

# **OKLAHOMA STATE BOARD OF OSTEOPATHIC EXAMINERS**

**Quarterly Board Meeting**  
**Thursday, December 14, 2023, 09:00 a.m.**  
4848 N. Lincoln Blvd.  
Oklahoma City, OK 73105  
Phone (405) 528-8625 - Facsimile (405) 557-0653

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

## **TEAMS CALL INFORMATION – PASSCODE IS REQUIRED**

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## **AGENDA**

**Presiding:** Bret Langerman, D.O., President

- |  |                                |              |
|--|--------------------------------|--------------|
| <b>1. ROLL CALL TO ESTABLISH QUORUM</b>  | <b>9:00 a.m.</b>               |              |
| <b>2. APPROVAL OF PAST MINUTES</b><br>Quarterly Board Meeting of 9-21-2023                                       |                                | <b>p. 7</b>  |
| <b>3. PROBATION, MONITORING, &amp; HEARING DOCKET</b><br>{Executive Session may be called – 25 O.S. § 307(B)(8)} | <b>9:00 a.m.</b>               |              |
| <b>Augter, Gary, D.O., # 3536</b><br>Case No. 2022-119 (RZ)<br>Probationary Report Hearing                       | <b>Jason Glass, J.D.</b>       | <b>p. 21</b> |
| <b>Clark, Jonathan, D.O., # 3561</b><br>Case No. 2023-193 (EF)<br>Hearing  |                                | <b>p. 63</b> |
| <b>Cross, Bradley, D.O., # 6387</b><br>Case No. 2023-153 (RZ)<br>Hearing   | <b>Continued to March 2024</b> | <b>p. 69</b> |

<b>de Gaston, Daniel, D.O., # 6640</b> Case No. 2021-213 (EF) Hearing	<b>Continued to March 2024</b>	<b>p. 76</b>
<b>Garrison, Daniel, D.O., # 6306</b> Case No. 2023-009 (RZ) Hearing		<b>p. 82</b>
<b>Howell, Clayton, D.O., # 5398</b> Case No. 2022-139 (RZ) Hearing	Kaylee Davis-Maddy, J.D.	<b>p. 96</b>
<b>Mercer, Mary Kathryn, D.O., # 2887</b> Case No. 1215-148 (RZ) Probationary Report Hearing	Elizabeth Scott, J.D.	<b>p. 115</b>
<b>Nguyen, Trung, D.O., # 3683</b> Case No. 2023-074 (RZ) Hearing	Shelby Zumwalt, J.D. <b>Continued to March 2024</b>	<b>p. 185</b>

**Order to Show Cause**

<b>Hill, Donna, D.O., # 3463</b> Case No. 0319-025 (RZ) Hearing		<b>p. 195</b>
<b>Hobgood, Roger, D.O., # 2623</b> Case No. 1019-104 (EF) Hearing		<b>p. 212</b>
<b>Lamoureaux, Donald, D.O., # 4785</b> Case No. 0415-045 (RZ) Hearing		<b>p. 227</b>

**4. EXECUTIVE SESSION 11:00 a.m.**

Discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual or employee pursuant to 25 O.S. § 307 (B) (1).  
(Interviews of Candidates A & B)

**5. LICENSURE & RENEWAL HEARING DOCKET 1:00 p.m.**  
**Christi Aquino, Director of Licensing**  
{Executive Session may be called – 25 O.S. § 307(B)}  
**Applicants for Licensure or Renewal – Appearing**

<b>Alam, Junaid, D.O. – Reappearance</b>	Neel Natarajan, J.D.	<b>p. 240</b>
<b>Blythe, Joseph, D.O. - Applicant</b>		

**Garrett, Evan, D.O. - Applicant**

**Grubbs, Rachel, D.O. – Reappearance** **p. 250**

**Liou, Guei-Jiun Alice, D.O. - Applicant**

**Lukac, Marina, D.O. - Applicant**

**Mulji, Punam, D.O. – Applicant**

**Status Change Request**

**Headley, Shannon, D.O., # 8037** Elizabeth Scott, J.D.

**Mid-Level Supervision Exception Request**

**Sizelove, Aaron, D.O., # 4958** **p. 264**

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

**7. RATIFICATION OF APPROVED LICENSES** **p. 272**  
{Executive Session may be called – 25 O.S. § 307(B)}

**8. REPORTS AND POSSIBLE ACTIONS**  
**-Katie Templeton, J.D., Interim Director:**  
{Executive Session may be called – 25 O.S. § 307(B) (1-4)}

1. Financial Report / Budget **p. 275**

2. Top Twenty Prescribers

3. Investigative Department Update / Statistics

4. Licensing Department Update / Statistics **p. 277**

5. OOA Exhibitor Booth **p. 278**

6. FSMB Artificial Intelligence Symposium **p. 282**

7. Medical Spa Guidelines **p. 285**

8. Medical Micropigmentologist Supervision **p. 286**

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

**9. DISCUSSION AND POSSIBLE APPOINTMENT TO RESPIRATORY CARE ADVISORY COMMITTEE** p. 290

**OOA Nominations:**

Clayton Royder, D.O. (OKC)

Kevin O’Neal, D.O. (OKC)

Michael Hull, D.O. (OKC)

**10. EXECUTIVE SESSION**

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

**11. OLD BUSINESS**

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

**12. NEW BUSINESS**

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

**13. PUBLIC COMMENT**

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

**14. ADJOURNMENT**

p. 295



# ROLL CALL

# APPROVAL OF PAST MINUTES

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

**DATE OF MEETING**           September 21, 2023

**PLACE OF MEETING**       OSU-CHS  
744 West 9<sup>th</sup> Street  
Tulsa, OK 74127

**MEMBERS PRESENT**       Chelsey Gilbertson, D.O.  
Duane Koehler, D.O.  
Bret Langerman, D.O.  
Catherine Taylor, J.D.  
Katie Templeton, J.D.

