taken. T.M. received medications she needed, and the appointment was concluded. T.M. later received a bill from DLO labs for \$711.62. No samples for laboratory analysis were obtained by Dr. Mercer during her office visit. T.M. contacted Dr. Mercer's office and spoke with an employee who stated that office did not use DLO labs, and she would look into the problem. T.M. did not receive any further information or returned telephone calls from Dr. Mercer or her office staff. When contacted by Board Investigators, Dr. Mercer looked at T.M.'s electronic medical record and stated it did not show a drug screen being ordered. Dr. Mercer also stated her office did not use DLO labs for urinalysis. Dr. Mercer contacted DLO lab, and learned she had indeed used DLO labs. Dr. Mercer informed Board Investigators she would pay T.M.'s DLO bill, and did pay the bill.

9. On September 11, 2014, the Board received a complaint from J.O., a patient of Dr. Mercer. J.O. stated his appointment was scheduled for 1330 hours, but he was not seen until 1500 hours. While waiting to be seen, J.O. observed Dr. Mercer sitting at the receptionist desk answering the phone, scheduling appointments and spending time at the computer after she left an exam room. Once in an exam room, J.O. spoke with Dr. Mercer for approximately three (3) minutes. After being in the exam room for approximately thirty (30) minutes, J.O. requested a nurse to make a copy of his records so he could leave the office. J.O. stated Dr. Mercer sat at her computer and typed his complaint. During this time, J.O. observed a nurse interact with a patient about a prescription. The nurse mouthed, "how many?" to the patient. In response, the patient held up two fingers. The nurse then held up three fingers and mouthed, "three", and gave the patient the "thumbs up" signal. J.O.'s opinion was Dr. Mercer's staff was abusing the

incompetence and scatter-brained nature of Dr. Mercer, and Dr. Mercer did not know how to run her office.

10. On June 4, 2015, the Board received a complaint for C.J., a patient of Dr. Mercer. C.J. had been a patient of Dr. Mercer for six (6) years, and was being treated for anxiety and depression. C.J. requested FMLA paperwork be completed by Dr. Mercer, and was informed Dr. Mercer would not do that. Dr. Mercer was present at the time, and informed C.J. there would be a \$135.00 charge for completing the paperwork. C.J. only had \$75.00 with her to cover the cost of the office visit. Dr. Mercer then snatched the paperwork from C.J.'s hand, and threw it on the floor. Dr. Mercer's office assistant then asked C.J. if she could pay \$50.00. The office assistant then took C.J. to see Dr. Mercer, and asked for her insurance card. Dr. Mercer took the insurance card and stated she "did not take that insurance." When the office assistant came back into the room, Dr. Mercer began yelling she did not want to see C.J., or complete the FMLA paperwork. C.J. stated she was overwhelmed and felt helpless. Dr. Mercer stated she could not complete C.J.'s FMLA paperwork because she did not take C.J.'s insurance. C.J. informed Dr. Mercer the FMLA paperwork was job-related not insurance-related. Dr. Mercer then became angry and stated, "I don't like doing FMLA paperwork for AT&T." C.J. asked Dr. Mercer for a referral and her medical records. Dr. Mercer then told her office assistant to tell C.J. to leave the office. C.J. informed her husband of what had occurred, and he came to Dr. Mercer's office. C.J. was upset and crying. Her husband requested to speak to Dr. Mercer. The office assistant came out and stated Dr. Mercer was "having a bad day." The office assistant asked for their phone number, and stated someone else in the office would complete the FMLA paperwork. C.J.'s husband informed her of the time deadline for the paperwork. The next day, C.J. sent a text message to the office assistant about the paperwork. C.J. was informed she must apologize

to Dr. Mercer for the paperwork to be completed. C.J. then called Dr. Mercer directly. C.J. stated Dr. Mercer was getting her hair done and hung up the phone on C.J. After several additional calls to Dr. Mercer's office, the FMLA paperwork was never completed.

11. On July 2, 2015, the Board received a complaint from C.T., a patient of Dr. Mercer. C.T. was seen by Dr. Mercer for an infection and lupus flare up. C.T. stated Dr. Mercer did not order any laboratory work for C.T. When C.T. asked for a referral to a specialist, Dr. Mercer yelled at her to find a new doctor. C.T. stated Dr. Mercer refused to listen to her about the infection, and did not order a urinalysis. C.T. left Dr. Mercer's office and went to an urgent care center for treatment where she was diagnosed with a severe infection, and should be admitted to the hospital according to the urgent care doctors. C.T. requested her medical records from Dr. Mercer. C.T. stated Dr. Mercer threw her medical records on the ground.

12. On July 27, 2015, the Board received a complaint from W.C., a patient of Dr. Mercer. W.C. stated on his second office visit with Dr. Mercer, she got close to him without touching him, and stood over him while he was seated in a chair. Dr. Mercer told W.C. how "sweet" he was over and over, and how she "would love to be his primary care provider." W.C. stated he was uncomfortable. W.C. informed Dr. Mercer he was having erectile dysfunction, and she replied she could help him with that. W.C. stated all of his office visits were on Fridays. Dr. Mercer called him into her office on Wednesday, June 24, 2015, and provided him thirty (30) Viagra tablets for no cost. W.C. thought this was very generous of Dr. Mercer as that prescription would have cost approximately \$1100.00. Dr. Mercer promised W.C. additional Viagra at no cost. W.C. stated Dr. Mercer called him at approximately 10:00 p.m. on two separate occasions. Dr. Mercer just asked him how he was doing. On June 19, 2015, during an office visit, Dr. Mercer came into the exam room and checked his vitals, but did not record any

of the numbers. Dr. Mercer then asked W.C. what he wanted in a hateful tone of voice. W.C. was discussing medications prescribed by another physician, when Dr. Mercer raised her voice and began to speak rapidly. Dr. Mercer stated all of the other physician's patients were mean and evil people and W.C. was also. W.C. stated Dr. Mercer then stormed out of the exam room and ordered W.C. to her office. In her office, Dr. Mercer tried to give W.C. Xanax which he did not want. W.C. asked for Klonopin which he had received at his last office visit. W.C. stated Dr. Mercer acted very irrational, unprofessional and erratic with drastic mood swings. Dr. Mercer terminated care for W.C. immediately and without adequate notice. No arrangements for continued care of W.C. were made, nor did Dr. Mercer provide a referral list of doctors to W.C.

13. On July 10, 2015, the Board received a complaint from D.L., a patient of Dr. Mercer. D.L. stated Dr. Mercer gave her the wrong medications and was unprofessional. D.L. requested a copy of her medical records from Dr. Mercer's office, but did not receive the records. When interviewed by Board Investigators regarding the complaint, Dr. Mercer stated she did not know D.L. wanted her medical records and had not completed a request. Dr. Mercer stated she would contact D.L. and have her complete a medical records request. Subsequently, Dr. Mercer informed Board Investigators she had contacted D.L., and D.L. had terminated their telephone conversation.

14. On October 9, 2015, the Board received a complaint from J.O., a patient of Dr. Mercer. J.O. stated she was a patient of Dr. Mercer being treated for sleep problems, and had repeatedly asked for a sleep study to be ordered by Dr. Mercer. J.O. did not believe Dr. Mercer documented the requests she had made to Dr. Mercer by telephone. Recently, J.O. had been informed by Dr. Mercer she could not have a sleep study because Medicaid no longer paid for sleep studies. J.O. stated she lost her job because she could not control her sleep, and has fallen

asleep while driving and run over a curb. J.O. stated she was scared she was going to hurt herself or someone else.

15. On December 15, 2015 Dr. Mercer called Deaconess Hospital and berated staff of Alliance Health as being "a dimwitted idiot." Dr. Mercer was described as being unstable, repeating the same phrases and accusing Deaconess Personnel as "talking f...ing trash about her". Dr. Mercer threatened to sue several staff members for speaking ill of her. The staff felt threatened, and were concerned about Dr. Mercer slandering the facility, employees, and making threats towards Deaconess Hospital.

16. On February 20, 2016, the Board received a complaint from L.H., a patient of Dr. Mercer. L.H. was a patient of Dr. Mercer for four to five years. In 2014, L.H. moved to Puerto Rico. In 2015, L.H. learned of a collection action against her for an unpaid anesthesia bill from Dr. Mercer from 2013. L.H. stated she was only seen in Dr. Mercer's office, and was never administered anesthesia in the office. L.H.'s repeated attempts to contact Dr. Mercer's office regarding the bill were unsuccessful, and her phone calls were never returned. L.H. paid the bill to avoid negative consequences to her credit rating.

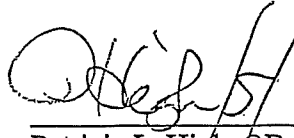
17. On September 12, 2016, the Board received copies of three letters from Dr. Gregg J. Eichman, D.O., Medical Director, Telligen Health Intelligence. Telligen is an external quality review organization used by the Oklahoma Health Care Authority (OCHA). The letters were dated July 20, 2016, July 29, 2016, and August 3, 2016. The letters were addressed to Dr. Michel Herndon, D.O., Chief Medical Officer, OCHA. The letters referenced a peer review of Dr. Mercer. The first two letters outline the areas of concern for Dr. Mercer. Dr. Eichman stated that following the peer review of Dr. Mercer, his concerns were at a level of "serious risk". In the third letter, there is a description of Dr. Mercer's telephone call to Telligen in response to the

first two letters. Dr. Mercer was described as demanding, argumentative, unprofessional and close-minded. As a result of Dr. Mercer's conduct, Telligen upgraded the level of concern from "serious risk" to "gross and flagrant". Telligen recommended immediate termination of Dr. Mercer's contract with the OCA's SoonerCare Program.

18. On November 9, 2016, the Board received a complaint from D.L. D.L. was not a patient of Dr. Mercer; however, he received a bill for services rendered by Dr. Mercer. D.L. repeatedly contacted Dr. Mercer's office regarding this matter, and ultimately Dr. Mercer agreed the bill was in error, and withdrew her notice of collection previously sent to D.L. Dr. Mercer failed to provide medical records in response to D.L.'s request for support of the bill he had received from her office.

19. On October 10, 2016, the Board received a complaint from K.B., a patient and employee of Dr. Mercer. K.B. stated Dr. Mercer was unpredictable. K.B. described that Dr. Mercer would be kind one minute and verbally abusive the next minute. K.B. stated Dr. Mercer told her "a 5th grader could do her job" and "a monkey could do her job." K.B. suspected Dr. Mercer may suffer from bi-polar disorder. K.B. stated Dr. Mercer paid her employees out of a foundation fund meant for charities to help patients. Dr. Mercer did not withhold taxes from employees pay. K.B. described Dr. Mercer as disorganized, and Dr. Mercer would blame it on the staff. K.B. stated Dr. Mercer would do billing while patients were waiting to be seen in exam rooms. K.B. stated Dr. Mercer could take as long as two weeks to call in a prescription for blood pressure and mood stabilizer medication for a patient, N.S. Another patient had reported to K.B. observing Dr. Mercer heavily sedated and not able to keep her eyes open in the office.

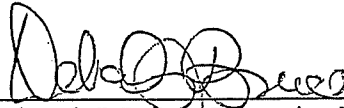
Respectfully submitted,



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

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing document was transmitted via email to Ryan W. Hearne at rwhboy@gmail.com on December 5, 2016, and hand delivered to the offices of Dr. Mary Kathryn Mercer.



Deborah J. Bruce, Executive Director
Oklahoma Board of Osteopathic Examiners

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

STATE BOARD OF OSTEOPATHIC EXAMINERS,)	
)	
Petitioner,)	
)	
v.	)	Case No. 1215-148
)	
MARY KATHRYN MERCER, D.O.)	
Osteopathic Medical License No. 2887,)	
)	
Respondent.)	

INTERIM ORDER OF SUSPENSION PENDING EVALUATION

This matter comes before the Oklahoma State Board of Osteopathic Examiners [Board] at a hearing held before the Board on September 15, 2016, in the above-styled individual proceeding. The Board is represented by the Special Prosecutor for the Board, Patricia High of Patricia L. High, P.C. The Respondent, Mary Kathryn Mercer, D.O. [Dr. Mercer] and her counsel of record, Ryan W. Hearne, appear in person at the hearing. The Board’s Investigator, John Mobley, also appears and gives testimony. The purpose of the Hearing is to assess Dr. Mercer’s compliance with her Agreed Order of Deferred Prosecution of 6/16/2016. Said Order arose out of numerous instances of disruptive behavior by Dr. Mercer. Of primary concern to the Board was the external quality review of Dr. Mercer’s practice by the Oklahoma Health Care Authority [OHCA] which was provided to the Board *under seal*. The OHCA report rated Dr. Mercer’s practice as a “Gross and Flagrant Quality Concern” and included several examples of her disruptive behavior.

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

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

IT IS THEREFORE ORDERED that the license to practice osteopathic medicine in the State of Oklahoma held by Dr. Mary Kathryn Mercer, license number 2887, is hereby suspended pending completion of and results reported to the Board of a neuro-psychological evaluation supported by a psychological evaluation as follows:

1. Prior to the next regular meeting of the Board scheduled for December 8, 2016, Dr. Mercer shall obtain and present an independent psychological evaluation by Dr. A.W. Rousseau, supported by neurological-psychological testing done by Dr. David Johnsen. All expenses related to this testing and evaluation shall be borne by Dr. Mercer. Dr. Mercer shall sign full releases so that the Board may receive copies of the testing and evaluation results directly from the physicians.

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

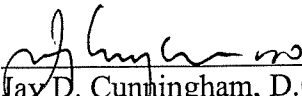
3. Upon receipt of the testing and evaluation, Dr. Mercer shall appear at the next regular meeting of the Board for such further Orders as the Board deems necessary and proper.

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

IT IS SO ORDERED, ADJUDGED AND DECREED.

Dated this 15th day of September, 2016.

Effective: The 2 day of November, 2016.



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

BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

STATE BOARD OF OSTEOPATHIC EXAMINERS,)	
)	
Petitioner,)	
)	
v.	)	Case No. 1215-148
)	
Mary Kathryn Mercer, D.O.)	
Osteopathic Medical License No. 2887,)	
)	
Respondent.)	

FINDINGS OF FACT, CONCLUSIONS OF LAW AND AGREED ORDER OF DEFERRED PROSECUTION

This matter comes before the Oklahoma State Board of Osteopathic Examiners [Board] at a hearing held before the Board on June 16, 2016, in the above-styled individual proceeding. The Board is represented by the Special Prosecutor for the Board, Patricia High of Patricia L. High, P.C. The Respondent, Mary Kathryn Mercer, D.O. [Dr. Mercer] and her counsel of record, Ryan W. Hearne, appear in person at the hearing.

The Board incorporates by reference the Complaint as a part of these Findings of Fact, Conclusions of Law, and Agreed Order as if it appeared in full herein. The Board adopts, by clear and convincing evidence, the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Dr. Mercer is the holder of a license issued by the Board to practice osteopathic medicine in the State of Oklahoma, License No. 2887. As of the date of this Order, the license issued to Dr. Mercer is in good standing.

2. The Board has previously disciplined Dr. Mercer for disruptive behavior and other violations of the Oklahoma Osteopathic Medicine Act. On December 10, 2009, Dr. Mercer was placed on a two-year Preceptorship, ordered to submit to random urine drug screens, reduce her work-load and participate in therapeutic counseling. That Order was terminated for good cause on December 8, 2011.

3. After being contacted by Board Investigators about allegations in the current Complaint, Dr. Mercer independently initiated the request for evaluation by Acumen Assessments.

CONCLUSIONS OF LAW

The Board has jurisdiction to hear this matter pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 640 *et. seq.*, Rules of the Board, 510 OAC § 1-1-1 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.* The Board concludes that, based upon Dr. Mercer's agreement to follow the recommendations of Acumen Assessments, Dr. Mercer's license shall remain in effect. The Board further concludes that for good cause shown, the prosecution of this case shall be deferred for a period of two (2) years so long as Dr. Mercer remains compliant with the following terms and conditions.

ORDER

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

1. The prosecution of this case shall be deferred for two (2) years until on or about June 21, 2018, and that no sanction will apply if Dr. Mercer timely complies with all criteria contained herein.

2. Dr. Mercer shall enter into a monitoring contract with OHPP for a period of time deemed appropriate by that program. OHPP is to address Dr. Mercer's disruptive behavior.

3. Dr. Mercer shall acquire an OHPP approved professional coach to help her mediate the issues raised in the Acumen Assessment Report. The Coach is to be provided a copy of said Assessment and be given unrestricted communication with Acumen Assessments, OHPP, and the Board. If the Coach requires compensation, it is to be done at Dr. Mercer's expense.

