

**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.)

FEB 07 2023

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

Case No. 2022-119 (RZ)

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND
ORDER OF SUSPENSION**

This matter comes on for hearing before the Oklahoma State Board of Osteopathic Examiners (the "Board") at a regular meeting of the Board on December 8, 2022 (the "Hearing"). The Board is represented by the Special Prosecutor for the Board, J. Patrick Quillian. Gary Augter, D.O. ("Dr. Augter") appears in person at the hearing on this date represented by legal counsel Warren Gotcher, Esq. The Board's Chief Investigator Richard Zimmer, the Oklahoma Department of Environmental Quality's Environmental Specialist Jonathan Schulz, and Dr. Augter gave sworn testimony. The parties also submitted exhibits for the Board's consideration.

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

FINDINGS OF FACT

The Board, after reviewing all pleadings, exhibits, and testimony at the Hearing and otherwise considering all evidence and argument of counsel, and being fully advised, specifically finds the following to be true and correct and proven by clear and convincing evidence:

1. That Gary Augter, D.O. is the holder of a license to practice as an osteopathic physician in the State of Oklahoma, license number 3536.
2. That Dr. Augter received proper notice of the Hearing and a true and correct copy of the Verified Complaint ("the Complaint") as required by Oklahoma law.
3. That the evidence at the Hearing revealed Dr. Augter acted unprofessionally and unethically by illegally dumping various types of medical waste from his local dermatology practice on property adjacent to Lake Eufaula in Bugtussle, Oklahoma. The evidence at the Hearing specifically established that the dumpsite was approximately a 5 cubic-yard area that contained at least ten 10 items of medical waste including needles, blood draw tubes, glass sample bottles, and glass microscope slides over 100 of which contained identifiable patient names.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear this matter under the Oklahoma Osteopathic Medicine Act, Tit. 59 O.S. § 620 et seq., and the Oklahoma Administrative Procedures Act, Tit. 75 O.S. § 250 et seq.
2. The Board has the authority under 59 O.S. § 637.1(B) to impose an

administrative fine in an amount not to exceed One Thousand Dollars (\$1,000.00) for each count or separate violation of the Oklahoma Osteopathic Medicine Act, Tit. 59 O.S. § 620 et seq.

3. The Board concludes that Dr. Augter violated Tit. 59 O.S. § 637(A)(2) and (A)(5), as well as Subsection 5-5-3(a) of Section 510 of the Oklahoma Administrative Code at least ten (10) times as alleged in the Complaint.
4. The Board concludes that such violations are grounds for imposing any sanction against Dr. Augter's license to practice osteopathic medicine in the State of Oklahoma that is permitted by Oklahoma law as well as the rules and regulations of the Board.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Board that a \$10,000 fine is assessed and the license to practice osteopathic medicine in the State of Oklahoma held by Dr. Augter is hereby suspended indefinitely pending completion of, and the results reported to the Board of, the following:

1. Documented evidence of an evaluation regarding the cognitive abilities of Dr. Augter by a qualified expert approved by the Board or its Executive Director;
2. Documented evidence of a comprehensive course on record keeping that has been approved by the Board or its Executive Director; AND
3. Complete payment of all fines (\$10,000) and costs of the Board's investigation and prosecution (\$8,018.50) totaling \$18,018.50. Dr. Augter is to make payment arrangements for this amount with the Board's Executive Director and such costs

shall be paid within 1 year of the date of this Order.

4. Upon completion of the requirements of paragraphs one (1) through four (4), Dr. Augter shall appear at the next regularly scheduled meeting of the Board for further consideration of this matter.