**MEMBERS ABSENT**       C. Michael Ogle, D.O.  
LeRoy Young, D.O.

**ALSO PRESENT**           In-Person Attendees:  
Taiwo Ajumobi, D.O.  
Christi Aquino, *Board of Osteopathic Examiners*  
Lisa Baracker, D.O.  
Kim Contreras, *Board of Osteopathic Examiners*  
Kelsey Devinney, *Board of Osteopathic Examiners*  
Thomas Duffy, D.O.  
Elizabeth Fullbright, *Board of Osteopathic Examiners*  
Daniel Gamino, J.D., *Board General Counsel*  
Christopher Gaskins, D.O.  
Julie Gaskins  
Khadija Hamid, D.O.  
Teresa Hardesty, D.O.  
Marshall Harris  
Ageena Hass, D.O.  
Kari Hawthorne, J.D.  
Tim Howard  
James Magnusson, D.O.  
Megan Melott Moss, D.O.  
J. Patrick Quillian, J.D, *Board Prosecutor*  
Matthew Whittaker, D.O.  
Sherri Wise, *Osteopathic Founders Foundation*  
Janis Womack, *Board of Osteopathic Examiners*  
Richard Zimmer, CMBI, *Board of Osteopathic Examiners*  
OSU-CHS Residents

Teleconference Attendees:  
Bayleigh Adams, J.D.  
Jana Baker  
Sheila Ballard  
Gayla Beaty  
Natasha Camacho

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Catherine Como  
Jackson Dalrymple  
Kaylee Davis-Maddy, J.D.  
Chris DiPesa  
Remington Gould  
Revanth Madina  
Katelyn Mayberry, *Board of Osteopathic Examiners*  
Missy Olcott  
Shontay Patterson  
Lesley VanVolkinburg  
General Public

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

**1. ROLL CALL TO ESTABLISH QUORUM**

Bret Langerman, D.O., *President*, called the meeting to order at 9:00 a.m. and announced that a quorum was established.

**2. APPROVAL OF PAST MINUTES**

Dr. Langerman asked the members of the Board if they had reviewed the minutes from the Quarterly Board Meeting of June 15, 2023.

Dr. Carter moved to approve the minutes of the June 15, 2023 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, abs; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, abs.

The motion passed.

**3. APPROVAL OF 2024 QUARTERLY BOARD MEETING DATES**

Ms. Templeton moved to approve the 2024 Board Meeting dates as presented with the exception of the March 21, 2024, date. The March 2024 Meeting will be a Special meeting on March 14, 2024.  
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, abs; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, abs.

OSBOE Regular Meeting, September 21, 2023  
The motion passed.

#### 4. PROBATION, MONITORING & HEARING DOCKET

##### **Lisa Baracker, D.O.**

Dr. Langerman called the matter of Lisa Baracker, D.O., to order. Dr. Baracker appeared in person with counsel of record Kaylee Davis-Maddy, J.D. appearing via Teams. Chief Investigator for the Board, Rick Zimmer, appeared in person and gave testimony. The Board considered Dr. Baracker's request for clarification on her Order.

Dr. Gilbertson moved to go into Executive Session.  
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, abs; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, abs.

The motion passed.

Dr. Gilbertson moved to come out of Executive Session.  
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, abs; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, abs.

The motion passed.

Ms. Templeton moved to issue a Declaratory Ruling to Dr. Baracker stating the previous actions taken were not disciplinary in nature.  
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, abs; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, abs.

The motion passed.

##### **Matthew Whittaker, D.O.**

Dr. Langerman called the matter of Matthew Whittaker, D.O., to order and recognized J. Patrick Quillian, J.D., Board Prosecutor. Dr. Whittaker appeared in person without counsel. Special

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Investigator for the Board, Elizabeth Fullbright, and Medical Advisor, Teresa Hardesty, D.O., appeared in person and gave testimony. The Hearing proceeded. Testimony was given and Exhibits were reviewed by both parties.

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

The motion passed.

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

The motion passed.

Dr. Carter moved that that was clear and convincing evidence to support the allegations in paragraphs 1-7 of the Complaint.  
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, yes; Dr. Ogle, abs; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, abs.

The motion passed.

Dr. Carter moved to suspend Dr. Whittaker's Oklahoma license indefinitely. Dr. Whittaker shall receive an evaluation from Acumen or a similar Board approved evaluator in the areas of medical knowledge, clinical competence, honesty, and boundary violations. To include psychiatric evaluations and any other evaluations deemed necessary or appropriate by the evaluator. Results of these evaluations shall be released to the Board. Once evaluation results are received Dr. Whittaker may request to reappear for further consideration.  
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, yes; Dr. Ogle, abs; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, abs.

The motion passed.

The Board also informed Dr. Whittaker that appropriate counsel may be able to assist him with his reappearance before the Board once the evaluation(s) is received.

## 5. LICENSURE & RENEWAL HEARING DOCKET

### Christopher Gaskins, D.O.

Dr. Langerman called the matter of Christopher Gaskins, D.O. to order. Dr. Gaskins appeared in person. Director of Licensing, Christi Aquino, also appeared in person and gave testimony. The Board considered Dr. Gaskins' rotation evaluations that were previously ordered at the June 2023 meeting.

Dr. Carter moved to approve Dr. Gaskin's 2023-2024 renewal application.  
Ms. Taylor 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, abs; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, abs.

The motion passed.

### James Magnusson, D.O.

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

Dr. Carter moved to go into Executive Session.  
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, abs; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, abs.

The motion passed.