4. Dr. Mercer shall, at her own expense, acquire an OHPP approved psychiatrist to pursue a trial of a mood stabilizer, perhaps, Lamictal. This psychiatrist shall be provided a copy of the Acumen report and have unrestricted communication with Acumen, OHPP, and the Board. Dr. Mercer shall follow the recommendations of the psychiatrist as to the length and frequency of visits.

5. Dr. Mercer shall acquire a primary care physician. She shall refrain from self-medication.

6. Dr. Mercer shall work with Board Staff to acquire a Board approved physician to shadow her in her practice for one day to provide feedback about how she can manage her practice more effectively. Dr. Mercer shall bear the cost of this physician's services. If recommended, this shadowing should be repeated every quarter.

7. Pursuant to the plan of action Dr. Mercer put together as part of the Acumen Assessment, she is to make the following changes to her practice:

- a. She is to stop answering the telephone. That is a staff function.
- b. She is not to give her cell number to patients.
- c. She is to save making return phone calls until a time slot at the end of the day.
- d. She is to work a maximum of eight (8) hours a day in patient encounters.

e. She is to limit the number of patients she sees in a day to thirty (30).

f. She is to delegate normal staff functions to staff in order to avoid getting overwhelmed. This includes medical records requests, insurance forms and patient scheduling. In short, she is to utilize her staff as a buffer between her and patients so that she can focus on practicing medicine.

8. Her staff is to perform telephone triage of all new patients and shall make it clear before they come in for their first appointment that Dr. Mercer does not practice pain management.

9. Board Staff shall have the authority to supervise, monitor and enforce all provisions of this order on behalf of the Board.

10. Dr. Mercer shall appear quarterly before the Board to report on her status. Board staff shall have the authority to direct Dr. Mercer to provide documents relevant to the appearance.

11. Dr. Mercer shall pay administrative fees and costs incurred in this proceeding in the amount of twenty-five-hundred dollars (\$2500.00). Board staff is authorized to arrange for payment increments. Said amount shall be paid in full six months before Dr. Mercer is eligible for termination of this Order.

12. Dr. Mercer shall be responsible for insuring that all reports of professionals are provided directly to the board.

13. During the pendency of this deferral period, Dr. Mercer shall permit any representative of the Board to enter her office for official duties.

14. If Dr. Mercer fully complies with all the terms and conditions of this Order, it shall be dismissed with prejudice on or about June 21, 2018. Any non-compliance with this

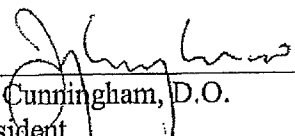
Order shall result in immediate sanction based upon evidence already in hand and based on any newly discovered evidence.

15. This Order is remedial in nature.

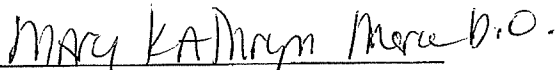
16. This Order is subject to the Open Records Act. and is therefore a public record.

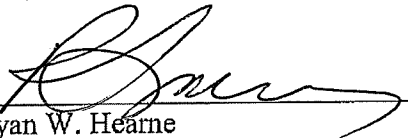
IT IS SO ORDERED, ADJUDGED AND DECREED this 16th day of June, 2016.

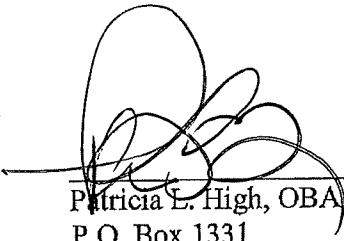
This Order shall become effective on the 17th day of July, 2016.


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

AGREED:


Mary Kathryn Mercer, D.O.


Ryan W. Hearne
7301 N. Broadway, Suite 128
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(405) 235-8888 Facsimile
ATTORNEY FOR RESPONDENT


Patricia E. High, OBA No. 13414
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(866) 794-5742 Facsimile
SPECIAL PROSECUTOR FOR
THE BOARD

BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

STATE BOARD OF OSTEOPATHIC
EXAMINERS,

Petitioner,

v.

Mary Kathryn Mercer, D.O.
Osteopathic Medical License No. 2887,

Respondent.

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Case No. 1215-148

COMPLAINT

The Special Prosecutor for the State Board of Osteopathic Examiners [Board], Patricia L. High of Patricia L. High, P.C., files this Complaint in the above-styled individual proceeding against Mary Kathryn Mercer, D.O. [Dr. Mercer] and states:

1. Dr. Mercer is the holder of a license issued by the Board to practice osteopathic medicine in the State of Oklahoma, License No. 2887. As of the date of this Complaint, the license issued to Dr. Mercer is in good standing.

2. The Board has previously disciplined Dr. Mercer for disruptive behavior and other violations of the Oklahoma Osteopathic Medicine Act [Osteopathic Act]. On December 10, 2009, Dr. Mercer was placed on a two-year Preceptorship, ordered to submit to random urine drug screens, reduce her work-load and participate in therapeutic counseling. That Order was terminated for good cause on December 8, 2011.

3. Dr. Mercer is in violation of the Oklahoma Osteopathic Medicine Act, 59 O.S. §§ 602 et seq and specifically Section 637(A) (2) (j), (3), (4), (8) and (13) of the Osteopathic Act, to wit:

A. The State Board of Osteopathic Examiners may refuse to admit a person to an examination or may 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 license:

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

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;

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

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

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.

13. Has been guilty of personal offensive behavior, which would include, but not limited to obscenity, lewdness, molestation and other acts of moral turpitude.

4. Over the past eighteen (18) months the Board has received ten (10) patient complaints about Dr. Mercer's behavior. She is described as loud, abusive, using inappropriate language, adamantly refusing to provide copies of medical records and hallway belligerence toward the staff of her former Preceptor.

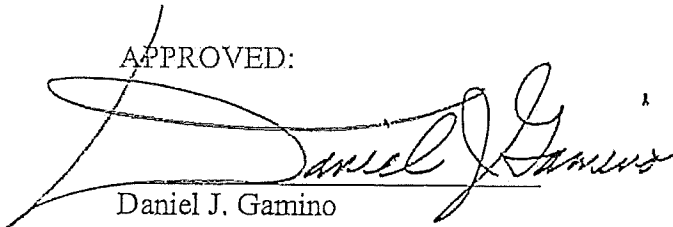
5. On December 15, 2015 Dr. Mercer called Deaconess Hospital and berated staff of Alliance Health as being "a dimwitted idiot." Dr. Mercer was described as being unstable, repeating the same phrases and accusing Deaconess Personnel as "talking f...ing trash about her" and killing patients with their incompetence. Dr. Mercer threatened to sue several staff members for speaking ill of her. The staff felt threatened. They were also concerned about Dr. Mercer's slandering the facility, employees, and making threats towards Deaconess Hospital.

6. Dr. Mercer's mental state was also of concern with her escalating emotional outbursts. Dr. Mercer focused her wrath on the Director of Physician services calling her a

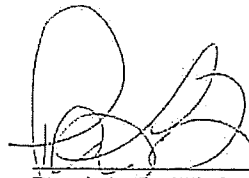
“viper who is responsible for false documents being filed against me.” On this same date, Dr. Mercer sent a strange email to the Deaconess CEO claiming “my practice is stronger than ever and don’t worry, I plan to stay right across the street from Deaconess because your care continues to go down.”

Respectfully submitted,

APPROVED:



Daniel J. Gamino
ATTORNEY FOR THE BOARD
Date: 23 day of February, 2016



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

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

STATE BOARD OF OSTEOPATHIC EXAMINERS,)	
)	
Petitioner,)	
)	
v.	)	Case No. 0908-080
)	
Mary Kathryn Mercer, D.O.)	
Osteopathic Medical License No. 2887,)	
)	
Respondent.		

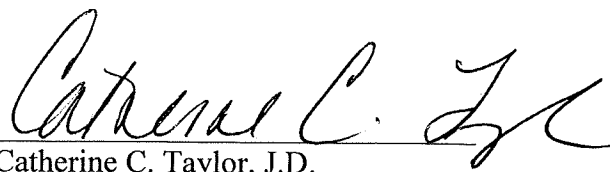
ORDER TERMINATING PRECEPTORSHIP

This matter comes before the State Board of Osteopathic Examiners (“Board”) at a regularly scheduled meeting of the Board held on December 8, 2011 in the above styled individual proceeding. Mary Kathryn Mercer, D.O. (“Dr. Mercer”) made a Preceptorship appearance this date for the Board to consider **TERMINATION** of her two (2) year **PRECEPTORSHIP** ordered on 12/10/2009. For good cause shown, **TERMINATION** of Dr. Mercer’s Preceptorship is **GRANTED**. The restrictions ordered by the Board on Dr. Mercer’s license are hereby removed. Dr. Mercer’s license to practice osteopathic medicine in the State of Oklahoma is restored to the status of good standing without any restrictions or curtailment.

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

IT IS SO ORDERED, ADJUDGED AND DECREED.

Dated this 8th day of December, 2011.


 Catherine C. Taylor, J.D.
 President
 State Board of Osteopathic Examiners

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

STATE BOARD OF OSTEOPATHIC EXAMINERS,)	
)	
)	
Petitioner,)	
)	
v.	)	Case No. 0908-080
)	
MARY KATHRYN MERCER, D.O.)	
Osteopathic Medicine License No. 2887,)	
)	
Respondent.)	

ORDER GRANTING SECOND AMENDMENT TO PRECEPTORSHIP

This matter comes on for hearing before the Oklahoma State Board of Osteopathic Examiners [Board] at a Regular Meeting of the Board on September 16, 2010. The Board is represented by the Special Prosecutor for the Board, Richard A. Mildren of Riggs, Abney, Neal, Turpen, Orbison & Lewis. Mary Kathryn Mercer, D.O. [Dr. Mercer] appears on this date in person and with counsel, Ryan W. Hearne. Dr. Mercer was placed on a two year Preceptorship by Order of the Board on 12/10/2009 [2009 Plan]. This Plan was Amended by Order of the Board on March 18, 2010 [2009 Amended Plan]. Dr. Mercer made a second request for amendment to her plan on June 17, 2010. That request was tabled pending receipt of a more specific request for amendment. Dr. Mercer makes a Preceptor appearance on this date for review of her 2009 Amended Plan and to consider her request for further amendment thereto.

This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 *et. seq.* , Rules of the Board, 510 OAC § 510:1-1-1 *et. seq.*, and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

At the Hearing Dr. Mercer advised the Board that her 2009 Amended Preceptor Plan was in place and working to her benefit. She submitted written documents and requested further amendment to her plan.

ORDER

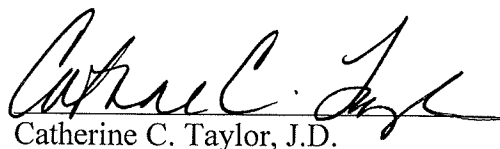
IT IS THEREFORE ORDERED by the Board that her request for further amendment to the 2009 Amended Plan is GRANTED as follows:

1. Dr. Mercer is permitted to work a **maximum** of a forty (40) hour work week. A portion of that week may be spent at her Edmond office.
2. Dr. Mercer is to notify Board staff of the days and times she will be working at her Edmond office.
3. Dr. Mercer's patient load is limited to twenty-five (25) patients a day.

IT IS FURTHER ORDERED that Board Staff will continue to monitor Dr. Mercer and that Dr. Mercer is to cooperate with that monitoring.

IT IS FURTHER ORDERED that all other terms and conditions of the 2009 Amended Plan shall remain in full force and effect.

IT IS SO ORDERED, ADJUDGED AND DECREED this 16th day of September, 2010.



Catherine C. Taylor, J.D.
Vice-President
State Board of Osteopathic Examiners

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

STATE BOARD OF OSTEOPATHIC EXAMINERS,)	
)	
)	
Petitioner,)	
)	
v.	)	Case No. 0908-080
)	
MARY KATHRYN MERCER, D.O.)	
Osteopathic Medicine License No. 2887,)	
)	
Respondent.)	

ORDER TABLING REQUEST FOR SECOND AMENDMENT TO PRECEPTORSHIP

This matter comes on for hearing before the Oklahoma State Board of Osteopathic Examiners [Board] at a Regular Meeting of the Board on June 17, 2010. The Board is represented by the Special Prosecutor for the Board, Richard A. Mildren of Riggs, Abney, Neal, Turpen, Orbison & Lewis. Mary Kathryn Mercer, D.O. [Dr. Mercer] appears on this date in person and with counsel, Ryan W. Hearne. Dr. Mercer was placed on a two year Preceptorship by Order of the Board on 12/10/2009 [2009 Plan]. This Plan was Amended by Order of the Board on March 18, 2010 [2009 Amended Plan]. Dr. Mercer makes a Preceptor appearance on this date for review of her 2009 Amended Plan and to determine if she has complied with all the terms and conditions thereof.

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.*

At the Hearing Dr. Mercer advised the Board that her 2009 Amended Preceptor Plan was in place and working to her benefit. She requested further amendment to the 2009 Amended Plan.

ORDER

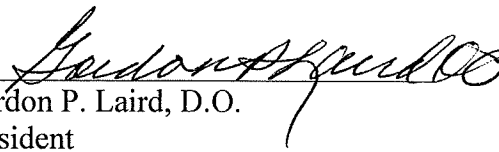
IT IS THEREFORE ORDERED by the Board that consideration of this request for further amendment to the 2009 Amended Plan is tabled pending receipt of the following:

1. A detailed written description of the amendment to the 2009 Amended Plan Dr. Mercer seeks.
2. A precise plan of the work and hours to be performed in Dr. Mercer's Edmond office.
3. Written communication of support for all amendments to the 2009 Plan from the Preceptor, Dr. Grandle.

IT IS FURTHER ORDERED that consideration of this matter will take place at the next regularly scheduled Board meeting following receipt of the required documents.

IT IS FURTHER ORDERED that all terms and conditions of the 2009 Amended Plan shall remain the same.

IT IS SO ORDERED, ADJUDGED AND DECREED this 17th day of June, 2010.


Gordon P. Laird, D.O.
President
State Board of Osteopathic Examiners

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

STATE BOARD OF OSTEOPATHIC)	
EXAMINERS,)	
)	
Petitioner,)	
)	
v.	)	Case No. 0908-080
)	
MARY KATHRYN MERCER, D.O.)	
Osteopathic Medicine License No. 2887,)	
)	
Respondent.)	

ORDER AMENDING PRECEPTORSHIP

This matter comes on for hearing before the Oklahoma State Board of Osteopathic Examiners [Board] at a Regular Meeting of the Board on March 18, 2010. The Board is represented by the Special Prosecutor for the Board, Richard A. Mildren of Riggs, Abney, Neal, Turpen, Orbison & Lewis. Mary Kathryn Mercer, D.O. [Dr. Mercer] appears on this date in person and with counsel, Ryan Hearne. Dr. Mercer was placed on a two year Preceptorship by Order of the Board on 12/10/2009 [2009 Plan]. Dr. Mercer makes a Preceptor appearance on this date for review of her 2009 Plan and to determine if she has complied with all the terms and conditions thereof.

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.*

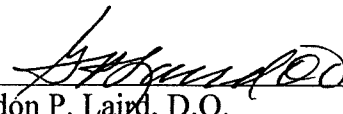
At the Hearing Dr. Mercer advised the Board that her 2009 Preceptor Plan was in place and working to her benefit. She requested one amendment to the 2009 Plan which the Board approved.

ORDER

IT IS THEREFORE ORDERED by the Board that Dr. Mercer is permitted to extend her working hours to seven (7) hours a day. She will continue to see the same number of patients as outlined in the 2009 Plan.

IT IS FURTHER ORDERED that all other terms and conditions of the 2009 Plan remain the same.

IT IS SO ORDERED, ADJUDGED AND DECREED this 18th day of March, 2010.



Gordon P. Laird, D.O.
President
State Board of Osteopathic Examiners

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

STATE BOARD OF OSTEOPATHIC EXAMINERS,)	
)	
Petitioner,)	
)	
v.	)	Case No. 0908-080
)	
MARY KATHRYN MERCER, D.O. Osteopathic Medicine License No. 2887,)	
)	
Respondent.)	

ORDER OF PRECEPTORSHIP

This matter comes before the State Board of Osteopathic Examiners [Board] at a regularly scheduled meeting of the Board held on December 10, 2009, in the above styled individual proceeding. Mary Kathryn Mercer, D.O. [Dr. Mercer] appeared in person on this date for a Hearing. She was accompanied by her counsel, Ryan W. Hearne, of Brown & Gould. The Board is represented by Special Prosecutor for the Board, Richard A. Mildren, of Riggs, Abney, Neal, Turpen, Orbison & Lewis.