IT IS FURTHER ORDERED that:

5. The Board's Executive Director refer information in the matter known as OSBOE-2022-119 to the United States Department of Health & Human Services Office for Civil Rights for an investigation related to protected health information.
6. This Order is disseminated to all related state and federal regulatory agencies as well as to all hospitals, pharmacies, and related entities in the area where Dr. Augter formerly practiced medicine, including but not limited to, McAlester Regional Medical Center in McAlester, Oklahoma.
7. That Dr. Augter 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 suspension.
8. That Dr. Augter shall bear the financial costs of any expenses incurred from this Order.
9. That Dr. Augter shall ensure all authorizations are signed and completed to release all reports, documents, etc., directly to the Board. The Board's Executive Director shall ensure Dr. Augter's legal counsel is provided a copy of any documents provided to the Board.
10. That Dr. Augter is required to notify the Board within fourteen (14) days of any

changes to his residential address.

11. That Dr. Augter is required to notify the Board within fourteen (14) days of any changes to his cell phone number.
12. That Dr. Augter is required to notify the Board within fourteen (14) days of any changes to legal counsel.
13. That Dr. Augter may utilize his right to consult legal counsel in connection with this inquiry by the Board known as OSBOE-2022-119, this Order, and any other inquiry by the Board.
14. That Dr. Augter completes the Compliance Information Request Form within ten (10) days of signing this Order (Exhibit A, Compliance Information Request Form).
15. That Dr. Augter completes the Monthly Supervision Self-Report by the tenth (10th) day of each month (Exhibit B, Monthly Supervision Self-Report).
16. That Dr. Augter renews his license yearly as required by the Board's statutes and rules. Failure to renew your license could result in cancellation by the Board.
17. That Dr. Augter maintains the required sixteen (16) hours per year of continuing medical education ("CME") credits as required by the Board's statutes and rules, including one (1) hour of proper prescribing if applicable.

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

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:

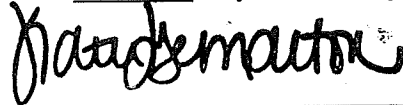
1. In order to protect the public, Dr. Baracker shall undergo an assessment determined by Board Staff to review the issues raised at the December 9, 2021 Board Meeting, specifically to include a review of past employment and post-graduate training.
2. In order to protect the public, Dr. Baracker shall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

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,)

DEC 15 2022

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

Petitioner,)

Case No. 2021-098

v.)

COLIN BUMANN, D.O., Osteopathic)
Medical License No. 7512,)

Respondent.)

ORDER TO TERMINATE ORDER GRANTING
LICENSE WITH CONDITIONS

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners ("Board") at a special meeting of the Board on December 8, 2022. Colin Bumann, D.O. ("Dr. Bumann") appeared at the hearing on this date without counsel and gave sworn testimony. The Board's Chief Investigator, Richard Zimmer, and John Kuhn, M.D. 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.

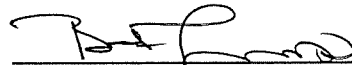
The Board, after reviewing the pleadings and the previous Orders, and being fully advised enters this Order of Termination.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Board that, for good cause shown, **TERMINATION** of Dr. Bumann's Order Granting License with Conditions is **GRANTED**, contingent on the requirement to maintain and fulfill his

existing contract with OHPP. Any restrictions ordered by the Board on Dr. Bumann's license are hereby removed. Dr. Bumann'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. 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 15th day of December 2022.



Bret S. Langerman, D.O.
Board President
State Board of Osteopathic Examiners

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

FEB 07 2023

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

Case No. 2021-57 (RZ)

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND
ORDER OF SUSPENSION**

This matter comes on for hearing before the Oklahoma State Board of Osteopathic Examiners (the "Board") at a regular meeting of the Board on December 8, 2022 (the "Hearing"). The Board is represented by the Special Prosecutor for the Board, J. Patrick Quillian. W. Edward Clymer, D.O. ("Dr. Clymer") appears in person at the hearing on this date represented by legal counsel Nathan J. Mays, Esq. The Board's Chief Investigator, Richard Zimmer, patient S.T., and Dr. Clymer gave sworn testimony. The parties also submitted exhibits for the Board's consideration.