Dr. Carter moved to come out of Executive Session.  
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, abs; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, abs.

The motion passed.

Ms. Templeton moved to table Dr. Magnusson's application for reinstatement. Dr. Magnusson shall receive an evaluation from an institution that fits his specialty. Once that evaluation is received Dr. Magnusson may request to appear for further consideration. 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, abs; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, abs.

The motion passed.

**Megan Melott Moss, D.O.**

Dr. Langerman called the matter of Megan Melott Moss, D.O. to order. Dr. Melott appeared in person. Director of Licensing, Christi Aquino, also appeared in person and gave testimony. Dr. Melott Moss reappeared from June 2023 regarding her tabled licensure application and presented her proposed rotations.

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

The motion passed.

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

The motion passed.



Dr. Koehler moved to approve Dr. Melott Moss's five (5) rotations as proposed and to approve the extension of her Resident Training license while they are being completed. Dr. Melott Moss's request to work outside of her rotations in a pediatric clinic is denied. 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, abs; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, abs.

The motion passed.

### **Taiwo Ajumobi, D.O.**

Dr. Langerman called the matter of Taiwo Ajumobi, D.O. to order. Dr. Ajumobi appeared in person. Director of Licensing, Christi Aquino, also appeared in person and gave testimony. Dr. Ajumobi provided the Board with an update on her status and they provided advice on next steps.

No motion was made.

### **Late Fee Exception Request**

#### **Frank W. Wyant Jr., D.O.**

Ms. Templeton moved to deny Dr. Wyant's request for a waiver of his late fee. Ms. Taylor 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, abs; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, abs.

The motion passed.

#### **John Venditti D.O.**

Ms. Templeton moved to deny Dr. Venditti's request for a waiver of his late fee. Ms. Taylor 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, abs; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, abs.

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The motion passed.

**6. RATIFICATION OF SURRENDERED LICENSES**

There were no ratification of surrendered licenses for Board review.

**7. 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 Quarterly Board meeting of June 15, 2023.

Dr. Koehler moved to ratify all licenses issued since the June 15, 2023 Board meeting.  
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, abs; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, abs.

The motion passed.

**8. 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 2023-2024 renewal cycle.

Dr. Carter moved to go into Executive Session.  
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, abs; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, abs.

The motion passed.

Dr. Carter moved to come out of Executive Session.  
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, abs; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, abs.

The motion passed.

Dr. Koehler moved to approve the cancellation of licenses with the exception of Christopher Gaskins, D.O. and Taiwo Ajumobi, D.O.  
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, abs; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, abs.

The motion passed.

## **9. REPORT AND POSSIBLE ACTION ON EXECUTIVE DIRECTOR SEARCH**

The Board appointed the Executive Committee comprised of Dr. Langerman, Ms. Taylor, and Dr. Koehler, as well as Dr. Young and Ms. Templeton acting as the Interim Director to the Hiring Committee for the hiring of a new Executive Director.

## **10. DISCUSSION AND POSSIBLE ACTION OF APPROVAL OF BONUSES FOR ALL ELIGIBLE EMPLOYEES**

Ms. Templeton moved to go into Executive Session.  
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, abs; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, abs.

The motion passed.

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

The motion passed.

Ms. Templeton moved to approve a fifteen (15) percent bonus for all staff members.  
Ms. Taylor 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, abs; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, abs.

The motion passed.

**11. REPORTS AND RECOMMENDED ACTIONS**

**Katie Templeton, J.D., Interim Director:**

1. Ms. Devinney informed the Board that the budget documents were up for review and stated that the agency was currently sixty-five thousand (65,000) dollars under the fiscal year's budget.
2. Ms. Devinney stated the Top Twenty Prescribers lists were up on Box for the Board to review and that the specialty field had been added.
3. Ms. Devinney announced that the requested visual representations of the investigative statistics for the Board are up for review and that the current allegation type the agency is seeing the most is patient injury/negligence.
4. Ms. Aquino stated the licensing department numbers were in the Board Materials for review and that the number of licenses issued through the Interstate Medical Licensure Compact has grown exponentially.
5. Ms. Aquino informed the Board that as the Board's IMLC Commissioner she had been asked to take part in their Nominating Committee and would be in attendance at the annual meeting in November 2023.
6. Ms. Devinney gave the Board an update on the status of CE Broker. She stated that the current licensure database vendor, Thentia, had presented an offer to create an educator portal and that the agency would be exploring that option first.
7. Ms. Devinney asked that the Board approve an accidental roaming charge on the AT&T Wireless bill.

Dr. Carter moved to approve the data roaming charge 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, abs; Ms. Taylor, yes; Ms. Templeton, abstain; Dr. Young, abs.

The motion passed.

8. Ms. Aquino and Ms. Devinney presented information on the Department of Libraries on their scanning of original licensure files from the early 1900's.

Dr. Koehler moved to first receive an opinion from the Attorney General on what information from the scans can be published on the Department of Libraries Archival site. Ms. Taylor 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, abs; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, abs.

The motion passed.

**Daniel Gamino, J.D., Board General Counsel:**

Mr. Gamino informed the Board that the hearing for Dr. Stephen's appeal is set for September 22, 2023 at 1:30pm and that the outcome could be a reversal of the Board Order.

**12. DISCUSSION AND POSSIBLE APPOINTMENT TO RADIOLOGY ASSISTANT ADVISORY COMMITTEE**

Dr. Langerman asked that the Board consider the remaining appointment to the Radiology Assistant Advisory Committee.

Dr. Carter moved to appoint Keri S. Conner, D.O. from the list of Oklahoma Osteopathic Association nominations. If she is unable to serve, the opportunity would then pass to Timothy McCay, D.O. and then Jessica Weber, D.O. 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, abs; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, abs.