This order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 *et. seq.*, Rules of the Board, 510 OAC § 510:1-1-1 *et. seq.*, and the Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

The Board, after reviewing the pleadings, hearing and considering all of the evidence and being fully advised finds by clear and convincing evidence and enters the following findings of Fact, Conclusions of Law and Orders.

FINDINGS OF FACT

After hearing all the evidence presented and upon due consideration thereof, the board, by clear and convincing evidence finds:

1. Dr. Mercer is the holder of a license to practice osteopathic medicine in the State of Oklahoma, license number 2887. Said license was summarily suspended by the Board at an Emergency Hearing on September 4, 2009. The Findings of Fact, Conclusions of Law and Emergency Order that resulted from that Hearing are hereby incorporated by reference as if they appeared in full herein.
2. Proper notice of this hearing was served on Dr. Mercer as required by law.
3. Evidence at the hearing showed that prior to the suspension of her license, Dr. Mercer voluntarily reported to Dr. Lanny Anderson of the Oklahoma Health Professionals Program [OHPP] who recommended that Dr. Mercer be evaluated by Dr. Robert Nisbet, Medical Director of OU Physicians ExecuCare. (Exhibit "3", Testimony of Dr. Anderson and Dr. Mercer.)
4. Evidence at the hearing also showed that Dr. Mercer was evaluated by Dr. Nisbet, who diagnosed her as having Bipolar Affective Disorder, early remission, and recommended counseling and medication for the disease, a reduced work load, and a complete neurological evaluation. (Exhibit "4", Testimony of Senior Investigator Hugh Tidler.)
5. Evidence at the hearing also included that Dr. Mercer is seeing a psychiatrist for grief counseling and that her physician has recommended she continue with therapy, medication,

and monitoring, and that it would be appropriate for her to resume a reduced work load in her medical practice. (Exhibit "4", Testimony of Senior Investigator Hugh Tidler, and Dr. Mercer.)

CONCLUSIONS OF LAW

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

The Board previously concluded that Dr. Mercer had violated provisions of the Oklahoma Osteopathic Medicine Act, including, 59 O.S. § 637 (A) (8). The Board now concludes that there are sufficient grounds for reinstatement of Dr. Mercer's license under specified terms and conditions.

After adopting the above-described Findings of Fact and Conclusions of Law, the Board Orders the following.

ORDER

1. The license to practice osteopathic medicine in the State of Oklahoma held by Dr. Mercer is reinstated immediately upon the following terms and conditions.

2. When Dr. Mercer resumes her practice of medicine, she is to be closely monitored for three (3) months followed by a two (2) year Preceptorship. She is to be monitored by Dr. Gary B. Grandle, M.D. or other physician approved by Board Staff. The terms of the monitoring are to be negotiated by Board Staff with the physician. The terms of the Preceptorship follow in this Order.

3. Dr. Mercer shall submit to random drug screening once a month for twelve (12) months. These drugs screens are to be monitored by OHPP and the results are to be reported to the Board. Dr. Mercer is to bear all costs related to this requirement.
4. Dr. Mercer is to continue treatment with her therapist and/or psychiatrist and comply with all direction. Dr. Mercer is to arrange for the therapist and/or psychiatrist to send quarterly reports of her progress to the Board office.
5. Dr. Mercer is to close her satellite office in Edmond, Oklahoma until such time as the Board approves Dr. Mercer to expand her practice to more than one location.
6. For at least the first three (3) months, Dr. Mercer is limited to seeing and/or treating twenty (20) patients a day, not to exceed six (6) hours of work in any day. Dr. Mercer shall work no more than five (5) days a week.
7. Dr. Mercer shall arrange for her therapeutic drug levels to be monitored and the results reported to the Board every three (3) months prior to quarterly meetings of the Board. Dr. Mercer is to bear all costs related to this requirement.
8. Dr. Mercer is to appear in person at each quarterly meeting of the Board, with or without legal representation, for two (2) years from the date of this Order.
9. Dr. Mercer is not to have hospital privileges at any hospital without consulting Board Staff for clearance to resume hospital privileges.
10. Dr. Mercer is to take no medications other than those prescribed for her and is to regularly report all medications she is taking to Board staff.

11. Dr. Mercer is to pay all costs associated with the investigation and hearing of this case in the amount of Four-thousand-three-hundred-thirty-two dollars (\$4332.00). A payment schedule may be arranged with Board Staff.

12. No term or condition of this Order shall be changed without first being approved by Board Staff and then by the Board en banc.

13. Failure to follow all terms and conditions of this Order shall result in further disciplinary action.

14. This Order is a public record.

PRECEPTOR PLAN

CLINICAL PLAN:

1. Dr. Mercer will initially be directly monitored, practicing closely with the Preceptor.

The Preceptor is to prepare and send to the Board a monthly report detailing the Physician's progress.

2. Following completion of direct monitoring, Board Staff is authorized to determine readiness to transition to direct patient care with the Preceptor being readily available for case discussion. Monthly progress reports from the Preceptor and Physician shall continue.

DIDACTIC PLAN:

1. Dr. Mercer will read and review two (2) journal articles each week of relevant content areas and prepare a summary for each article, describing how the

information will be integrated into clinical practice. Dr. Mercer may choose the articles, but the Preceptor must approve them.

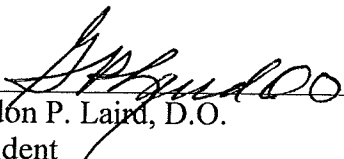
2. Dr. Mercer will prepare a Journal of the meetings with the Preceptor with the discussed articles delineated. She will also submit a Monthly report of these meetings to the Board. This report is to be signed by the Preceptor.
3. Dr. Mercer will attend Continuing Medical Education during the term of the Plan. All courses require Board approval prior to attendance. Dr. Mercer is to bear all costs related to this requirement.

DURATION:

Dr. Mercer is to be continuously monitored for two (2) years.

IT IS SO ORDERED, ADJUDGED AND DECREED.

Dated this 10th day of December, 2009.



Gordon P. Laird, D.O.
President
State Board of Osteopathic Examiners

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

STATE BOARD OF)
OSTEOPATHIC EXAMINERS,)
)
Petitioner,)
)
v.)
)
MARY KATHRYN MERCER, D.O.)
Medical License No. 2887)
)
Respondent.)

Case No. 09-08-080

FINDINGS OF FACT, CONCLUSIONS OF LAW AND EMERGENCY ORDER

This matter comes before the State Board of Osteopathic Examiners [Board] at an Emergency Hearing held on September 4, 2009, in the above-styled individual proceeding. After reviewing the Emergency Complaint, hearing the testimony of the Board’s witnesses and asking questions of the Board’s witness, the Board adopts, by clear and convincing evidence, the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Mary Kathryn Mercer, D.O. [Dr. Mercer] is the holder of a license issued by the Board to practice osteopathic medicine in the State of Oklahoma, license no. 2887. As of the date of this Emergency Hearing, the license issued to Dr. Mercer is in good standing.

2. Evidence at the Emergency Hearing included that on June 12, 2009, Dr. Mercer was arrested for driving under the influence. The Edmond Police Department initiated a call to the Board to report the charge as well as the behavior of Dr. Mercer. On the night of the arrest, she was unsteady on her feet, had difficulty standing, and was unable to perform the field

sobriety test. Her purse contained an assortment of physician sample drugs. (Testimony of Hugh Tidler, Board's Chief Investigator)

3. Evidence presented at the Emergency Hearing also included that on December 18, 2008, Integris Baptist Medical Center terminated its staff privileges given to Dr. Mercer. (Testimony of Hugh Tidler, Board's Chief Investigator)

4. Evidence also included that Dr. Mercer, at the suggestion of the Board's Chief Investigator, met with Dr. Lanny Anderson, [Dr. Anderson] Director of the Oklahoma Health Professionals Program [OHPP] on August 26, 2009. Dr. Anderson stated that Dr. Mercer was paranoid and confused. Dr. Anderson also expressed concerns for the safety of Dr. Mercer's patients. (Exhibit "A"; Testimony of Hugh Tidler, Board's Chief Investigator).

5. Evidence at the Emergency Hearing also included that Dr. Mercer has had recent problems with staff and physicians at Deaconess Hospital where she has staff privileges. Dr. Kenneth Whittington, M.D., Chief Medical Officer for Deaconess Hospital [Dr. Whittington] testified that he is concerned by the escalating emotional outbursts of Dr. Mercer. Dr. Whittington further testified that her behavior is such that he believes she is incapable of practicing osteopathic medicine and is an immediate threat to the welfare of her patients. (Testimony of Kenneth Whittington, M.D.)

6. The actions of Dr. Mercer, as described in paragraphs 1-5 of these Findings of Fact, imperatively threaten the public health, safety and welfare that require emergency action by this Board.

CONCLUSIONS OF LAW

1. The Board concludes that it has jurisdiction over individual(s) licensed by the Board to practice osteopathic medicine in the State of Oklahoma, the practice of osteopathic

medicine in the State of Oklahoma and this individual proceeding pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. §§ 620 et seq. [Osteopathic Act] and the Oklahoma Administrative Procedure Act, 75 O.S. §§ 308 et seq.

2. Dr. Mercer is in violation of the Oklahoma Osteopathic Medicine Act, 59 O.S. Section 620 et seq. and specifically Section 637(A)(2)(f) and (8) of the Act, to wit:

A. The State Board of Osteopathic Examiners may refuse to admit a person or 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 license:

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

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

8. Is incapable, for medical or psychiatric or other good cause, of discharging the functions of an osteopathic physician in a manner consistent with the public's health, safety or welfare.

3. The Board concludes that because Dr. Mercer has violated Section 637(A)(2), (f) and (8) of the Osteopathic Act that it has the authority to take emergency disciplinary action.

4. The actions of Dr. Mercer, as described in paragraphs 1-6 of the Findings of Fact and paragraphs 1-3 of the Conclusions of Law, imperatively threaten the public health, safety and welfare that require emergency action by this Board.

EMERGENCY ORDER

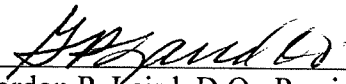
The Board, having adopted the above-described Findings of Fact and Conclusions of Law, adopts the following Emergency Order.

1. The license issued by the Board to Dr. Mercer to practice osteopathic medicine in the State of Oklahoma is **SUMMARILY SUSPENDED**. Such suspension shall continue until such time as the Board determines that Dr. Mercer's practice of osteopathic medicine does not threaten the public health and safety.

2.. This Findings of Fact, Conclusions of Law and Emergency Order is a public record and subject to disclosure under the Oklahoma Open Records Act.

IT IS SO ORDERED, ADJUDGED AND DECREED.

Dated this 4th day of September, 2009.



Gordon P. Laird, D.O., President
State Board of Osteopathic Examiners

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

STATE BOARD OF)	
OSTEOPTAHIC EXAMINERS,)	
)	
Petitioner,)	
)	
v.	)	Case No. 09-08-080
)	
)	
MARY KATHRYN MERCER, D.O.)	
Medical License No. 2887)	
)	
Respondent.)	

EMERGENCY COMPLAINT

The Special Prosecutor for the State Board of Osteopathic Examiners (“Board”), Richard Mildren with Riggs, Abney, Neal, Turpen, Orbison & Lewis files this Emergency Complaint in the above-styled individual proceeding against Mary Kathryn Mercer, D.O. (“Dr. Mercer”) and states:

1. Dr. Mercer is the holder of a license issued by the Board to practice osteopathic medicine in the State of Oklahoma, license no. 2887. As of the date of this Emergency Complaint, the license issued to Dr. Mercer is in good standing.

2. Dr. Mercer is in violation of the Oklahoma Osteopathic Medicine Act, 59 O.S. §§ 620 et seq. (“Osteopathic Act”) and specifically Section 637(A)(2),(f) and (8) of the Osteopathic Act, to wit:

A. The State Board of Osteopathic Examiners may refuse to admit a person to an examination or may 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 license:

2. Has engaged in the use or employment of dishonesty, fraud, misrepresentation, false promise, false pretense, unethical conduct or unprofessional conduct, as may be determined by the Board, in

the performance of the functions or duties of an osteopathic physician, including, but not limited to the following:

(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, and

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. On December 18, 2008, Integris Baptist Medical Center terminated its staff privileges given to Dr. Mercer.

4. Ken Whittington, MD is the Chief Medical Officer for Deaconess Hospital. Dr. Mercer has staff privileges at Deaconess Hospital. On or about September 2, 2009, Dr. Ken Whittington, MD contacted the office of the Board concerned about the behavior of Dr. Mercer. Dr. Whittington stated that her behavior is "off the wall" and she is "dangerous to patients."

5. Lanny Anderson, MD is the Director for the Oklahoma Health Professionals Program, Inc. ("OHPP"). On August 25, 2009, Dr. Anderson spoke with Dr. Mercer and on August 26, 2009, he met in person with Dr. Mercer. In a letter to the Executive Director for the Board, Dr. Anderson wrote: "Dr. Mercer seemed confused, very paranoid and unable to participate in normal conversation regarding a recent DUI. Dr. Mercer rambles and in my opinion can't participate in a meaningful discussion." A copy of the letter from Dr. Anderson to the Board is attached as Exhibit A.

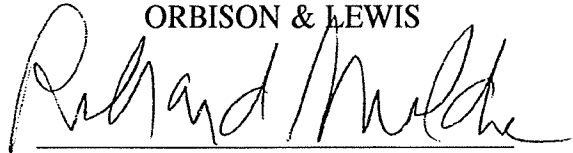
6. On June 12, 2009, Dr Mercer was arrested for driving under the influence of drugs. It is alleged that the car in which Dr. Mercer was driving at a speed of 25 miles per hour in a 45 mile per hour zone, weaving all over the road, ran a stop sign and struck the curb

numerous times. When the officer that stopped Dr. Mercer and approached her car, the car continued to move forward, and only after repeated requests was the car put in park by Dr. Mercer. The matter is still pending.

THE ACTIONS OF DR. MERCER, AS DESCRIBED IN PARAGRAPHS 1-6 ABOVE, IMPERTATIVELY THREATEN THE PUBLIC HEALTH, SAFETY AND WELFARE THAT REQUIRES THIS EMERGENCHY ACTION.

Respectfully submitted,

RIGGS, ABNEY, NEAL, TURPEN,
ORBISON & LEWIS

A handwritten signature in black ink, appearing to read "Richard A. Mildren". The signature is written in a cursive style with a horizontal line underneath.

Richard A. Mildren, OBA No. 6182
5801 Broadway Extension, Suite 101
Oklahoma City, Oklahoma 73118
(405) 843-9909
(405) 842-2913 Facsimile
SPECIAL PROSECUTOR FOR THE
STATE BOARD OF OSTEOPATHIC EXAMINERS

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

STATE BOARD OF)
OSTEOPTAHIC EXAMINERS,)
)
 Petitioner,)
)
 v.)
)
)
MARY KATHRYN MERCER, D.O.)
Medical License No. 2887)
)
 Respondent.)

Case No. 09-08-080

TO: MARY KATHRYN MERCER, D.O.

CITATION AND NOTICE OF EMERGENCY HEARING

YOU ARE HEREBY NOTIFIED that under the Oklahoma Osteopathic Medicine Act ("Osteopathic Act"), 59 O.S., Section 620 *et seq.* as amended, and the Oklahoma Administrative Procedures Act, 75 O.S., Section 301 *et seq.*, as amended, an emergency hearing will be held before the Oklahoma State Board of Osteopathic Examiners ("Board"), at the offices of the Board, 4848 North Lincoln Boulevard, Suite 100, Oklahoma City, Oklahoma 73105, at 12:00 p.m. on Friday, September 4, 2009.

PURPOSE OF HEARING

The purpose of the hearing will be to show cause why your license to practice osteopathic medicine in the State of Oklahoma, issued by this Board, should be suspended on an emergency basis as may be authorized by 59 O.S. § 637 (B) and 75 O.S. § 314 (C)(2) for violations of the Osteopathic Act as specified in the Emergency Complaint issued against you.

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

LEGAL AUTHORITY FOR HEARING

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

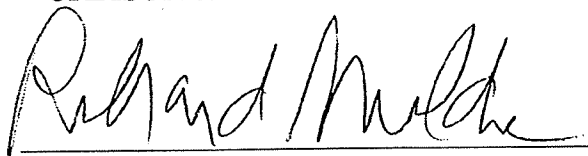
RIGHTS OF RESPONDENT

Furthermore, pursuant to the provisions of 59 O.S. § 637 (B), you are provided a public hearing on this matter within thirty (30) days of the emergency suspension, if the Board takes such action.