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

FINDINGS OF FACT

The Board, after reviewing all pleadings, exhibits, and testimony at the

Hearing and otherwise considering all evidence and argument of counsel, and being fully advised, specifically finds the following to be true and correct and proven by clear and convincing evidence:

1. That 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.
2. That Dr. Clymer received proper notice of the Hearing and a true and correct copy of the Verified Complaint (“the Complaint”) as required by Oklahoma law.
3. That the Board moved to strike paragraphs number 3 and 4 of the Complaint and did not submit evidence in support thereof at the Hearing.
4. That evidence at the Hearing revealed that Dr. Clymer acted unprofessionally in harassing S.T., a current patient of Dr. Clymer at all times discussed, by improperly making unwanted sexual advances towards S.T., such as inappropriately touching and kissing S.T. as well as by engaging in inappropriate conversations with S.T. during office visits and outside the office.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear this matter under the Oklahoma Osteopathic Medicine Act, Tit. 59 O.S. § 620 et seq., and the Oklahoma Administrative Procedures Act, Tit. 75 O.S. § 250 et seq.
2. The Board concludes that Dr. Clymer violated Tit. 59 O.S. § 637(A)(2) and (A)(2)(h) as alleged in paragraphs 1, 2, 5, 6, 7, 8, and 9 of the Complaint.
3. The Board concludes that such violations are grounds for imposing any sanction against Dr. Clymer’s license to practice osteopathic medicine in the

State of Oklahoma that is permitted by Oklahoma law as well as the rules and regulations of the Board.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Board that the license to practice osteopathic medicine in the State of Oklahoma held by Dr. Clymer is hereby suspended indefinitely pending completion of, and the results reported to the Board of, the following:

1. Documented evidence of an evaluation regarding the cognitive and physical abilities of Dr. Clymer by a qualified expert approved by the Board or its Executive Director;
2. Documented evidence of an evaluation regarding the clinical skills and abilities of Dr. Clymer by a qualified expert approved by the Board or its Executive Director;
3. Documented evidence of an evaluation of Dr. Clymer regarding sexual boundaries by a qualified expert approved by the Board or its Executive Director;
AND
4. Complete payment of all costs of the Board's investigation and prosecution totaling \$ 18,794.05. Dr. Clymer is to make payment arrangements for this amount with the Board's Executive Director and such costs shall be paid within one (1) year of the date of this Order.
5. Upon completion of the requirements of paragraphs one (1) through four (4), Dr. Clymer shall appear at the next regularly scheduled meeting of the Board for

further consideration of this matter.

IT IS FURTHER ORDERED that:

6. Paragraphs number 3 and 4 of the Complaint are stricken and shall not be considered as a part of the Board's Findings of Fact or the basis of its decision herein.
7. This Order is disseminated to all related state and federal regulatory agencies as well as to all hospitals, pharmacies, and related entities in the area where Dr. Clymer formerly practiced medicine, including but not limited to, Phoenix Medical Center in Pawnee, Oklahoma.
8. That Dr. Clymer 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 suspension.
9. That Dr. Clymer shall bear the financial costs of any expenses incurred from this Order.
10. That Dr. Clymer shall ensure all authorizations are signed and completed to release all reports, documents, etc., directly to the Board. The Board's Executive Director shall ensure Dr. Clymer's legal counsel is provided a copy of any documents provided to the Board.
11. That Dr. Clymer is required to notify the Board within fourteen (14) days of any changes to his residential address.
12. That Dr. Clymer is required to notify the Board within fourteen (14) days of any changes to his cell phone number.

13. That Dr. Clymer is required to notify the Board within fourteen (14) days of any changes to legal counsel.
14. That Dr. Clymer may utilize his right to consult legal counsel in connection with this inquiry by the Board known as OSBOE-2021-057, this Order, and any other inquiry by the Board.
15. That Dr. Clymer completes the Compliance Information Request Form within ten (10) days of signing this Order (Exhibit A, Compliance Information Request Form).
16. That Dr. Clymer completes the Monthly Supervision Self-Report by the tenth (10th) day of each month (Exhibit B, Monthly Supervision Self-Report).
17. That Dr. Clymer renews his license yearly as required by the Board's statutes and rules. Failure to renew your license could result in cancellation by the Board.
18. That Dr. Clymer maintains the required sixteen (16) hours per year of continuing medical education ("CME") credits as required by the Board's statutes and rules, including one (1) hour of proper prescribing if applicable.