The motion passed.

**13. DISCUSSION AND POSSIBLE APPOINTMENT TO RESPIRATORY CARE ADVISORY COMMITTEE**

Dr. Langerman asked that the Board consider the two (2) appointments to the Respiratory Care Advisory Committee. The Board determined these appointments would return in December once more information is obtained.

**14. OLD BUSINESS**

No old business was discussed.

**15. NEW BUSINESS**

Dr. Carter moved to request a letter from Interim Director, Ms. Templeton, addressed to Axxess EHR regarding his inability to access a patient's records.  
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, abs; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, abs.

The motion passed.

**16. PUBLIC COMMENT**

No public comment was made.

**17. ADJOURNMENT**

The meeting was adjourned by consensus at 2:30 pm.

PROBATION,  
MONITORING,  
& HEARING  
DOCKET

GARY  
AUGTER, D.O.

# 3536

JASON GLASS, J.D.  
PROBATIONARY  
REPORT HEARING



# OSBOE HISTORY SHEET

**Gary Augter, D.O.**

Dermatology

Okla. Lic Number: 3536

Case Number: OSBOE-2022-119 (RZ)

Status: Suspended

## **TOTAL COSTS AND FINES:**

- Recovery Costs and Fines: \$18,018.50 Due 2/7/2024
- X Monthly Administrative Fee: \$100/month

## **8-26-2022 COMPLAINT**

- Unprofessionally and unethically dumped medical waste on property unapproved for dumping, in violation of DEQ and Board regulations

## **9-20-2022 ANSWER TO COMPLAINT**

- Submitted by Gotcher and Beaver, Attorneys for Respondent

## **12-2-2022 ARGUMENT AND AUTHORITIES**

- Submitted by Warren Gotcher, Attorney for Respondent

## **2-7-2023 FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF SUSPENSION**

- X Suspended indefinitely pending the completion of the listed requirements
- Provide documented evidence of an evaluation regarding the cognitive abilities by a qualified expert evaluator approved by the Board
- X Provide documented evidence of a comprehensive course on record keeping approved by the Board
- Pay costs for Board's investigation (\$8,018.50) and Fine (\$10,000) assessed to by 2/7/2024
- Upon completion of the above requirements, appear at the next regularly scheduled meeting of the Board for further consideration of the matter
- X The Board will refer information regarding OSBOE-2022-119 to the US Dept. of Health & Human Services Office for Civil Rights
- This Order is to be 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 formally practiced medicine, including McAlester Regional Medical Center
- X Monthly Administrative Maintenance Fee of \$100, due on the first of each month

## OSBOE HISTORY SHEET

during the pendency of his suspension

- X Monthly Supervision Self-Report to be completed each month
- Ensure all authorizations are signed and completed to release all reports, documents, etc, directly to the Board



# Oklahoma State Board of Osteopathic Examiners

BRET S. LANGERMAN, D.O.  
PRESIDENT  
MUSTANG

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CHELSEY D. GILBERTSON, D.O.  
EDMOND

June 7, 2023

VIA EMAIL [REDACTED]  
AND U.S. MAIL

Gary Augter, D.O. (#3536)  
[REDACTED]  
[REDACTED]

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 **June 15, 2023**. **All such appearances for this docket are set for 1:00 p.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 [jglass@bgjclaw.com](mailto:jglass@bgjclaw.com)  
AND U.S. MAIL

Mr. Jason L. Glass, J.D.  
Baum Glass Jayne Carwile & Peters, PLLC  
Mid-Continent Tower  
401 South Boston Avenue, Ste. 2000  
Tulsa, OK 74103  
(918) 938-7944  
(918) 938-7966

**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

FINDINGS OF FACT, CONCLUSIONS OF LAW  
& ORDER OF SUSPENSION  
Gary Augter, D.O. (#3536)  
OSBOE-2022-119  
Page 3

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.

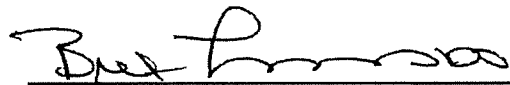
Any violation of this Order may result in further discipline of Dr. Augter's license to practice osteopathic medicine in the State of Oklahoma.

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

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.



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



GENTNER DRUMMOND  
ATTORNEY GENERAL

**RECEIVED/FILED**

FEB 03 2023

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

**ATTORNEY GENERAL OPINION  
2023-1A**

Michael T. Leake, Jr., J.D., Executive Director  
State Board of Osteopathic Examiners  
4848 N. Lincoln Blvd., Ste. 100  
Oklahoma City, Oklahoma 73105

February 3, 2023

Re: Augter, Case No. 2022-119

Dear Director Leake:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Osteopathic Examiners intends to take in Case Number 2022-119.

The Oklahoma Osteopathic Medicine Act authorizes the Board to “suspend or revoke any license issued . . . upon proof that the . . . holder of such a license . . . [h]as engaged in . . . unethical conduct or unprofessional conduct, as determined by the Board, in the performance of the functions or duties of an osteopathic physician.” 59 O.S.2021, § 637(A)(2). Further, the Board may also take action when a license holder “[h]as violated or failed to comply with provisions of any act or regulation administered by the Board.” *Id.* § 637(A)(5). Further, the Board’s rules require license holders to dispose of human tissue used for diagnostic and treatment purposes “by incineration in a pathological incinerator in the same manner as hazardous medical waste is handled under the applicable state statutes, rules, and regulations.” OKLA. ADMIN. CODE § 510:5-5-3(a).