Dated this 4th day of September 2009.

Respectfully submitted,

RIGGS, ABNEY, NEAL, TURPEN,
ORBISON & LEWIS



Richard A. Mildren, OBA No. 6182
5801 Broadway Extension, Suite 101
Oklahoma City, Oklahoma 73118
(405) 843-9909
(405) 842-2913 Facsimile

SPECIAL PROSECUTOR FOR THE
STATE BOARD OF OSTEOPATHIC
EXAMINERS

Oklahoma Health Professional Program, Inc.

RECEIVED
SEP 01 2009
OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

August 26, 2009

Oklahoma Board of Osteopathic Examiners
Attn: Deborah Bruce, Executive Director
4848 N. Lincoln Boulevard
Oklahoma City, Oklahoma 73105

Dear Ms. Bruce:

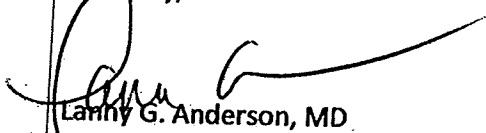
This letter is in reference to Mary Katherine Mercer, DO. Hugh Tidler asked that I speak with Dr. Mercer and meet with her in person to determine the best course of action following a recent DUI.

I spoke with Dr. Mercer on Tuesday, August 25th and also in person on Wednesday, August 26th. After meeting with Dr. Mercer it is my recommendation that she have a psychiatric evaluation to determine her ability to practice medicine. I recommended that she see Charles Nisbett, MD at OU Health Sciences Center.

Dr. Mercer seemed confused, very paranoid and unable to participate in normal conversation regarding a recent DUI. Dr. Mercer rambles and in my opinion can't participate in a meaningful discussion.

She did appear to be willing to talk to a Dr. Nesbitt and I hope that evaluation can take place.

Sincerely,



Lanny G. Anderson, MD
Director
OHPP

JEREMY
THOMAS, D.O.

4495

JAMES CONNOR, J.D.

OSBOE HISTORY SHEET

Jeremy David Thomas, D.O.

Orthopedic Surgeon

Okla. Lic Number: 4495

Case Number: 1017-129 (RZ)

Status: Licensed with Terms of Probation

TOTAL COSTS AND FINES:

- X Costs: Assessed: \$8,680.00 – signed an agreement 4-27-2021 for a monthly payment plan of \$250.00/month
- X Monthly Administrative Fee: \$100/month
(Current as of 6/8/2022)

COMPLAINT (APPLICATION FOR EMERGENCY ORDER OF SUSPENSION):

- Splitting prescriptions with patients

12-14-2017 EMERGENCY ORDER OF SUSPENSION PENDING A HEARING

- Suspended pending hearing

7-7-2020 ORDER REINSTATING LICENSE WITH TERMS OF PROBATION

- Probation 5 years
- X Maintain complete compliance with all requirements of federal probation
- Limit 4 hrs/day in office of an orthopedic professional practice
- Designate an orthopedic surgeon for direct mentorship for the duration of probation
- Report and keep current name, practice address, and phone number of designated mentor
- Mentoring orthopedic surgeon will make monthly reports to Board Staff regarding the progress and activities of Dr. Thomas' practice
- X No CDS until approved by Board
- X Successfully complete CW Proper Prescribing (or equivalent approved by Board) before obtaining CDS privileges. Sign any and all releases necessary to allow completion documents be sent directly to the Board
- X Do not apply for OBNDD or DEA registration until approved by Board
- X Maintain and continue current OHPP contract. Sign a release for Board to obtain any records from or communicate with OHPP
- X Maintain monthly counseling for at least 1 year with monthly reports sent by

THOMAS

1

OSBOE Q4 BOARD MATERIALS 0230

OSBOE HISTORY SHEET

counselor directly to the Board. Sign a release for Board to communicate with and obtain records from counselor.

- X Any authorization for release of records shall instruct they be sent directly to 4848 N. Lincoln Blvd, Ste. 100, Oklahoma City, OK 73105 and permit them to communicate directly with Board staff
- X Will not enter a casino during probation period
- X Will not participate in sports betting during probation period
- X Complete a Compliance Information Request form within 30 days of Order
- X Complete a Monthly Supervision Self-Report form that is required to be submitted by 10th day of each month
- X Maintain monthly contact with Board Investigator
- X Monthly Administrative Maintenance fee of \$100 due 1st of each month (1st payment due 9-1-2020) for the duration of the probation period
 - Costs: \$8,680 due 7-7-2021 (Repayment agreement in process)
- X Regular appearances every 3 months during probation period

7-29-2021 ORDER MODIFYING TERMS OF PROBATION

- X Comply with all conditions of 7-7-2020 Order
 - Undergo and evaluation by Julio Rojas, Ph.D., or another Board-approved Evaluator (requirement removed in Modified Order)
- X Sign any and all authorizations necessary to release the findings of the evaluation directly to the Board
- X Dr. Thomas is permitted to apply for registration with OBNDD and DEA for the ability to prescribe testosterone only, within the context of a valid physician-patient relationship and a medical record is made

10-11-2021 SECOND ORDER MODIFYING TERMS OF PROBATION

- X Comply with all conditions of previous Orders, excusing the condition from 7-29-2021 Order to undergo an evaluation by Julio Rojas, PhD., or another Board-approved evaluator



OKLAHOMA HEALTH PROFESSIONALS PROGRAM

November 29, 2022

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

Re: Jeremy Thomas, DO

Dear State of Oklahoma Board of Osteopathic Examiners,

This letter is in reference to Jeremy Thomas, DO. Dr. Thomas signed a five-year contract with the Oklahoma Health Professionals Program (OHPP) January 15, 2018. At a minimum, this agreement requires regular attendance at professionally facilitated monitoring meetings, quarterly random toxicology testing with the US Court System. Rusty Gillette, LPC released Dr. Jeremy Thomas from his therapy requirements in 2021.

All alcohol/drug screens for Dr. Thomas have been negative. He maintains consistent participation in Caduceus and recovery meetings. He is compliant with his Caduceus requirement as of the date of this letter.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'John Kuhn'.

John Kuhn, MD
OHPP Director

JK/th





Oklahoma State Board of Osteopathic Examiners

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C. MICHAEL OGLE, D.O.
BARTLESVILLE

DENNIS J. CARTER, D.O.
POTEAU

CHELSEY D. GILBERTSON, D.O.
EDMOND

November 15, 2022

VIA EMAIL [REDACTED]
AND U.S. MAIL

Jeremy Thomas, D.O. (#4495)
[REDACTED]

Re: Notice of Hearing re OSBOE v. Jeremy
Thomas, D.O. (No. OSBOE-1017-128)

Dear Dr. Thomas:

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 **December 8, 2022. All such appearances for this docket are set for 9:00 a.m.** The Hearing Docket will be held at the Board's Office, 4848 N. Lincoln Blvd., Ste. 100, Oklahoma City, Oklahoma.

Join Teams Meeting on Computer or Mobile App:

[Click here to join the meeting](#)

Meeting ID: **250 776 951 611**

Passcode: **VeXt6L**

Join on the web: [Join a Microsoft Teams Meeting by ID | Microsoft Teams](#)

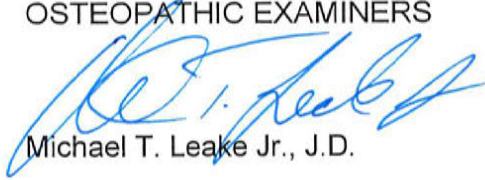
Please let us know in advance whether you intend to appear at the meeting by Teams or in person.

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 jconnor@richardsconnor.com**
AND U.S. MAIL

Mr. James W. Connor, Jr., J.D.
Richards & Connor
12th Floor, Parkcentre Building
525 South Main St.
Tulsa, OK 74103-4509
(918) 585-2394
(918) 585-1449



Oklahoma State Board of Osteopathic Examiners

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OKLAHOMA CITY

DUANE KOEHLER, D.O.
TULSA

C. MICHAEL OGLE, D.O.
BARTLESVILLE

DENNIS J. CARTER, D.O.
POTEAU

May 25, 2022

VIA EMAIL [REDACTED]
AND U.S. MAIL

Jeremy Thomas, D.O. (#4495)
[REDACTED]

Re: Notice of Hearing re OSBOE v. Jeremy
Thomas, D.O. (No. OSBOE-1017-128)

Dear Dr. Thomas:

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 **June 16, 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.

Join Zoom Meeting:

<https://zoom.us/j/98817835727?pwd=R093Myt6NFA2VHhBUDNFskZyZ2RQZz09>

Meeting ID: **988 1783 5727**

Password: **060826**

Find your local number: <https://zoom.us/u/aGp5kcByB>

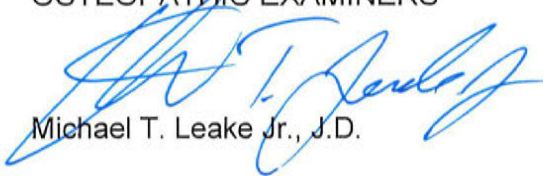
Please let us know in advance whether you intend to appear at the meeting by Zoom or in person.

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 jconnor@richardsconnor.com**
AND U.S. MAIL

Mr. James W. Connor, Jr., J.D.
Richards & Connor
12th Floor, Parkcentre Building
525 South Main St.
Tulsa, OK 74103-4509
(918) 585-2394
(918) 585-1449

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. 1017-128 (RZ)

v.)

JEREMY THOMAS, D.O.,)
Osteopathic Medical License No.)
4495,)

Respondent.)

SECOND ORDER MODIFYING TERMS OF PROBATION

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. Jeremy Thomas, D.O., Okla. Lic. No. 4495 ("Dr. Thomas") appears at the hearing on this date via Zoom due to the ongoing Covid-19 Pandemic. Dr. Thomas presents without counsel. John Kuhn, M.D., of the Oklahoma Health Professionals Program ("OHPP") appeared and offered testimony. The Board's Chief Investigator, Richard Zimmer, also appeared and gave testimony.

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

After reviewing Dr. Thomas' compliance with his previous Board Orders entered on July 7, 2020, from the June 2020 Board Meeting, and on July 29, 2021, from the June 2021 Board Meeting, wherein terms of probation were placed on Dr. Thomas' Oklahoma Osteopathic medical license; the Board modifies the previous Orders of his probation as set forth below.

ORDER

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

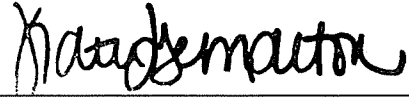
1. That Dr. Thomas complies with all conditions of his July 7, 2020, Order from the

June 2020 Board Meeting, and his July 29, 2021, Order from the June 2021 Board Meeting, except as amended herein.

2. That Dr. Thomas is excused from the requirement to undergo an evaluation by Julio Rojas, Ph.D., or another Board-approved evaluator.
3. That Dr. Thomas will continue to maintain monthly contact with his Board Investigator, Richard Zimmer.
4. That Dr. Thomas shall bear the financial costs of any expenses incurred from this Order.
5. That Dr. Thomas is required to notify the Board within fourteen (14) days of any changes to his residential or practice address.
6. That Dr. Thomas is required to notify the Board within fourteen (14) days of any changes to his cell phone number.
7. That Dr. Thomas continues to be assessed an ongoing monthly Administrative Maintenance fee of one hundred dollars (\$100) per month that is due by the first day of each month. Dr. Thomas' next monthly fee payment is due on October 1, 2021 and continues monthly during the pendency of his probationary and monitoring.
8. Any violation of this Order may result in further discipline of Dr. Thomas' 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 11th day of October 2021.



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

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

Mr. James W. Connor, Jr., J.D.
Richards & Connor
12th Floor, Parkcentre Building
525 South Main St.
Tulsa, OK 74103
918/585-2394
405/585-1449 (Facsimile)
jconnor@richardsconnor.com

Attorney for Respondent,
Jeremy Thomas, D.O.



Oklahoma State Board of Osteopathic Examiners

BOARD MEMBERS

KATIE TEMPLETON, J.D.
PRESIDENT
OKLAHOMA CITY

BRET LANGERMAN, D.O.
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CATHERINE C. TAYLOR, J.D.
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OKLAHOMA CITY

JAY D. CUNNINGHAM, D.O.
OKLAHOMA CITY

CARL B. PETTIGREW, D.O.
OKLAHOMA CITY

DUANE KOEHLER, D.O.
TULSA

DALE DERBY, D.O.
OWASSO

August 24, 2021

VIA EMAIL [REDACTED]
AND U.S. MAIL

Jeremy Thomas, D.O. (#4495)
[REDACTED]

Re: Notice of Hearing re OSBOE v. Jeremy
Thomas, D.O. (No. 1017-128)

Dear Dr. Thomas:

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 **September 16, 2021. All such appearances for this docket are set for 9:00 a.m.** The Hearing Docket will be held in the 2nd Floor Auditorium of the Oklahoma State University Medical Center, 744 West 9th Street, Tulsa, OK 74127.

Due to the on-going pandemic involving Covid-19, the September 16 Board Meeting will be held via Zoom. The following is the necessary information to join the Zoom video conference. Please note that you will we required to enter a password for the meeting.

Join Zoom Meeting:

<https://zoom.us/j/99996131956?pwd=WTMyL3hRbjJuMklacTNFYmgwNEhJQT09>

Meeting ID: 999 9613 1956

Password: 293408

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

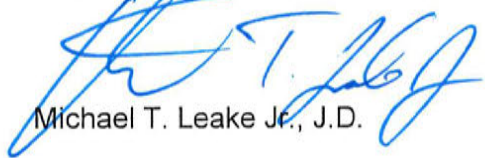
Be further advised that at the conclusion of the Hearing, the Board may take no action, or any action allowed by provisions of the Oklahoma Osteopathic Medicine Act, 59 O.S. Section 620 et. seq., including reprimand, probation, suspension or revocation.

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

OSBOE Q4 BOARD MATERIALS 0240

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 below.

Michael T. Leake Jr., J.D.

MTL/kc

CC: **VIA Email jconnor@richardsconnor.com**
AND U.S. MAIL

Mr. James W. Connor, Jr., J.D.
Richards & Connor
12th Floor, Parkcentre Building
525 South Main St.
Tulsa, OK 74103-4509
(918) 585-1449

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

STATE OF OKLAHOMA, ex rel.)	
OKLAHOMA STATE BOARD OF)	
OSTEOPATHIC EXAMINERS,)	
)	
Petitioner,)	
	)	Case No. 1017-128 (RZ)
v.)	
)	
JEREMY THOMAS, D.O.,)	
Osteopathic Medical License No.)	
4495,)	
)	
Respondent.)	

ORDER MODIFYING TERMS OF PROBATION

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners ("Board") at a regular meeting of the Board on June 17, 2021. Jeremy Thomas, D.O., Okla. Lic. No. 4495 ("Dr. Thomas") appears at the hearing on this date via Zoom due to the ongoing Covid-19 Pandemic. Dr. Thomas presents without counsel. The Board's Chief Investigator, Richard Zimmer, also appeared and gave sworn testimony.

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

After reviewing Dr. Thomas' compliance with his previous Board Order entered on July 7, 2020, from the June 2020 Board Meeting wherein terms of probation were placed on Dr. Thomas's Oklahoma Osteopathic medical license; the Board modifies the previous Order of his probation as set for below.

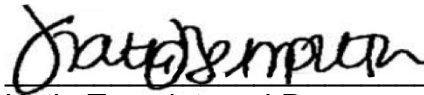
ORDER

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

1. That Dr. Thomas complies with all conditions of his July 7, 2020, Order from the June 2020 Board Meeting, except as amended herein.
2. In order to protect the public, Dr. Thomas shall undergo an evaluation by Julio Rojas, Ph.D., or another Board-approved evaluator.
 - a. In order to protect the public, Dr. Thomas shall sign any and all authorizations

- necessary to release the findings of the evaluation directly to the Board.
3. That Dr. Thomas shall be permitted to apply for registration with the Oklahoma Bureau of Narcotics and Dangerous Drugs ("OBNDD") the Drug Enforcement Agency ("DEA") for the ability to prescribe testosterone only.
 4. That Dr. Thomas shall not be permitted to prescribe any controlled drugs except for testosterone that is prescribed within the context of a valid physician-patient relationship and a medical record is made.
 5. That Board staff shall have oversight of this Order on behalf of the Board, and the authority to direct Dr. Thomas to provide any and all documents and records relevant to this matter, including but not limited to, medical records and prescribing logs.
 6. That Dr. Thomas will continue to maintain monthly contact with his Board Investigator, Richard Zimmer.
 7. Dr. Thomas shall bear the financial costs of any expenses incurred from this Order.
 8. That Dr. Thomas is required to notify the Board within fourteen (14) days of any changes to his residential or practice address.
 9. That Dr. Thomas is required to notify the Board within fourteen (14) days of any changes to his cell phone number.
 10. That Dr. Thomas continues to be assessed an ongoing monthly Administrative Maintenance fee of one hundred dollars (\$100) per month that is due by the first day of each month. Dr. Thomas' next monthly fee payment is due on July 1, 2021 and continues monthly during the pendency of his probationary and monitoring.
 11. That Dr. Thomas appears at the December 9, 2021, Board Meeting.
 12. Any violation of this Order may result in further discipline of Dr. Thomas' license to practice osteopathic medicine in the State of Oklahoma.
 13. 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.
 14. This Order is a public record and therefore subject to the Oklahoma Open Records Act.