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

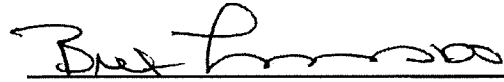
This Order is a public record and therefore subject to the Oklahoma Open Records Act.

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

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, ADJUDGED, AND DECREED this 7th day of February 2023.



Bret Langerman, D.O.
Board President
State Board of Osteopathic Examiners

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,)

DEC 15 2022

Petitioner,)

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

Case No. 2021-043

v.)

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

Respondent.)

**ORDER TO TERMINATE 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 December 8, 2022. Andrew Lovell, D.O. ("Dr. Lovell") appeared at the hearing on this date without counsel and gave sworn testimony. The Board's Chief Investigator, Richard Zimmer, and John Kuhn, M.D. 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.

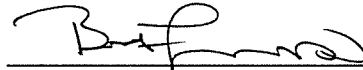
The Board, after reviewing the pleadings and the previous Orders, and being fully advised enters this Order of Termination.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Board that, for good cause shown, **TERMINATION** of Dr. Lovell's Order of Probation with Terms and Conditions is **GRANTED**, contingent on the requirement to maintain and fulfill his

existing contract with OHPP. Any restrictions ordered by the Board on Dr. Lovell's license are hereby removed. Dr. Lovell'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. 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 15th day of December 2022.



Bret S. Langerman, D.O.
Board President
State Board of Osteopathic Examiners

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

IN THE MATTER OF IAN HUFF, D.O.,)
APPLICANT FOR ISSUE OF)
LICENSE)

Case No. 2022-070

RECEIVED/FILED

DEC 15 2022

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

ORDER DENYING APPLICATION FOR LICENSURE

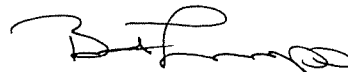
This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners ("Board") at a special meeting of the Board on December 8, 2022. Ian Huff, D.O. ("Dr. Huff"), applicant for licensure, appeared at the hearing on this date via Teams and gave sworn testimony. Dr. Huff presents without counsel on his 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. Huff's Application, reviewing the previous Order, and hearing sworn testimony, the Board enters this Order Denying Application of Licensure ("Order").

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 15th day of December 2022.



Bret Langerman, D.O.
Board President
State Board of Osteopathic Examiners

RECEIVED/FILED

DEC 15 2022

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

IN THE MATTER OF ADAM)
NEWBORN, D.O., Osteopathic) APPLICANT FOR ISSUE OF
Medical License No. 0588R) RESIDENT TRAINING LICENSE

ORDER GRANTING TRAINING LICENSE

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners ("Board") at a Special Meeting of the Board on December 8, 2022. Adam Newborn, D.O. ("Dr. Newborn") presented without counsel via Teams and gave sworn testimony. The Board's Director of Licensing, Christi Aquino, also appeared and gave testimony.

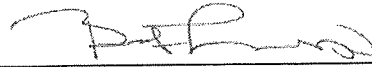
This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 et. seq. and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 et. seq.

The Board, after reviewing Dr. Newborn's Application for Training Licensure and being fully advised, enters this Order Granting Training License.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Board that, for good cause shown, of Dr. Newborn's **APPLICATION FOR LICENSE** is **GRANTED**. Dr. Newborn's training license to practice osteopathic medicine in the State of Oklahoma is issued with the status of good standing and without any restrictions or curtailment. Dr. Newborn must provide monthly evaluations from his residency program during the pendency of his first year in the residency program.

This Order is a public record and therefore subject to the Oklahoma Open Records Act. A copy of this Order will be placed in Dr. Newborn's non-disciplinary public licensure file. 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 December
2022.



Bret S. Langerman, D.O.
Board President
State Board of Osteopathic Examiners