According to a Board complaint, in August 2022, the Board alleged that Respondent unethically and unlawfully disposed of human tissue and hazardous medical waste, including needles, blood draw test tubes, glass sample bottles, and glass microscope slides over which one hundred (100) contained identifiable patient names. He dumped the hazardous medical waste or human tissue on his property near Lake Eufaula. And on December 18, 2022, following a hearing, the Board found that the license holder had violated the above-mentioned laws and rule by clear and convincing evidence. The Board proposes to suspend the Respondent’s license indefinitely and require the Respondent to do as follows: (1) provide the Board with documented evidence of an evaluation regarding the Respondent’s cognitive abilities by a qualified expert who has been approved by the Board or its Executive Director; (2) provide the Board with documented evidence of completion of a comprehensive course on record keeping which has been approved by the Board or its Executive Director; (3) payment of a fine and costs of investigation and prosecution; and

(4) personal appearance before the Board upon completion of the three preceding requirements. The Board may reasonably believe the proposed action is necessary to deter future violations.

It is, therefore, the official opinion of the Attorney General that the State Board of Osteopathic Examiners has adequate support for the conclusion that this action advances the State's policy to protect the public welfare.



THOMAS R. SCHNEIDER  
DEPUTY GENERAL COUNSEL

# 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 10<sup>th</sup> 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? \_\_\_\_\_  
\_\_\_\_\_

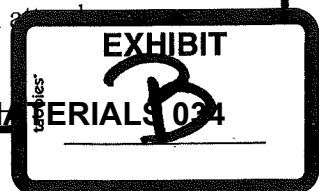
8.) If any medications were prescribed for your use, what were the medications, the quantities, and dosage. \_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_

OSBOE Q4 BOARD MATERIALS



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

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

PETITIONERS,

vs.

CAE N. 2022-119 (RZ)

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

respondent.

**ARGUMENT AND AUTHORITIES**  
**RE: GARY AUGTER, D.O.**

Comes now the Respondent, GARY AUGTER, D.O. license No. 3536, and for his position concerning the instant complaint and argument and authorities pursuant thereto sets out the following;

1. That the Petitioners have filed a complaint alleging in substance that the Respondent has violated the Act (59 O.S. 637(A)(2) and (A)(5)) and thereby engaged in unethical conduct or unprofessional conduct or has violated or failed to comply with provisions of any act or regulation administered by the Board.

2. That the act that is the basis of the complaint is that Respondent disposed of human waste by dumping medical waste on property unapproved for dumping.

3. Respondent admitted that he had disposed of certain medical waste on property at the time of the disposal owned by Respondent. That Respondent disposed of the material due to the fact that the company respondent was using for disposal quit picking up the waste for a period of time. Respondent was using Stericycle Company. During the time of the improper disposal, Stericycle quit leaving containers to store the waste and pick the same up. Respondent believes it

was caused due to the pandemic and a lawsuit against Stericycle which Respondent was a part thereof.

4. Respondent sold the land to a third party who discovered the waste. Respondent immediately tried to clean up the land, but due to disagreements with the landowner, the clean up was not started immediately. Ultimately Fidget's Oilfield Services. LLC (FOS) was hired to clean up the property. A proposal was formulated and a copy of the same is attached hereto. A clean up was commenced and finished by FOS. A copy of the final report is attached hereto for the examination of the Petitioners. As shown by the report, the clean up was done to the satisfaction of the DEQ.

5. That the Petitioners allege unethical or unprofessional conduct of behalf of Respondent. The Petitioners also alleged that Respondent failed to comply with an act or regulation of the Petitioners.

A. That the Act (59 O.S. 637) does not have any specific proscription against improper disposal of human waste. However the Act does state in paragraph 7 that a Osteopathic Physician shall not violate or comply with any provision of any act or regulation administered by Petitioners. Further in paragraph E of the Act, it states "[T]he Board may enact rules and regulations pursuant to the Administrative Procedures Act setting out additional acts of unprofessional conduct, which shall be grounds for refusal to issue or reinstate, or for action to condition, suspend or revoke a license."

B. The Petitioners have enacted rules and regulations pursuant to the Administrative Procedures Act. The latest enactments became effective 6-27-96 found at *13 Ok Reg 2219*. In *510:1-1-1*, the Petitioners stated, "The rules of this chapter establish the framework by which the



Board carries out its statutory duties, including the licensure and discipline of osteopathic physicians.” The regulations state in *510:1-11-1* that the rules are adopted for the purpose of simplifying procedures and facilitating the administration of the Act. To that end the rules shall be given a fair and impartial construction.

C. In the general provisions of the Rules, there are provisions setting out forbidden acts. In subchapter 3, *510:5-3-1*, the Petitioners indicate that the Rules are set out to provide information concerning dangerous drugs. In *510:5-3-7*, the rules state that the violation of any provision concerning dangerous drugs “shall constitute unprofessional conduct”.

In Subchapter 7, the Petitioners state in *5-7-1* that any violation of the subchapter may be interpreted as unprofessional conduct.

In subchapter 9, *510:5-9-1 et seq*, the rules for prescribing for chronic pain are set out. In section *5-9-1*, the Petitioners state that the purpose of the subchapter is to provide guidelines and requirements for prescribing for chronic pain. In *5-9-3*, the regulation specifically set out that the violation of any provision of this subchapter shall constitute unprofessional conduct.

In Subchapter 5, the Petitioners address the issue of disposing of human waste. In *5-5-1* the Petitioners state, “The purpose of this subchapter is to provide guidance to osteopathic physicians for the disposal of human tissue and to provide notice of a penalty for any violation of this subchapter.” In *5-5-4*, the Petitioners spell out that for a violation of this subchapter the Petitioners can assess a fine in an amount not to exceed Ten Thousand Dollars (\$10,000). No where in subchapter 5 do the Petitioners set out that a violation of the human waste disposals edicts may be unprofessional conduct.