IT IS SO ORDERED AND EFFECTIVE this 29 day of July 2021.



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



Oklahoma State Board of Osteopathic Examiners

BOARD MEMBERS

KATIE TEMPLETON, J.D.
PRESIDENT
OKLAHOMA CITY

BRET LANGERMAN, D.O.
VICE PRESIDENT
MUSTANG

CATHERINE C. TAYLOR, J.D.
SECRETARY-TREASURER
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OKLAHOMA CITY

JAY D. CUNNINGHAM, D.O.
OKLAHOMA CITY

CARL B. PETTIGREW, D.O.
OKLAHOMA CITY

DUANE KOEHLER, D.O.
TULSA

DALE DERBY, D.O.
OWASSO

May 26, 2021

VIA EMAIL [REDACTED]
AND U.S. MAIL

Jeremy Thomas, D.O. (#4495)
[REDACTED]

Re: Notice of Hearing re OSBOE v. Jeremy
Thomas, D.O. (No. 1017-128)

Dear Dr. Thomas:

Please be advised that you are required to appear on the Joint Hearing/Probation & Monitoring Hearing Docket before the Oklahoma Board of Osteopathic Examiners at its next meeting on **June 17, 2021. All such appearances for this docket are set for 9:00 a.m.**

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

Join Zoom Meeting:

<https://zoom.us/j/94061437453?pwd=RDZBdXNCbGhNOTeYWEZTbDJLSFp2QT09>

Meeting ID: 940 6143 7453

Password: 395896

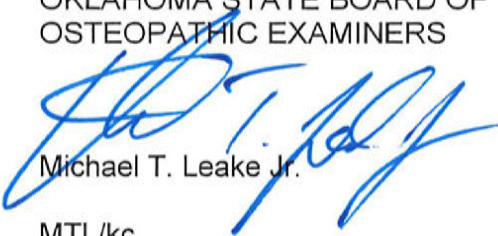
Find your local number: <https://zoom.us/u/atzBUi7F3>

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

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

Very truly yours,

OKLAHOMA STATE BOARD OF
OSTEOPATHIC EXAMINERS



Michael T. Leake Jr.

MTL/kc

CC: **VIA Email jconnor@richardsc Connor.com**

Mr. James W. Connor, Jr., J.D.
Richards & Connor
12th Floor, Parkcentre Building
525 South Main St.
Tulsa, OK 74103-4509
(918) 585-1449



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

November 17, 2020

VIA EMAIL [REDACTED]
AND U.S. MAIL

Jeremy Thomas, D.O. (#4495)

Re: Notice of Hearing re OSBOE v. Jeremy
Thomas, D.O. (No. 10-17-128)

Dear Dr. Thomas:

Please be advised that you are required to appear on the Probation & Monitoring Hearing Docket before the Oklahoma Board of Osteopathic Examiners at its next meeting on **December 10, 2020**. **All such appearances for this docket are set for 1:30 p.m.** The Probation & Monitoring Hearing Docket will be held in large meeting room at the Board's Office, 4848 N. Lincoln Blvd., Ste. 100, Oklahoma City, Oklahoma.

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

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

Very truly yours,

OKLAHOMA STATE BOARD OF
OSTEOPATHIC EXAMINERS


Michael T. Leake Jr.

MTL/kc

CC: VIA Email jconnor@richardsconnor.com

James W. Connor, Jr., J.D.
Richards & Connor
12th Floor, Parkcentre Building
525 South Main St.
Tulsa, OK 74103-4509
(918) 585-1449
(918) 585-1449



Oklahoma State Board of Osteopathic Examiners

DENNIS J. CARTER, D.O.
PRESIDENT
POTEAU

BOARD MEMBERS
KATIE TEMPLETON, J.D.
VICE PRESIDENT
OKLAHOMA CITY

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CATHERINE C. TAYLOR, J.D.
TULSA

DUANE KOEHLER, D.O.
TULSA

August 25, 2020

VIA EMAIL [REDACTED]
AND U.S. MAIL

Jeremy Thomas, D.O. (#4495)
[REDACTED]

Re: Notice of Hearing re OSBOE v. Jeremy
Thomas, D.O. (No. 10-17-128)

Dear Dr. Thomas:

Please be advised that you are required to appear on the Probation & Monitoring Hearing Docket before the Oklahoma Board of Osteopathic Examiners at its next meeting on **September 17, 2020. All such appearances for this docket are set for 1:00 p.m.**

Due to the on-going pandemic involving Covid-19, the September 17 Board Meeting will be held via Zoom. The following is the necessary information to join the Zoom video conference. Please note that you will we required to enter a password for the meeting.

Join Zoom Meeting:

<https://zoom.us/j/91706782998?pwd=eW5KZGxTbWUrNjR2Sy9wbmtSTzcrdz09>

Meeting ID: 917 0678 2998

Password: 258100

Find your local number: <https://zoom.us/j/91706782998>

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

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

Very truly yours,

OKLAHOMA STATE BOARD OF
OSTEOPATHIC EXAMINERS



Michael T. Leake Jr.

MTL/kc

CC: VIA Email jconnor@richardsconnor.com
AND U.S. MAIL

James W. Connor, Jr., J.D.
Richards & Connor
12th Floor, Parkcentre Building
525 South Main St.
Tulsa, OK 74103-4509
(918) 585-1449
(918) 585-1449

**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.)
)
JEREMY THOMAS, D.O.,)
Osteopathic Medical License No.)
4495,)
)
 Respondent.)

Case No. 1017-128

RECEIVED/FILED
JUL 07 2020
OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

ORDER REINSTATING LICENSE WITH TERMS OF PROBATION

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners ("Board") at a regular meeting of the Board on June 18, 2020. Jeremy Thomas, D.O. ("Dr. Thomas") appears at the hearing on this date via Zoom due to the on-going Covid-19 Pandemic. Dr. Thomas presents with counsel, James W. Conner, to request reinstatement of his Oklahoma osteopathic medical license. The Board's Chief Investigator, Richard Zimmer, and Merlin Kilbury, M.D., 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. seq.*

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

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Board that Dr. Thomas's license to practice osteopathic medicine in the State of Oklahoma is reinstated and the following terms and conditions of a five (5) year probation shall apply:

1. That Dr. Thomas will maintain complete compliance with all of the requirements of his federal probation.
2. That Dr. Thomas is limited to four (4) hours per day in the office of an orthopedic professional practice.
3. That Dr. Thomas will designate an orthopedic surgeon to directly mentor him and monitor him during the pendency of his five (5) year probation.
4. That Dr. Thomas will keep current with the Board Staff who the designated orthopedic surgeon is together with the practice address and telephone number.
5. That Dr. Thomas's designated mentoring orthopedic surgeon will make monthly reports to Board Staff regarding the progress and activities of Dr. Thomas's practice.
6. That Dr. Thomas is not permitted to prescribe controlled substances until he receives approval from the Board. Nothing in this Order shall prohibit Dr. Thomas from prescribing non-controlled substances.
7. That prior to obtaining any privileges to prescribe controlled substances, Dr. Thomas must successfully complete a Proper Prescribing course at Case Western in Ohio, or an equivalent of this program that has been approved by the Board Staff. Dr. Thomas shall bear all expenses related to this education program. Dr. Thomas shall work directly with the Board Staff to obtain approval of any course

or program prior to his enrollment. Dr. Thomas shall sign any and all releases necessary to allow completion documents to be sent directly to the Board.

8. That Dr. Thomas will not apply for, or obtain, a Drug Enforcement Agency (“DEA”) or Oklahoma Bureau of Narcotics and Dangerous Drugs (“OBND”) registration until he obtains approval from the Board.
9. That Dr. Thomas will maintain and continue his current contract with Oklahoma Health Professional Program (“OHPP”). Dr. Thomas shall sign a release for the Board to obtain any records from, or communicate with, OHPP regarding Dr. Thomas.
10. That Dr. Thomas will maintain, for at least a period of one year, counseling on a monthly basis. Dr. Thomas is to have his counselor send a monthly report directly to the Board. Dr. Thomas shall sign a release for the Board to obtain any records from, or communicate with, Dr. Thomas’s counselor.
11. That any authorization for the release of records signed by Dr. Thomas pursuant to this Order shall instruct that records be sent directly to the Board at 4848 N. Lincoln Blvd., Ste. 100, Oklahoma City, Oklahoma 73105.
12. That any authorization for the release of records signed by Dr. Thomas pursuant to this Order shall instruct the releasing facility that they are permitted to communicate directly with OSBOE Board Staff.
13. That Dr. Thomas will not enter a casino during the pendency of his five (5) year probation.
14. That Dr. Thomas will not participate in any sports betting during the pendency of his five (5) year probation.

15. That Dr. Thomas complete a Compliance Information Request form that is required to be submitted to Board staff within 30 days of this Order. (Exhibit A, Compliance Information Request Form.)
16. That Dr. Thomas will complete a Monthly Supervision Self-Report form that is required to be submitted to Board staff by the 10th day of each month. (Exhibit B, Monthly Supervision Self-Report).
17. That Dr. Thomas will maintain monthly contact with his Board Investigator.
18. That Dr. Thomas is required to notify the Board within fourteen (14) days of any changes to his residential or practice address.
19. That Dr. Thomas is required to notify the Board within fourteen (14) days of any changes to his cell phone number.
20. That Dr. Thomas is assessed an ongoing monthly Administrative Maintenance fee of one hundred dollars (\$100) due by the first day of each month. Dr. Thomas's first monthly fee payment is due on September 1, 2020, and continues monthly during the pendency of his probation.
21. That Dr. Thomas must reimburse the Board in the amount of \$8,680 for all expenses related to the investigation and prosecution at issue. The reimbursement cost is due within one (1) year of the date of this Order.
22. That Dr. Thomas must come before the Board, in person, every three (3) months during the pendency of his five (5) year probation where Orders of Probation may be amended.
23. Board staff shall have oversight of this Order on behalf of the Board, and the authority to direct Dr. Thomas to provide any and all documents and records

relevant to this matter, including but not limited to, the signing of any authorizations necessary for the release any and all evaluations/reports directly to the Board.

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

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

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

DJ CARTER

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

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

STATE BOARD OF OSTEOPATHIC)	
EXAMINERS,)	
STATE OF OKLAHOMA,)	
)	
Petitioner,)	
)	
v.	)	Case No. 1017-129
)	
JEREMY DAVID THOMAS, D.O.,)	
Osteopathic Medical License No. 4495)	
)	
Respondent.)	

EMERGENCY ORDER OF SUSPENSION PENDING A HEARING

This matter comes on for hearing before the Oklahoma State Board of Osteopathic Examiners [Board] at a regular meeting of the Board on December 14, 2017. The Board is represented by the Executive Director for the Board, Deborah J. Bruce. Jeremy David Thomas, D.O. [Dr. Thomas] could not appear in person and could not receive notice of the Emergency Hearing held on this date. The Board's Chief Investigator, Richard Zimmer, 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. seq.*

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

FINDINGS OF FACT

After reviewing the Application for Emergency Order, hearing the testimony of the Board's witness, and asking questions of the Board's witness, the Board adopts, by clear and convincing evidence, the following Findings of Fact and Conclusions of Law.

1. Jeremy David Thomas, D.O. [Dr. Thomas] is the holder of a license to practice osteopathic medicine in the State Of Oklahoma, license number 4495. Dr. Thomas received his license as an osteopathic physician in Oklahoma from the Board in 2005. Dr.

Thomas is employed by the Premier Bone and Joint Specialists in Claremore. As of the date of this Emergency Hearing, his license is in good standing.

2. Efforts to provide notice of this proceeding to Dr. Thomas were unsuccessful.

3. An Application for an Emergency Order of Suspension and Citation were issued by the Board against Dr. Thomas on December 5, 2017. The Application and Citation are hereby incorporated by reference as if set forth in full herein.

4. At the Hearing evidence included that on October 17, 2017, Board Investigators met with OBNDD and DEA Agents. The Drug Diversion Agents had visited with Dr. Thomas at the Rogers County DA Office, Claremore Oklahoma. The Diversion Agents related the following conversation with Dr. Thomas:

Dr. Thomas was depressed. Dr. Thomas developed this problem after he had a hernia surgery operation and a hematoma he developed in his leg. Dr. Thomas admitted to using 8 to 10 Hydrocodone 10 mg tablets per day. Dr. Thomas admitted to splitting CDS prescriptions, mainly Hydrocodone-Acetaminophen, with at least four (4) of his patients.

Dr. Thomas “manipulated” the patients to obtain CDS from them. Dr. Thomas knew these patients needed CDS, so he used that to his advantage. Dr. Thomas did not pay for the CDS. He made the patient pay for the CDS. Dr. Thomas wrote the prescriptions. All of the patients were patients of Dr. Thomas’. Many of the prescriptions were not charted in his patient medical records. On that date, Dr. Thomas surrendered his OBNDD and DEA Drug Registrations to the Agents. (Testimony of the Board’s Chief Investigator Richard Zimmer.)

5. Testimony at the hearing also included that on October 26, 2017, Board Investigators issued subpoenas for Dr. Thomas’ medical records for patients identified as splitting prescriptions with Dr. Thomas. Dr. Thomas told diversion agents that not all prescriptions written were charted in his medical records. (Testimony of the Board’s Chief Investigator, Richard Zimmer.)

6. Evidence at the Hearing also included that on 10-26-2017, OSBOE Investigators served a Subpoena Duces Tecum to Rogers County District Attorney Chief Investigator, for a copy of text messages intercepted from six [6] of Dr. Thomas’ patients to Dr. Thomas. Upon review the texts corroborated the conversation between Diversion Agents and Dr. Thomas. Dr. Thomas would write the prescriptions, the patient would fill the prescription and the pills would then be split. All prescriptions were for scheduled drugs. In one text Dr. Thomas

directed the patient to meet him in the hospital parking lot because Dr Thomas would be in between surgeries. (Testimony of the Board's Chief Investigator Richard Zimmer.)

7. Board Investigators referred Dr. Thomas to the OHPP for evaluation. (Testimony of the Board's Chief Investigator Richard Zimmer.)

CONCLUSIONS OF LAW

1. The Board concludes that because Dr. Thomas has violated Section 637 of the Act, specifically § 637(A) (2) (g), (3), (4), (7), (8) and (12) and that it has the authority to take emergency disciplinary action.

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

3. Dr. Thomas is in violation of the Oklahoma Osteopathic Medicine Act, 59 O.S. § 637 [Act] and specifically § 637(A) (2) (g), (3), (4), (7), (8) and (12) of the Act, to wit:

- A. The State Board of Osteopathic Examiners may refuse to admit a person or 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 license:
 - 2. Has engaged in the use or employment of dishonesty, fraud, misrepresentation, false promise, false pretense, unethical conduct or unprofessional conduct, as may be determined by the Board, in the furtherance or duties of an osteopathic physician, including, but not limited to the following:
 - g. Signing a blank prescription form; or dispensing, prescribing, administering or otherwise 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;
 - 3. Has engaged in gross negligence, gross malpractice or gross incompetence;
 - 4. Has engaged in repeated acts of negligence, malpractice or incompetence;
 - 7. Has violated, or failed to comply with provisions of any act or regulation administered by the Board;
 - 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; and

12. Has been guilty of habitual drunkenness, or habitual addiction to the use of morphine, cocaine or other habit-forming drugs.

4. The actions of Dr. Thomas, as described in paragraphs 1-7 of the Findings of Fact and paragraphs 1-5 of the Conclusions of Law, imperatively threaten the public health, safety and welfare and constitute an emergency circumstance that requires emergency action by this Board.