6. The Act as previously set out supra may define additional acts of unprofessional

conduct, but has not set out any violation of the human waste disposal proscriptions as unprofessional conduct. The subchapter for human waste disposal states that the subchapter provides notice of a penalty which in this case is a fine not to exceed Ten Thousand Dollars. While other subchapters spell out violation may be unprofessional conduct there is no corresponding notice in the disposal of human waste guidelines.

7. While the Respondent deeply regrets his actions in this manner, it was not done with an aim to act maliciously or unprofessionally. The Respondent is proud of his association with Osteopathic physicians and endeavors to do no harm, present situation excepted. Attached hereto is a statement from Dr. Augter regarding his past history as an Osteopathic physician.

8. Since the rules and regulations do not provide that this is unprofessional conduct and patient care is not an issue, and the clean up is completed, the Respondent requests that the Board take such action as it deems necessary pursuant to Subchapter 5 of the rules and regulations of the Board.

Respectfully submitted,

Dr. Gary Augter  
License number 3536.  
Respondent

Warren Gotcher  
Post office box 160  
McAlester, Oklahoma 74502  
(918) 423-0412

Attorney for Respondent



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Warren Gotcher, OBA#3495

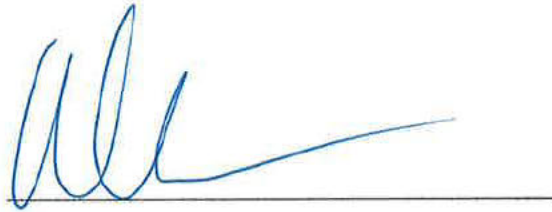
CERTIFICATE OF SERVICE

I hereby certify that on this 1 day of December, 2022, sent a true and correct copy of the above and foregoing to:

Michael T. Leak, Jr.  
Oklahoma State Board of Osteopathic Examiners  
4848 N. Lincoln Blvd., Suite 100  
Oklahoma City, Oklahoma 73105

Oklahoma Board of Osteopathic Examiners  
4848 N. Lincoln Blvd., Suite 100  
Oklahoma City, Oklahoma 73105

VIA:





September 12, 2022

Dr. Augter,

FOS proposes the following remediation proposal for cleanup of medical waste located in Bugtussle, OK:

FOS plans to use hydrovac and supervac equipment to essentially excavate the site in an effort to remove any and all medical waste debris and/or litter from the site. This will be done by essentially vacuuming up the waste. After as much waste as possible has been removed at ground level, the old vehicle, wire, and other steel components at the site will be removed to expose any other potential waste. Upon completion of this phase, site, soil, and rocks at ground level down to solid rock will be turned with excavation equipment to expose any material or pollutants that may have been hidden under ground. At that time, these will also be removed via supervac truck.

All material at site to be cleaned up and disposed of appear to be solid materials. This fact alone should prevent any prominent danger of migration due to cleanup activities. However, silt barriers may be constructed to limit this potential hazard.

The site is on a hillside and subject to water drainage where limited erosion could set in. To prevent erosion, rip rap will be brought to the site and ponied down the hill in a skid loader, placed upon the excavated site to prevent future degradation or erosion due to water and/or wind. Because of the slope of the site, most materials to be trucked in or out will need to be ponied up or down the hillside by track loader.

Common safety measures will be observed including thick gloves, hazmat suits when needed, ventilation masks when needed and steel toed boots, to offset biohazard risks.

Waste will be disposed of either in concrete capped drums or into sharps containers provided by a dedicated medical waste disposal facility. As of present, we haven't found a facility to take the barrels. Stericycle has in principle agreed to take the medical waste in their own containers. We are open to any direction and/or ideas as to the best way to dispose of this waste and/or the best facility that is licensed and willing to accept it.

Sincerely,

Jeff McPeak

Fidget's Oilfield Services, LLC

Owners:  
Jeff McPeak (918) 470-2918  
Clint Walker (918) 470-0890

Office:  
Tel (918) 473-2765  
Fax (918) 473-2766

Address:  
2213 N. Broadway St.  
Checotah, OK 74426

Email:  
Foseufaula@gmail.com



November 17, 2022

RE: Final Report

Dr. Augter,

The cleanup of the waste materials at Bugtussle is complete. As a recap, FOS removed the existing debris and waste materials from the site via excavator, skid steer and supervac truck over the period from 10/3/22 to 10/14/22.

Larger debris like the steel barrel, truck body, etc. was removed first, followed by the sifting and excavation of the site by the excavator and supervac truck and crew.

As you directed, we completed the job to the satisfaction of DEQ, Mr. Ennis, and all applicable laws and/or authorities.

Waste and debris that was vacuumed into the truck was transferred to sealed waste containers. These containers were transferred from us to Green Country Medical Waste who then transported them to Oncore treatment facility in West Texas for final disposal.

The site itself was put back in better shape than it was originally, with the laying of rip rap at the site itself and graveling of any other points that had been disturbed by heavy equipment.

We thank you for the trust you placed in us to complete this job satisfactorily, and for your prompt payment. If we can ever be of service to you again in any way, please don't hesitate to call.

Sincerely,

Jeff McPeak

Managing Member

Fidget's Oilfield Services, LLC

Owners:  
Jeff McPeak (918) 470-2918  
Clint Walker (918) 470-0890

Office:  
Tel (918) 473-2765  
Fax (918) 473-2766

Address:  
2213 N. Broadway St.  
Checotah, OK 74426

Email:  
Foseufaula@gmail.com



I want you to know my story of my life as an Osteopathic physician just a little bit if I may before sentencing.

I am 72 yrs. young , born at Kansas city college of Osteopathic medicine delivered by my father's Obstetric Professor , herself a DO of course. I attended my fathers graduation and my mother noted I cried a little at that time in the large auditorium. the family went to coal mines of Virginia where he became only dr for mining town then returned for full general surgery residency. He was very caring man and went on to be lone surgeon in several hospitals and even started his own alone in Azle Texas which is now the Harris system there.

I have BS from Oregon in biology MS in Neurobiology and worked for brain institute in Portland before Deciding to go to PCOM in Philadelphia, Internship at Phoenix General hospital . went from there to be director of emergency medicine in parker az. It was high trauma area and this was before advanced trauma courses were invented and courses taken at UCLA which later led to these national courses in burns trauma prehospital emergency care. I instituted helicopter air evacuation along the Colorado river in several cities as Kingman and Lake Havasu.

I joined the USAF in medical unit only DO and became aerospace medicine certified and was their Emergency specialist at Luke AFB. I was attached to 944<sup>th</sup> Air combat F-16 unit and flew with them and allowed to fly in formation. To become jet qualified I had do perform very well in simulator in centrifuge at Brooks in vertifuge in hypobaric training (which I did with thunderbirds once and went on to later get Hyperbaric training and dove and was on call for worldwide accidents from diving emergencies for USAF. I also assisted hypobaric for SR 71 blackbird pilots. USAF hyperbarics is mostly for wound care so I was only DO at the time in the reserves getting such training which I have used extensively since in SE Oklahoma.

I was selected to attend NASA and passed their NASA flight surgeon course twice and entered the Space Command and Missile Command both and assisted in ISS astronaut monitoring to space station and sat at Physician station. Mind you this was the older mission control at Houston,But went to launch of course at Kennedy space center Patrick AFB known as cape Canaveral .

I volunteered for Serbia-Herzegovina holocaust and flew aboard AWAC directing my 944<sup>th</sup> squadron on their mission knocking out the artillery that was decimating the population, only physician for my squadron was a DO.

I also volunteered for Desert storm for my medical unit and served as flight surgeon receiving and preparing injured from Hamburg Germany to Mildenhall England and then if stable enough on to United States became Lt colonel only DO, my commander was MD.

At Luke AFB was in join force exercise much like Top Gun for Navy but called red flag.I went through flight training and flew with Navy pilot in exercise of air to air combat. I was paired with excellent Navy pilot, unfortunately he was considered Viper which you may know

His job was to turn and burn and get behind other students and we pulled in excess of 10G which torqued our F-16 so badly that when we landed the canopy could not open. After one hour with all generals and fire equipment surrounding us he declared he would blow the canopy if we were not able to egress. They then unbolted the canopy and we left to the ER. I suffered cervical injury but it did not fully manifest itself until later and I have had two cervical fusions and a lot of pain since then but at least received the Top Doc II award, which two other MDs from Brooks residency in Aerospace Medicine failed)

After completing DO Dermatology Residency in LA under American College of Osteopathic Medicine I taught at California Health Science University-College of Osteopathic Medicine as Associate Professor and practiced three years. I gave AOA lectures in Lyme Disease and Space Dermatology while in Space Dermatology Foundation. I also did rotations in San Francisco Naval Hospital and USAF Wilford Hall, San Antonio, TX etc. I was recruited to McAlester, OK by the hospital here. I soon found that I was the ONLY Dermatologist for entire SE area of Oklahoma. However, I was closer to Mother and Sister's family in Azle, Texas. I covered one-fourth of this fine state and found I needed everything possible to treat all these people with the latest technology and sought out and certified in Mohs Micrographic Surgery and Dermatopathology Lab which is required.

To perform Mohs surgery you must have a Certificate of Compliance from Centers of Medicare and Medicaid Services, and Clinical Laboratory Improvement Amendments CLIA ID NUMBER 37D0967675. This level is the same as for your Hospital Pathology Laboratory. As Director we had inspections every other year and could be surprise visits. Such level involves going through every case and seeing it has logs and times and catalogued in order. One has to follow blood-borne pathogen regulations and OSHA of course. Also even temperature of your cryostat and cleaning of your microscope and dates of expiration of solutions in our stainer were inspected. Storage of solutions had to be in cabinet withstanding 2000 degrees for certain amount of time as well. This plus general surgical sterile apparel, gloves, sterilized equipment and instruments was another source of intense pressure we lived with normally. To do all this one must become somewhat obsessive-compulsive in nature, which I am. Mohs requires patient prepared and small amount of tissue taken usually from facial areas and examined just like in Hospital but mapped to see if got all edges clear of cancer. If not then another 2-4 mm taken just from that area then recut, stained and slide made for microscopic examination. When clear a reconstructive plastic surgical closure or flap or both is done to repair eyelid, cheek, ear, nose but in a very skin-sparing way THE SAME DAY. To perform this you must be Board Certified and have ongoing training and inspected about every other year to get CLIA certificate from the state. As well as review by other MOHS surgeons. This is very intensive inspections on site with review of everything and cataloging and is same level that Hospital Pathology labs must do. So there are but a handful of us in the entire state of Oklahoma and I am one of only two DOs

I found the use of skin radiation would be beneficial in some debilitating cases so I again went out and trained in skin radiation therapy and obtained one of these machines to help those not able to have surgery. For this I obtained OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY PERMIT FOR THERAPEUTIC RADIATION PRODUCING EQUIPMENT. I followed all rules and professional calibrations required repeatedly for the DEQ radiation section just like the larger machines used for internal cancers at many centers. I have had good relationship always and certified every inspection by that DEQ

division as well as shutting down and storage properly with cataloging proper radiation badges and patient protection at all time as well as leaded room. I had an outreach clinic in Antlers for many yrs to help those in SE from having to go to Paris Texas or even to Dallas Tx