5. The Board also concludes that such actions, having been proven by clear and convincing evidence, are grounds for further discipline of Dr. Thomas' license. The Board further concludes that Dr. Thomas' license shall be suspended and shall remain suspended until a full hearing of all matters has been adjudicated.

EMERGENCY ORDER

The Board, having adopted the above-described Findings of Fact and Conclusions of Law, adopts the following Emergency Order:

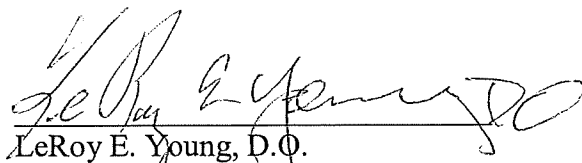
1. The license issued by the Board to Dr. Thomas to practice osteopathic medicine in the State of Oklahoma is **SUMMARILY SUSPENDED** pending further Hearing and Order of the Board. Such Hearing will be set by the Board upon written request by Dr. Thomas presented to the Board at the Board office. The hearing will be set within thirty days of the receipt of Dr. Thomas' written request or as soon thereafter as reasonably possible pursuant to law and rules of the Board. The written request shall allow sufficient time for a special meeting to be scheduled by the Board. Said Suspension shall continue until such time as the Board determines that Dr. Thomas' practice of osteopathic medicine does not threaten the public health, safety and welfare.

2. Nothing in this Order shall preclude the Board or Board Staff from initiating another disciplinary action against Dr. Thomas for actions that were not a part of this Order.

3. These Findings of Fact, Conclusions of Law and Emergency Order is a public record and subject to disclosure under the Oklahoma Open Records Act.

IT IS SO ORDERED, ADJUDGED AND DECREED this 14th day of December, 2017.

Effective Date: 1-8-2018


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

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

STATE BOARD OF OSTEOPATHIC)
EXAMINERS,)
STATE OF OKLAHOMA,)
)
 Petitioner,)
)
v.)
)
JEREMY DAVID THOMAS, D.O.,)
Osteopathic Medical License No. 4495)
)
 Respondent.)

Case No. 1017-128

APPLICATION FOR EMERGENCY ORDER OF SUSPENSION

The Special Prosecutor for the State Board of Osteopathic Examiners [Board], Roma McElwee, files this Application against the Respondent, Jeremy David Thomas, D.O.

1. Jeremy David Thomas, D.O. [Dr. Thomas] is the holder of a license to practice osteopathic medicine in the State Of Oklahoma, license number 4495. Dr. Thomas received his license as an osteopathic physician in Oklahoma from the Board in 2007. Dr. Thomas is employed by the Premier Bone and Joint Specialists in Claremore. As of the date of this Emergency Application, his license is in good standing. Efforts to provide notice of this proceeding to Dr. Thomas were unsuccessful.

2. Dr. Thomas is in violation of the Oklahoma Osteopathic Medicine Act, 59 O.S. § 637 [Act] and specifically § 637(A) (2) (g), (3), (4), (7), (8) and (12) of the Act, to wit:

- A. The State Board of Osteopathic Examiners may refuse to admit a person or 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 license:
 2. Has engaged in the use or employment of dishonesty, fraud, misrepresentation, false promise, false pretense, unethical conduct or unprofessional conduct, as may be determined by the Board, in the furtherance or duties of an osteopathic physician,

including, but not limited to the following:

- g. Signing a blank prescription form; or dispensing, prescribing, administering or otherwise 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;
3. Has engaged in gross negligence, gross malpractice or gross incompetence;
4. Has engaged in repeated acts of negligence, malpractice or incompetence;
7. Has violated, or failed to comply with provisions of any act or regulation administered by the Board;
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; and
12. Has been guilty of habitual drunkenness, or habitual addiction to the use of morphine, cocaine or other habit-forming drugs.

3. On October 17, 2017, Board Investigators met with OBNDD and DEA Agents. The Drug Diversion Agents had visited with Dr. Thomas at the Rogers County DA Office, Claremore Oklahoma. The Diversion Agents related the following conversation with Dr. Thomas:

Dr. Thomas was depressed. Dr. Thomas developed this problem after he had a hernia surgery operation and a hematoma he developed in his leg. Dr. Thomas admitted to using 8 to 10 Hydrocodone 10 mg tablets per day. Dr. Thomas admitted to splitting CDS prescriptions, mainly Hydrocodone-Acetaminophen, with at least four (4) of his patients.

Dr. Thomas "manipulated" the patients to obtain CDS from them. Dr. Thomas knew these patients needed CDS, so he used that to his advantage. Dr. Thomas did not pay for the CDS. He made the patient pay for the CDS. Dr. Thomas wrote the prescriptions. All of the patients were patients of Dr. Thomas'. Many of the prescriptions were not charted in his patient medical records. On that date, Dr. Thomas surrendered his OBNDD and DEA Drug Registrations to the Agents.

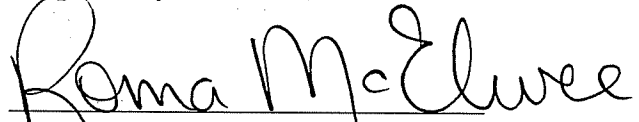
4. On October 26, 2017, Board Investigators issued subpoenas for Dr. Thomas' medical records for patients identified as splitting prescriptions with Dr. Thomas. Dr. Thomas told diversion agents that not all prescriptions written were charted in his medical records.

5. On 10-26-2017, OSBOE Investigators served a Subpoena Duces Tecum to Rogers County District Attorney Chief Investigator, for a copy of text messages intercepted from six [6] of Dr. Thomas' patients to Dr. Thomas. Upon review the texts corroborated the conversation between Diversion Agents and Dr. Thomas. Dr. Thomas would write the prescriptions, the patient would fill the prescription and the pills would then be split. All prescriptions were for scheduled drugs. In one text Dr. Thomas directed the patient to meet him in the hospital parking lot because Dr Thomas would be in between surgeries.

6. Board Investigators referred Dr. Thomas to the OHPP for evaluation.

THE ACTIONS OF DR. JEREMY THOMAS AS DESCRIBED IN PARAGRAPHS 1-6 OF THIS APPLICATION FOR EMERGENCY SUSPENSION PENDING A HEARING, IMPERATIVELY CONSTITUTE A THREAT TO THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC THAT REQUIRES EMERGENCY ACTION BY THIS BOARD.

Respectfully submitted,



Roma McElwee, OBA No. 5977

4848 N. Lincoln, Suite 100

Oklahoma City, OK 73105

Tel: (405) 819-3323

Fax: (405) 557-0653

PROSECUTOR FOR THE BOARD



Oklahoma State Board of Osteopathic Examiners

June 9, 2020

VIA EMAIL [REDACTED]

Jeremy Thomas, D.O. (#4495)
[REDACTED]

Re: Zoom Meeting Information re OSBOE
June 18, 2020 Board Meeting

Dear Dr. Thomas:

Please be advised that you are required to appear before the Oklahoma Board of Osteopathic Examiners at its next meeting on **June 18, 2020**. The Board Meeting will start at 9:00 a.m. You are receiving this correspondence because you were sent a Notice on May 22, 2020, that requires you to appear on one of the following dockets: Hearing Docket (9:00 a.m.), Licensure Hearing and Reporting Docket (1:15 p.m.), and Probation and Monitoring Docket (2:00 p.m.).

Due to the on-going pandemic involving Covid-19, the June 18 Board Meeting will be held via Zoom. The following is the necessary information to join the Zoom video conference. Please note that you will be required to enter a password for the meeting.

Join Zoom Meeting:

<https://zoom.us/j/96936728087?pwd=UDB2aGxGOUZoSnBSMIJVclE3K0x2Zz09>

Meeting ID: 969 3672 8087

Password: 855035

Find your local number: <https://zoom.us/u/ac1D41Hyh7>

If you are represented by counsel, a courtesy copy of this Zoom call information 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 jconnor@richardsconnor.com**

James W. Connor, Jr., J.D.
Richards & Connor
12th Floor, Parkcentre Building
525 South Main St.
Tulsa, OK 74103-4509
(918) 585-1449
(918) 585-1449



Oklahoma State Board of Osteopathic Examiners

DENNIS J. CARTER, D.O.
PRESIDENT
POTEAU

BOARD MEMBERS
KATIE TEMPLETON, J.D.
VICE PRESIDENT
OKLAHOMA CITY

BRET LANGERMAN, D.O.
SECRETARY-TREASURER
MUSTANG

LEROY E. YOUNG, D.O.
OKLAHOMA CITY

JAY D. CUNNINGHAM, D.O.
OKLAHOMA CITY

CARL B. PETTIGREW, D.O.
OKLAHOMA CITY

CATHERINE C. TAYLOR, J.D.
TULSA

DUANE KOEHLER, D.O.
TULSA

May 26, 2020

VIA EMAIL [REDACTED]
AND U.S. MAIL

Jeremy Thomas, D.O. (#4495)
[REDACTED]

Re: Notice of Hearing re OSBOE v. Jeremy
Thomas, D.O. (No. 1017-128)

Dear Dr. Thomas:

Please be advised that you are required to appear on the Hearing Docket before the Oklahoma State Board of Osteopathic Examiners at its next meeting on **June 18, 2020. All such appearances for this docket are set for 9:00 a.m.**

Please note that due to the evolving situation regarding Covid-19, all hearings will be held via Zoom. The information for the Zoom call will be provided within ten (10) days of the June 18 meeting.

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

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

Very truly yours,

OKLAHOMA STATE BOARD OF
OSTEOPATHIC EXAMINERS


Michael T. Leake Jr.

MTL/kc

CC: **VIA Email jconnor@richardsc Connor.com**

James W. Connor, Jr. J.D.
Richards & Connor
12th FLOOR
PARKCENTRE BUILDING
525 SOUTH MAIN STREET
TULSA, OKLAHOMA 74103-4509
(918) 585-2394
Facsimile (918) 585-1449

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

STATE BOARD OF OSTEOPATHIC)	
EXAMINERS,)	
STATE OF OKLAHOMA,)	
)	
Petitioner,)	
)	
v.	)	Case No. 1017-129
)	
JEREMY DAVID THOMAS, D.O.,)	
Osteopathic Medical License No. 4495)	
)	
Respondent.)	

EMERGENCY ORDER OF SUSPENSION PENDING A HEARING

This matter comes on for hearing before the Oklahoma State Board of Osteopathic Examiners [Board] at a regular meeting of the Board on December 14, 2017. The Board is represented by the Executive Director for the Board, Deborah J. Bruce. Jeremy David Thomas, D.O. [Dr. Thomas] could not appear in person and could not receive notice of the Emergency Hearing held on this date. The Board's Chief Investigator, Richard Zimmer, 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. seq.*

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

FINDINGS OF FACT

After reviewing the Application for Emergency Order, hearing the testimony of the Board's witness, and asking questions of the Board's witness, the Board adopts, by clear and convincing evidence, the following Findings of Fact and Conclusions of Law.

1. Jeremy David Thomas, D.O. [Dr. Thomas] is the holder of a license to practice osteopathic medicine in the State Of Oklahoma, license number 4495. Dr. Thomas received his license as an osteopathic physician in Oklahoma from the Board in 2005. Dr.

Thomas is employed by the Premier Bone and Joint Specialists in Claremore. As of the date of this Emergency Hearing, his license is in good standing.

2. Efforts to provide notice of this proceeding to Dr. Thomas were unsuccessful.

3. An Application for an Emergency Order of Suspension and Citation were issued by the Board against Dr. Thomas on December 5, 2017. The Application and Citation are hereby incorporated by reference as if set forth in full herein.

4. At the Hearing evidence included that on October 17, 2017, Board Investigators met with OBNDD and DEA Agents. The Drug Diversion Agents had visited with Dr. Thomas at the Rogers County DA Office, Claremore Oklahoma. The Diversion Agents related the following conversation with Dr. Thomas:

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Dr. Thomas “manipulated” the patients to obtain CDS from them. Dr. Thomas knew these patients needed CDS, so he used that to his advantage. Dr. Thomas did not pay for the CDS. He made the patient pay for the CDS. Dr. Thomas wrote the prescriptions. All of the patients were patients of Dr. Thomas’. Many of the prescriptions were not charted in his patient medical records. On that date, Dr. Thomas surrendered his OBNDD and DEA Drug Registrations to the Agents. (Testimony of the Board’s Chief Investigator Richard Zimmer.)

5. Testimony at the hearing also included that on October 26, 2017, Board Investigators issued subpoenas for Dr. Thomas’ medical records for patients identified as splitting prescriptions with Dr. Thomas. Dr. Thomas told diversion agents that not all prescriptions written were charted in his medical records. (Testimony of the Board’s Chief Investigator, Richard Zimmer.)

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directed the patient to meet him in the hospital parking lot because Dr Thomas would be in between surgeries. (Testimony of the Board's Chief Investigator Richard Zimmer.)

7. Board Investigators referred Dr. Thomas to the OHPP for evaluation. (Testimony of the Board's Chief Investigator Richard Zimmer.)

CONCLUSIONS OF LAW

1. The Board concludes that because Dr. Thomas has violated Section 637 of the Act, specifically § 637(A) (2) (g), (3), (4), (7), (8) and (12) and that it has the authority to take emergency disciplinary action.

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

3. Dr. Thomas is in violation of the Oklahoma Osteopathic Medicine Act, 59 O.S. § 637 [Act] and specifically § 637(A) (2) (g), (3), (4), (7), (8) and (12) of the Act, to wit:

- A. The State Board of Osteopathic Examiners may refuse to admit a person or 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 license:
 - 2. Has engaged in the use or employment of dishonesty, fraud, misrepresentation, false promise, false pretense, unethical conduct or unprofessional conduct, as may be determined by the Board, in the furtherance or duties of an osteopathic physician, including, but not limited to the following:
 - g. Signing a blank prescription form; or dispensing, prescribing, administering or otherwise 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;
 - 3. Has engaged in gross negligence, gross malpractice or gross incompetence;
 - 4. Has engaged in repeated acts of negligence, malpractice or incompetence;
 - 7. Has violated, or failed to comply with provisions of any act or regulation administered by the Board;
 - 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; and

12. Has been guilty of habitual drunkenness, or habitual addiction to the use of morphine, cocaine or other habit-forming drugs.

4. The actions of Dr. Thomas, as described in paragraphs 1-7 of the Findings of Fact and paragraphs 1-5 of the Conclusions of Law, imperatively threaten the public health, safety and welfare and constitute an emergency circumstance that requires emergency action by this Board.

5. The Board also concludes that such actions, having been proven by clear and convincing evidence, are grounds for further discipline of Dr. Thomas' license. The Board further concludes that Dr. Thomas' license shall be suspended and shall remain suspended until a full hearing of all matters has been adjudicated.

EMERGENCY ORDER

The Board, having adopted the above-described Findings of Fact and Conclusions of Law, adopts the following Emergency Order:

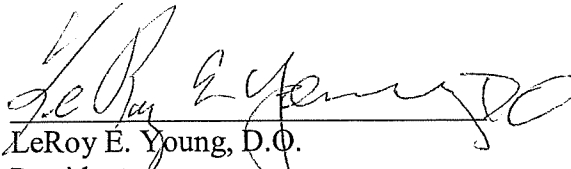
1. The license issued by the Board to Dr. Thomas to practice osteopathic medicine in the State of Oklahoma is **SUMMARILY SUSPENDED** pending further Hearing and Order of the Board. Such Hearing will be set by the Board upon written request by Dr. Thomas presented to the Board at the Board office. The hearing will be set within thirty days of the receipt of Dr. Thomas' written request or as soon thereafter as reasonably possible pursuant to law and rules of the Board. The written request shall allow sufficient time for a special meeting to be scheduled by the Board. Said Suspension shall continue until such time as the Board determines that Dr. Thomas' practice of osteopathic medicine does not threaten the public health, safety and welfare.

2. Nothing in this Order shall preclude the Board or Board Staff from initiating another disciplinary action against Dr. Thomas for actions that were not a part of this Order.

3. These Findings of Fact, Conclusions of Law and Emergency Order is a public record and subject to disclosure under the Oklahoma Open Records Act.

IT IS SO ORDERED, ADJUDGED AND DECREED this 14th day of December, 2017.

Effective Date: 1-8-2018


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

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

STATE BOARD OF OSTEOPATHIC)
EXAMINERS,)
STATE OF OKLAHOMA,)
)
) **Petitioner,**)
)
v.)
)
JEREMY DAVID THOMAS, D.O.,)
Osteopathic Medical License No. 4495)
)
) **Respondent.**)

Case No. 1017-128

APPLICATION FOR EMERGENCY ORDER OF SUSPENSION

The Special Prosecutor for the State Board of Osteopathic Examiners [Board], Roma McElwee, files this Application against the Respondent, Jeremy David Thomas, D.O.

1. Jeremy David Thomas, D.O. [Dr. Thomas] is the holder of a license to practice osteopathic medicine in the State Of Oklahoma, license number 4495. Dr. Thomas received his license as an osteopathic physician in Oklahoma from the Board in 2007. Dr. Thomas is employed by the Premier Bone and Joint Specialists in Claremore. As of the date of this Emergency Application, his license is in good standing. Efforts to provide notice of this proceeding to Dr. Thomas were unsuccessful.

2. Dr. Thomas is in violation of the Oklahoma Osteopathic Medicine Act, 59 O.S. § 637 [Act] and specifically § 637(A) (2) (g), (3), (4), (7), (8) and (12) of the Act, to wit:

- A. The State Board of Osteopathic Examiners may refuse to admit a person or 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 license:
 - 2. Has engaged in the use or employment of dishonesty, fraud, misrepresentation, false promise, false pretense, unethical conduct or unprofessional conduct, as may be determined by the Board, in the furtherance or duties of an osteopathic physician,

including, but not limited to the following:

- g. Signing a blank prescription form; or dispensing, prescribing, administering or otherwise 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;
3. Has engaged in gross negligence, gross malpractice or gross incompetence;
4. Has engaged in repeated acts of negligence, malpractice or incompetence;
7. Has violated, or failed to comply with provisions of any act or regulation administered by the Board;
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; and
12. Has been guilty of habitual drunkenness, or habitual addiction to the use of morphine, cocaine or other habit-forming drugs.

3. On October 17, 2017, Board Investigators met with OBNDD and DEA Agents. The Drug Diversion Agents had visited with Dr. Thomas at the Rogers County DA Office, Claremore Oklahoma. The Diversion Agents related the following conversation with Dr. Thomas:

Dr. Thomas was depressed. Dr. Thomas developed this problem after he had a hernia surgery operation and a hematoma he developed in his leg. Dr. Thomas admitted to using 8 to 10 Hydrocodone 10 mg tablets per day. Dr. Thomas admitted to splitting CDS prescriptions, mainly Hydrocodone-Acetaminophen, with at least four (4) of his patients.

Dr. Thomas "manipulated" the patients to obtain CDS from them. Dr. Thomas knew these patients needed CDS, so he used that to his advantage. Dr. Thomas did not pay for the CDS. He made the patient pay for the CDS. Dr. Thomas wrote the prescriptions. All of the patients were patients of Dr. Thomas'. Many of the prescriptions were not charted in his patient medical records. On that date, Dr. Thomas surrendered his OBNDD and DEA Drug Registrations to the Agents.

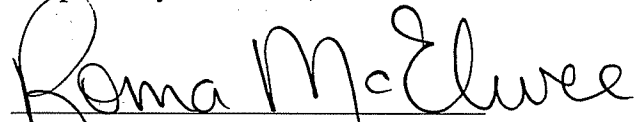
4. On October 26, 2017, Board Investigators issued subpoenas for Dr. Thomas' medical records for patients identified as splitting prescriptions with Dr. Thomas. Dr. Thomas told diversion agents that not all prescriptions written were charted in his medical records.

5. On 10-26-2017, OSBOE Investigators served a Subpoena Duces Tecum to Rogers County District Attorney Chief Investigator, for a copy of text messages intercepted from six [6] of Dr. Thomas' patients to Dr. Thomas. Upon review the texts corroborated the conversation between Diversion Agents and Dr. Thomas. Dr. Thomas would write the prescriptions, the patient would fill the prescription and the pills would then be split. All prescriptions were for scheduled drugs. In one text Dr. Thomas directed the patient to meet him in the hospital parking lot because Dr Thomas would be in between surgeries.

6. Board Investigators referred Dr. Thomas to the OHPP for evaluation.

THE ACTIONS OF DR. JEREMY THOMAS AS DESCRIBED IN PARAGRAPHS 1-6 OF THIS APPLICATION FOR EMERGENCY SUSPENSION PENDING A HEARING, IMPERATIVELY CONSTITUTE A THREAT TO THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC THAT REQUIRES EMERGENCY ACTION BY THIS BOARD.

Respectfully submitted,



Roma McElwee, OBA No. 5977

4848 N. Lincoln, Suite 100

Oklahoma City, OK 73105

Tel: (405) 819-3323

Fax: (405) 557-0653

PROSECUTOR FOR THE BOARD

LICENSURE &
RENEWAL
HEARING
DOCKET

**APPLICANTS
FOR
LICENSURE
APPEARING**

IAN HUFF, D.O.

RE-

APPEARANCE

JUNE 2022

OSBOE HISTORY SHEET

Ian Huff, D.O.

Emergency Medicine

Okla. Lic Number: N/A

Case Number: 2022-070 (RZ)

Status: Tabled Application

7-9-2021 INTERIM ORDER TABLING APPLICATION

- Provide all police reports/court documents pertaining to the charges of domestic assault
- Application shall remain tabled until the Board receives and is able to review the requested documentation



Oklahoma State Board of Osteopathic Examiners

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OKLAHOMA CITY

C. MICHAEL OGLE, D.O.
BARTLESVILLE

DENNIS J. CARTER, D.O.
POTEAU

CHELSEY D. GILBERTSON, D.O.
EDMOND

November 16, 2022

VIA EMAIL [REDACTED]
AND U.S. MAIL

Ian Huff, D.O.
[REDACTED]

Re: Notice of Appearance re Licensure

Dear Dr. Huff:

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 **December 8, 2022**. **All such appearances for this docket are set for 1:00 p.m.** The Licensure Hearing Docket will be held at the Board's Office, 4848 N. Lincoln Blvd., Ste. 100, Oklahoma City, Oklahoma.

Join Teams Meeting on Computer or Mobile App:

[Click here to join the meeting](#)

Meeting ID: **250 776 951 611**

Passcode: **VeXt6L**

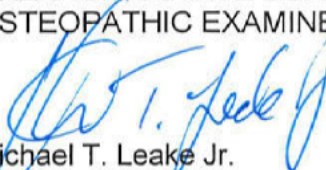
Join on the web: [Join a Microsoft Teams Meeting by ID | Microsoft Teams](#)

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.
Executive Director
MTL/kc



Oklahoma State Board of Osteopathic Examiners

BOARD MEMBERS

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MUSTANG

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VICE PRESIDENT
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SECRETARY-TREASURER
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OKLAHOMA CITY

LEROY E. YOUNG, D.O.
OKLAHOMA CITY

C. MICHAEL OGLE, D.O.
BARTLESVILLE

DENNIS J. CARTER, D.O.
POTEAU

CHELSEY D. GILBERTSON, D.O.
EDMOND

August 23, 2022

VIA EMAIL [REDACTED]
AND U.S. MAIL

Ian Huff, D.O.
[REDACTED]

Re: Notice of Appearance re Licensure

Dear Dr. Huff:

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 **September 15, 2022**. **All such appearances for this docket are set for 10:00 a.m.** The Licensure Hearing Docket will be held in the 2nd Floor Auditorium at Oklahoma State University Medical Center, 744 West 9th Street, Tulsa, Oklahoma.

Join Teams Meeting:
[Click here to join the meeting](#)

Meeting ID: **212 459 239 207**

Passcode: **ArFyCi**

Join on the web: [Join a Microsoft Teams Meeting by ID | Microsoft Teams](#)

Please let us know in advance whether you intend to appear at the meeting by Teams or in person.

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

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

RECEIVED/FILED

IN THE MATTER OF IAN HUFF,)
D.O., APPLICANT FOR ISSUE OF)
LICENSE)

Case No. 2022-070 (JM)

JUL 12 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 special meeting of the Board on June 16, 2022. Ian Huff, D.O. ("Dr. Huff"), an applicant for licensure, appeared at the hearing on this date without counsel via Zoom. The Board's Director of Licensing, Christi Aquino, also appeared and gave sworn testimony.

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

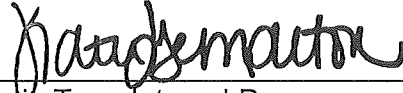
After reviewing Dr. Huff's Application and hearing sworn testimony, the Board enters this Interim Order Tabling Application ("Order"). Future consideration of this Application will occur upon the following terms and conditions:

1. In order to protect the public, Dr. Huff shall provide all police reports/court documents pertaining to the charges of Domestic Assault.
2. Dr. Huff's Application shall remain tabled until such time as the Board receives the requested documentation in this Order.
3. Dr. Huff 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. Huff's Application.
4. Dr. Huff will be scheduled to appear before the Board for review of all documents and for any other issues raised by Dr. Huff's Application and history for the September 15th, 2022, Special Board meeting, or following receipt of the requested documentation and information.
5. This Order is not a final determination of this Board and is therefore not appealable as a final order.
6. The Board has not reached any final determination in the Application, and

nothing in this Order shall guarantee further licensure of Dr. Huff.

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

IT IS HEREBY ORDERED AND EFFECTIVE this 12th day of July 2022.



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



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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LEROY E. YOUNG, D.O.
OKLAHOMA CITY

JAY D. CUNNINGHAM, D.O.
OKLAHOMA CITY

DUANE KOEHLER, D.O.
TULSA

C. MICHAEL OGLE, D.O.
BARTLESVILLE

DENNIS J. CARTER, D.O.
POTEAU

May 25, 2022

VIA EMAIL [REDACTED]
AND U.S. MAIL

Ian Phillip Huff, D.O.
[REDACTED]

Re: Notice of Appearance re Licensure

Dear Dr. Huff:

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 **June 16, 2022**. **All such appearances for this docket are set for 10:00 a.m.** The Licensure Hearing Docket will be held in the large meeting room at the Board's Office, 4848 N. Lincoln Blvd., Ste. 100, Oklahoma City, Oklahoma.

Join Zoom Meeting:

<https://zoom.us/j/98817835727?pwd=R093Myt6NFA2VHhBUDNFskZyZ2RQZz09>

Meeting ID: **988 1783 5727**

Password: **060826**

Find your local number: <https://zoom.us/j/98817835727>

Please let us know in advance whether you intend to appear at the meeting by Zoom or in person.

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

ADAM
NEWBORN,
D.O.
RESIDENT TRAINING
APPLICANT
REAPPEARANCE

OSBOE HISTORY SHEET

Adam Newborn, D.O.

Family Practice

Okla. Lic Number: N/A

Case Number: 2022-100

Status: License Tabled

1-11-2022 INTERIM ORDER TABLING RESIDENT TRAINING APPLICATION

- Undergo a psychological evaluation to include interpersonal skills by a practitioner approved by the Board
- Sign and complete all authorizations to release all reports, documents, etc., directly to the Board
- Bear any and all associated financial costs



Oklahoma State Board of Osteopathic Examiners

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OKLAHOMA CITY

C. MICHAEL OGLE, D.O.
BARTLESVILLE

DENNIS J. CARTER, D.O.
POTEAU

CHELSEY D. GILBERTSON, D.O.
EDMOND

November 16, 2022

VIA EMAIL [REDACTED]
AND U.S. MAIL

Adam Newborn, D.O.
[REDACTED]

Re: Notice of Appearance re Licensure

Dear Dr. Newborn:

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 **December 8, 2022**. **All such appearances for this docket are set for 1:00 p.m.** The Licensure Hearing Docket will be held at the Board's Office, 4848 N. Lincoln Blvd., Ste. 100, Oklahoma City, Oklahoma.

Join Teams Meeting on Computer or Mobile App:

[Click here to join the meeting](#)

Meeting ID: **250 776 951 611**

Passcode: **VeXt6L**

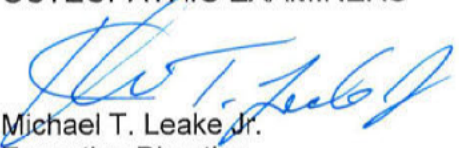
Join on the web: [Join a Microsoft Teams Meeting by ID | Microsoft Teams](#)

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.
Executive Director
MTL/kc

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

IN THE MATTER OF ADAM)
NEWBORN, D.O., APPLICANT FOR)
ISSUE OF RESIDENT TRAINING)
LICENSE)

Case No. 2022-100 (RZ)

RECEIVED/FILED

JUL 12 2022

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

**INTERIM ORDER TABLING
RESIDENT TRAINING APPLICATION**

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners ("Board") at a special meeting of the Board on June 16, 2022. Adam Newborn, D.O. ("Dr. Newborn"), an applicant for Resident Training License, appeared at the hearing on this date without counsel via Zoom. The Board's Director of Licensing, Christi Aquino, and the Senior Associate Resident Director at In His Image, Clay Powell, M.D., also appeared and gave sworn testimony.

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

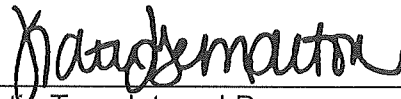
After reviewing Dr. Newborn's Resident Training Application and hearing sworn testimony, the Board enters this Interim Order Tabling Oklahoma Resident Training Application ("Order"). Future consideration of this Application will occur upon the following terms and conditions:

1. In order to protect the public, Dr. Newborn shall undergo a psychological evaluation to include interpersonal skills by a practitioner approved by the Board.
 - a. Dr. Newborn shall ensure all authorizations are signed and completed to release all reports, documents, etc., directly to the Board.
2. Dr. Newborn's Resident Training Application shall remain tabled until such time as the Board receives the requested documentation in this Order.
3. Dr. Newborn 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. Newborn's Resident Training Application.
4. Following receipt of the requested documentation and information, Dr. Newborn

will be scheduled to appear before the Board for further evaluation of his Resident Training Application and history.

5. This Order is not a final determination of this Board and is therefore not appealable as a final order.
6. The Board has not reached any final determination in the Resident Training Application, and nothing in this Order shall guarantee further licensure of Dr. Newborn.
7. This Order is a public record and, therefore, subject to the Oklahoma Open Records Act.

IT IS HEREBY ORDERED AND EFFECTIVE this 12th day of July 2022.



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

SKYLAR
TURNER, D.O.
APPLICANT



Oklahoma State Board of Osteopathic Examiners

BOARD MEMBERS

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MUSTANG

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VICE PRESIDENT
TULSA

DUANE G. KOEHLER, D.O.
SECRETARY-TREASURER
VINITA

KATIE L. TEMPLETON, J.D.
OKLAHOMA CITY

LEROY E. YOUNG, D.O.
OKLAHOMA CITY

C. MICHAEL OGLE, D.O.
BARTLESVILLE

DENNIS J. CARTER, D.O.
POTEAU

CHELSEY D. GILBERTSON, D.O.
EDMOND

November 16, 2022

VIA EMAIL [REDACTED]
AND U.S. MAIL

Skylar Turner, D.O.
[REDACTED]

Re: Notice of Appearance re Licensure

Dear Dr. Turner:

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 **December 8, 2022**. **All such appearances for this docket are set for 1:00 p.m.** The Licensure Hearing Docket will be held at the Board's Office, 4848 N. Lincoln Blvd., Ste. 100, Oklahoma City, Oklahoma.

Join Teams Meeting on Computer or Mobile App:

[Click here to join the meeting](#)

Meeting ID: **250 776 951 611**

Passcode: **VeXt6L**

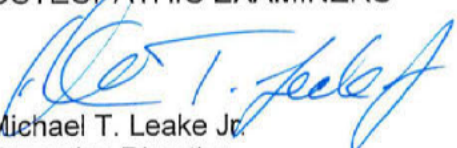
Join on the web: [Join a Microsoft Teams Meeting by ID | Microsoft Teams](#)

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.
Executive Director
MTL/kc

REQUEST FOR MID-LEVEL EXCEPTION

CHARLES
GARRIOTT,
D.O.

5168

ALFRED
HUSEN, D.O.
4527

KEVIN
PENWELL,
D.O.
3873



IMMEDIATE CARE OF OKLAHOMA

Administration Office
5701 SE 74th St. Suite E, Oklahoma, Ok 73135
Phone: (405)-400-1096

November 29, 2022

Oklahoma State Board of Osteopathic Examiner

**Re: Request to Increase total number of Supervisory Positions from 6 to 12 for
Kevin M Penwell, DO Ok Osteopathic License #3873**

I would like to request that my current supervisory positions for APRN and PA's be increased from 6 to 12 total combined. I am the current Chief Medical Officer for a multi-site urgent care company in central Oklahoma and a telemedicine company. I am requesting the increase the allow for addition of more part-time and prn coverage for in clinic and telemedicine services. We are currently at capacity of 5 physicians – not all who supervise exclusively for us. I believe my current position allows me to best manage these additional clinicians and their patient care management, than “hiring” physician's for remote supervision.

Thank you for your consideration.

Gratefully,

Kevin M Penwell, DO

www.immediatecareok.com



OSBOE Q4 BOARD MATERIALS 0296

**RATIFICATION
OF
SURRENDERED
LICENSES**

MELVIN
ROBISON, D.O.
2832

**RATIFICATION
OF
APPROVED
LICENSES**

Approved Licenses Ratification List 9-7-2022 to 11-29-2022

#	Licensee/Applicant	License Number	License Category	License Status	License Type	Initial Licensure Date	License Expiry Date
1	Robin Armenia	2854	Osteopathic Physician and Surgeon	Active	In State	10/25/2022	6/30/2023
2	Jason Burns	4156	Osteopathic Physician and Surgeon	Active	In State	10/6/2022	6/30/2023
3	David Supeck	7836	Osteopathic Physician and Surgeon	Active	In State	9/7/2022	6/30/2023
4	Brian Griffith	7837	Osteopathic Physician and Surgeon	Active	In State	9/8/2022	6/30/2023
5	Foy Dark	7838	Osteopathic Physician and Surgeon	Active	In State	9/13/2022	6/30/2023
6	Hugo Rivera	7839	Osteopathic Physician and Surgeon	Active	In State	9/13/2022	6/30/2023
7	Shannon Chatham	7840	Osteopathic Physician and Surgeon	Active	In State	9/13/2022	6/30/2023
8	Gregory Avetisov	7841	Osteopathic Physician and Surgeon	Active	In State	9/15/2022	6/30/2023
9	Molly Finley	7842	Osteopathic Physician and Surgeon	Active	In State	9/15/2022	6/30/2023
10	Alfred Laborde	7843	Osteopathic Physician and Surgeon	Active	Resident / Fellow	9/16/2022	6/30/2023
11	Nairobi Martindale	7844	Osteopathic Physician and Surgeon	Active	In State	9/19/2022	6/30/2023
12	Garima Zucker	7845	Osteopathic Physician and Surgeon	Active	In State	9/20/2022	6/30/2023
13	Amit Sanghi	7846	Osteopathic Physician and Surgeon	Active	In State	9/20/2022	6/30/2023
14	Abdul Qavi	7847	Osteopathic Physician and Surgeon	Active	In State	9/27/2022	6/30/2023
15	Aldo Calvo	7848	Osteopathic Physician and Surgeon	Active	In State	9/28/2022	6/30/2023
16	Erin Faber	7849	Osteopathic Physician and Surgeon	Active	In State	9/30/2022	6/30/2023
17	Frank Seck	7850	Osteopathic Physician and Surgeon	Active	In State	10/3/2022	6/30/2023
18	Nitesh Mody	7851	Osteopathic Physician and Surgeon	Active	In State	10/3/2022	6/30/2023
19	Na Vang	7852	Osteopathic Physician and Surgeon	Active	In State	10/4/2022	6/30/2023
20	Eric Royston	7853	Osteopathic Physician and Surgeon	Active	In State	10/5/2022	6/30/2023
21	Cecilia Shim	7854	Osteopathic Physician and Surgeon	Active	In State	10/5/2022	6/30/2023
22	Khoa Nguyen	7855	Osteopathic Physician and Surgeon	Active	In State	10/6/2022	6/30/2023
23	Karan Khosla	7857	Osteopathic Physician and Surgeon	Active	In State	10/6/2022	6/30/2023
24	Kayla Long	7858	Osteopathic Physician and Surgeon	Active	In State	10/6/2022	6/30/2023
25	Thuyanh Culver	7859	Osteopathic Physician and Surgeon	Active	In State	10/7/2022	6/30/2023
26	Alanna Albano	7860	Osteopathic Physician and Surgeon	Active	In State	10/10/2022	6/30/2023
27	Nimesh Amin	7861	Osteopathic Physician and Surgeon	Active	In State	10/10/2022	6/30/2023
28	Lisa Vianna	7862	Osteopathic Physician and Surgeon	Active	In State	10/10/2022	6/30/2023
29	Kathryn Kolonic	7863	Osteopathic Physician and Surgeon	Active	In State	10/11/2022	6/30/2023
30	Evan Reinhardt	7864	Osteopathic Physician and Surgeon	Active	In State	10/11/2022	6/30/2023
31	Anastasia Quinones	7865	Osteopathic Physician and Surgeon	Active	In State	10/13/2022	6/30/2023
32	Jennifer Klos	7866	Osteopathic Physician and Surgeon	Active	In State	10/13/2022	6/30/2023
33	Jared Colvert	7867	Osteopathic Physician and Surgeon	Active	In State	10/14/2022	6/30/2023
34	Bradley Powszok	7868	Osteopathic Physician and Surgeon	Active	In State	10/18/2022	6/30/2023
35	Stephen Fuentes	7870	Osteopathic Physician and Surgeon	Active	In State	10/18/2022	6/30/2023
36	Heemesh Seth	7871	Osteopathic Physician and Surgeon	Active	In State	10/24/2022	6/30/2023
37	Tamera Sturm	7872	Osteopathic Physician and Surgeon	Active	In State	10/27/2022	6/30/2023
38	Hannah Lee	7873	Osteopathic Physician and Surgeon	Active	In State	10/27/2022	6/30/2023
39	Peter Zuehlke	7874	Osteopathic Physician and Surgeon	Active	In State	11/1/2022	6/30/2023
40	Stacey Raybuck	7875	Osteopathic Physician and Surgeon	Active	Out of State	11/3/2022	6/30/2023
41	Christopher Newey	7876	Osteopathic Physician and Surgeon	Active	In State	11/4/2022	6/30/2023
42	Rachel Treuting	7877	Osteopathic Physician and Surgeon	Active	In State	11/9/2022	6/30/2023
43	Michael McFall	7879	Osteopathic Physician and Surgeon	Active	In State	11/17/2022	6/30/2023
44	Taylor Rutledge	7880	Osteopathic Physician and Surgeon	Active	In State	11/17/2022	6/30/2023

45	Woodlyne Roquiz	7881	Osteopathic Physician and Surgeon	Active	In State	11/18/2022	6/30/2023
46	Christopher Withers	7882	Osteopathic Physician and Surgeon	Active	In State	11/18/2022	6/30/2023
47	Viraj Desai	7883	Osteopathic Physician and Surgeon	Active	In State	11/18/2022	6/30/2023
48	Marcus Byrd	7884	Osteopathic Physician and Surgeon	Active	In State	11/29/2022	6/30/2023

REPORTS
AND
POSSIBLE
ACTIONS



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

11/1/2022
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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			(272.21)	0.00				0.00	936,355.45
1-Jul	(443,491.50)	87,253.93	(7,952.19)	0.00	0.00	0.00	0.00	0.00	1,300,545.21
2-Aug	(30,749.50)	61,191.06	8,224.40	0.00	0.00	0.00	0.00	0.00	1,261,879.25
3-Sep	(25,074.25)	109,566.70	(1,032.19)	0.00	0.00	0.00	0.00	0.00	1,178,418.99
4-Oct	(13,114.80)	58,170.12	861.19	0.00	0.00	0.00	0.00	0.00	1,132,502.48
Column Totals:	(512,430.05)	316,181.81	101.21	0.00	0.00	0.00	0.00		
Current Ledger Balance:			(171.00)	0.00					
Class/Fund Balances:							0.00	1,132,502.48	
							Current Ledger Balance-Liabilities:		(171.00)
							*Budgeted Cash Balance:		1,132,331.48

*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 October, 2022

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			0.00	0.00				0.00	416,484.00
1-Jul	392,827.00	305.00	0.00	0.00	0.00	0.00	0.00	0.00	23,352.00
2-Aug	(1,057.00)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	24,409.00
3-Sep	10,336.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00	14,072.30
4-Oct	(7,074.70)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	21,147.00
5-Nov	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	21,147.00
6-Dec	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	21,147.00
7-Jan	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	21,147.00
8-Feb	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	21,147.00
9-Mar	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	21,147.00
10-Apr	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	21,147.00
11-May	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	21,147.00
12-Jun	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	21,147.00
Column Totals:	<u>395,032.00</u>	<u>305.00</u>	<u>0.00</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>					
Class/Fund Balances:							<u>0.00</u>	<u>21,147.00</u>	
							Current Ledger Balance-Liabilities:	0.00	
							*Budgeted Cash Balance:	<u>21,147.00</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 October, 2022

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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:	(117,398.05)	316,486.81	101.21	0.00	0.00	0.00	0.00		
Prior Year AP BU Balance:			<u>(272.21)</u>	<u>0.00</u>					
Current AP Business Unit Balance:			<u>(171.00)</u>	<u>0.00</u>					
Business Unit Balances:							<u>0.00</u>	<u>1,153,649.48</u>	

State Bd of Osteopathic Exam
 Business Unit - 52500
 FY 2023 Operating Budget Comparison by Department and Account
 as of October 31, 2022

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 01-NOV-2022
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Department: 1000001 General Operations

Account	Annual Budget	YTD Budget	Expenses	Encumbrance	Pre-Encumbrance	Total Exp, Enc, Pre-Enc	Annual Variance	YTD Variance	Annual %	YTD %
511 Salary Expense	523,122	174,374	175,959.58	0.00	0.00	175,959.58	347,162.42	-1,585.62	33.64	100.91
512 Insur.Prem-Hlth-Life,etc	89,896	29,965	28,410.04	0.00	0.00	28,410.04	61,485.96	1,555.28	31.60	94.81
513 FICA-Retirement Contributi	153,553	51,184	40,722.11	0.00	0.00	40,722.11	112,830.89	10,462.17	26.52	79.56
515 Professional Services	116,178	38,726	9,443.82	87,916.18	0.00	97,360.00	18,818.00	-58,634.08	83.80	251.41
519 Inter/Intra Agy Pmt-Pers S	1,800	600	110.46	1,001.54	0.00	1,112.00	688.00	-512.00	61.78	185.33
521 Travel - Reimbursements	13,550	4,517	2,575.92	0.00	0.00	2,575.92	10,974.08	1,940.64	19.01	57.03
522 Travel - Agency Direct Pmt	14,900	4,967	1,997.07	832.14	0.00	2,829.21	12,070.79	2,137.35	18.99	56.97
531 Misc. Administrative Expen	34,900	11,633	2,282.06	23,159.94	0.00	25,442.00	9,458.00	-13,808.76	72.90	218.70
532 Rent Expense	27,187	9,062	6,340.72	13,505.24	0.00	19,845.96	7,341.04	-10,783.72	73.00	219.00
533 Maintenance & Repair Expen	1,000	333	8.97	360.00	0.00	368.97	631.03	-35.65	36.90	110.70
534 Specialized Sup & Mat.Expe	1,300	433	194.75	2,646.97	0.00	2,841.72	-1,541.72	-2,408.40	218.59	655.80
535 Production,Safety,Security	1,500	500	468.60	0.00	0.00	468.60	1,031.40	31.40	31.24	93.72
536 General Operating Expenses	8,950	2,983	1,071.99	3,000.00	0.00	4,071.99	4,878.01	-1,088.71	45.50	136.49
541 Office Furniture & Equipme	10,000	3,333	227.24	0.00	0.00	227.24	9,772.76	3,106.08	2.27	6.82
542 Library Equipment-Resource	140	47	0.00	0.00	0.00	0.00	140.00	46.64	0.00	0.00
554 Program Reimb,Litigation C	250	83	0.00	0.00	0.00	0.00	250.00	83.32	0.00	0.00
601 AFP Encumbrances	0	0	0.00	13,652.27	0.00	13,652.27	-13,652.27	-13,652.27	~	~
	998,226	332,741	269,813.33	146,074.28	0.00	415,887.61	582,338.39	-83,146.33	41.66	124.99
Class Funding	Annual Budget	YTD Budget	Expenses	Encumbrance	Pre-Encumbrance	Total Exp, Enc, Pre-Enc	Annual Variance	YTD Variance	Annual %	YTD %
20000 Revolving Fund	998,226	332,741	269,813.33	146,074.28	0.00	415,887.61	582,338.39	-83,146.33	41.66	124.99
	998,226	332,741	269,813.33	146,074.28	0.00	415,887.61	582,338.39	-83,146.33	41.66	124.99
Totals for Division 10	998,226	332,741	269,813.33	146,074.28	0.00	415,887.61	582,338.39	-83,146.33	41.66	124.99

State Bd of Osteopathic Exam
 Business Unit - 52500
 FY 2023 Operating Budget Comparison by Department and Account
 as of October 31, 2022

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Department: 8800001 ISD - Tech

Account	Annual Budget	YTD Budget	Expenses	Encumbrance	Pre-Encumbrance	Total Exp, Enc, Pre-Enc	Annual Variance	YTD Variance	Annual %	YTD %
515 Professional Services	17,597	5,866	1,813.77	7,613.31	0.00	9,427.08	8,169.92	-3,561.44	53.57	160.72
531 Misc. Administrative Expen	18,559	6,186	4,262.39	12,111.61	0.00	16,374.00	2,185.00	-10,187.68	88.23	264.68
532 Rent Expense	18,368	6,123	1,330.98	3,170.79	750.00	5,251.77	13,116.23	870.87	28.59	85.78
533 Maintenance & Repair Expen	600	200	324.14	529.86	0.00	854.00	-254.00	-654.00	142.33	427.00
535 Production, Safety, Security	0	0	0.00	5,125.00	0.00	5,125.00	-5,125.00	-5,125.00	~	~
536 General Operating Expenses	1,500	500	728.07	0.00	0.00	728.07	771.93	-228.07	48.54	145.61
541 Office Furniture & Equipme	0	0	149.99	0.00	699.99	849.98	-849.98	-849.98	~	~
601 AFP Encumbrances	0	0	0.00	1,842.94	0.00	1,842.94	-1,842.94	-1,842.94	~	~
	56,624	18,875	8,609.34	30,393.51	1,449.99	40,452.84	16,171.16	-21,578.24	71.44	214.32
Class Funding	Annual Budget	YTD Budget	Expenses	Encumbrance	Pre-Encumbrance	Total Exp, Enc, Pre-Enc	Annual Variance	YTD Variance	Annual %	YTD %
20000 Revolving Fund	56,624	18,875	8,609.34	30,393.51	1,449.99	40,452.84	16,171.16	-21,578.24	71.44	214.32
	56,624	18,875	8,609.34	30,393.51	1,449.99	40,452.84	16,171.16	-21,578.24	71.44	214.32
Totals for Division 88	56,624	18,875	8,609.34	30,393.51	1,449.99	40,452.84	16,171.16	-21,578.24	71.44	214.32
Totals for Bus Unit 52500	1,054,850	351,616	278,422.67	176,467.79	1,449.99	456,340.45	598,509.55	-104,724.57	43.26	129.78

Licensing update for December 2022

Total Active licenses – 3,779

- Total Number of New/Initial Applications Only (in-state and out-of-state):
 - 2020: 315
 - 2021: 334
 - 2022: 366 (Jan.-Dec.)
- Total Number of In-State Renewals Only:
 - 2020-21: 2,448
 - 2021-22: 2,403
 - 2022-23: 2,456
- Total Number of Out-of-State Renewals Only:
 - 2020-21: 394
 - 2021-22: 490
 - 2022-23: 493
- Total Number of Late Renewals Only:
 - 2020-21: 83
 - 2021-22: 98
 - 2022-23: 80
- Total Number of Residents & Fully Retired Licenses Renewals Only:
 - 2020-21: 293
 - 2021-22: 230 – Residents & 53 – Retired
 - 2022-23: 227 – Residents & 61 – Retired (Jan.-Dec.)
- Total Number of Temporary Resident Licenses Only:
 - 2019: 0
 - 2020: 0
 - 2021: 12
 - 2022: 3
- Total Number of Resident Training Licenses Only:
 - 2019: 57
 - 2020: 65
 - 2021: 75
 - 2022: 85
- Total Number of Special Volunteer Licenses Only:
 - 2020: 0
 - 2021: 4
 - 2022: 6
- Total Number of IMLCC Full Licenses:
 - 2020: 22
 - 2021: 35
 - 2022: 68

DANIEL
GAMINO, J.D.,
GENERAL
COUNSEL

JOHN
KUHNS, M.D.,
OHPP

OLD BUSINESS

NEW BUSINESS

PUBLIC COMMENT

ADJOURNMENT