I feel I have always rose to the need of all these patients and went to receive all training to help this entire section of Oklahoma, I feel I have saved many lives and properly cared for them with many means of prevention as well. I was privileged to help the VA in Muskogee who has sent thousands of great vets that had no care in Dermatology at all. difficult Melanomas were found early and sent to centers if I could not handle the case or for further treatment such as MD Anderson, etc

I had the privilege of receiving constant referrals from MDs and DOs from St Frances and cities in Arkansas and down to Durant as well as from McAlester regional Hospital and their intern and resident programs I attended VA patients also from MRHC veteran's clinic and I have special bonds with these good men and women underserved especially in this area,

I have my my available for FREE Clinic FOR McAlester

I AM 32 DEGREE Mason and member of Elks here

I belong to AOCD as member and all Oklahoma Dermatological associations and still get more than enough CME in Dermatology but also support Oklahoma Osteopathic Association by being on legislative board, mentorship, rotations from students for nursing and MA programs locally,

I have overseen PAs RNs and NP all according to State regulations and Nurse Practitioner Boards

I had pleasure of helping my daughter Regina finish her BSN and become a Dermatology nurse then took her to AOCD meetings and other Derm CME and she is now a Dermatology NP and becoming Certified as Derm Nurse practitioner of which there are but a handful in the USA. She is doing wonderfully in Charlotte NC in a Dermatology office and MD Mohs surgeon who was surprised to later find out her training was from her father, a DO dermatologist. She is lead NP at that institution, Novant health.

Her surgeon there even invited me to join, even part time if I could obtain license and maybe help VA there

I have also been invited to teach AOCD residents in Dermatology there in Wilmington and renew license to teach in Florida and perhaps at PCOM in Philadelphia, my first license.



Statement,

I think even though clinic closed, that I can be of good use to the Osteopathic profession and I now how time to do so.

As a DO, I wish to continue to be of service to the community by performing teledermatology to those in dire need of advanced interleukin therapies, until I can find another dermatologist to come to town. This might be accelerated by my part time work in American Osteopathic College of Dermatology residencies in Florida (where I have inactive license) North Carolina, and home school teach medical students at Philadelphia College of Osteopathic Medicine.

I could help fill the VA need in Muskogee and elsewhere they have no Derm available.

I could continue to be on and extend the Oklahoma osteopathic Association boards currently and do another mentorship for students.

I can avail myself for Dermatology to McAlester Regional Hospital Center interns and residents that really get no Derm in their curriculum it would seem.

I have been in contact with great Mission possibility in Nicaragua wherein I can support a very large project for building of churches, homes, schools, and hospital for thousands of workers indigenous in areas of great need. To this end, I will soon be able to meet personally with Pavel Argenal, MD physician who is

Director of Social projects, Municipality of Managua. He is associated directly with the Alcaldia (Mayor of Managua). We are hoping to get my medical license for this Christian endeavor. I will be assisting in healthcare for the indigenous Miskito Indians in the RAAN and RAAS who are currently underserved.

Which will help develop their natural resources equitably and increase sustainability. These are the Autonomous Northern and southern Regions respectively.

I am in contact with the AOA for licensing challenges for DOs in other countries and it may seem daunting. I have a friend that succeeded with Dermatology license and two other radiology MD friends from McAlester there as well.

# New Sunrise

*Nuevo Amanecer*

*Ingaika Kum Rayo*



Dr. Gary Augter  
1030 E Washington Ave  
McAlester, OK 74501

*Re: New Sunrise, Inc.*

Dear Dr. Augter,

I am writing you to update you on the status of New Sunrise, Inc's timber project in the North Caribbean Coast Autonomous Region (RACCN), Nicaragua. As you are aware there have been some delays with the project primarily due to the COVID pandemic. The economic condition of the RACCN has compounded the problem in that area, which is the area in which New Sunrise's leases are held.

We remain optimistic about the future of the project and hope that you remain interested in assisting with health-related issues in the RACCN. You will recall that the employees of the company will need rotating on-call physicians for its employees. And, consistent with the caused-based nature of New Sunrise, those health care providers may also assist with the health needs of the remote villages in the region. It was our intent during our travels prior to COVID for you to meet with Dr. Pavel Argual, Director of Social Projects in Managua. It is our understanding that he could assist you in obtaining the credentials needed for you to assist in Nicaragua in that manner. I hope that you will be able to join us when we begin travelling back to Nicaragua, and that time is sooner rather than later.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Brett D. Cable', with a long horizontal flourish extending to the right.

Brett D. Cable  
Chief Legal Officer

cc: S. Wilson, Vice-president



# Oklahoma State Board of Osteopathic Examiners

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EDMOND

November 15, 2022

VIA EMAIL [REDACTED]  
AND U.S. MAIL

Gary Augter, D.O. (#3536)  
[REDACTED]  
[REDACTED]

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

**OSBOE Q4 BOARD MATERIALS 047**

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

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

PETITIONERS,

vs.

CASE NO. 2022-119-(RZ)

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

RESPONDENT.

**ANSWER TO COMPLAINT**

Comes now the Respondent, GARY AUGTER, License No. 3536, and for his answer to the complaint on file herein alleges and states as follows;

1. The Respondent admits the allegations of paragraph 1 of the complaint.
2. The Respondent admits that the excerpts from the Oklahoma Osteopathic Act provided in said paragraph are correctly quoted. Further, Respondent notes that he continuously used the only certified waste disposal available in McAlester, Oklahoma for approximately 20 years. When this company was undergoing nationwide class action suit they were not picking up waste disposal containers, nor giving out new empty containers. This became an emergency risk/management issue to Respondent as he disposed of that material and immediately used same empty containers in the office and resumed normal operations when they retrieved those and Respondent received new ones. Respondent continued this until closing the office during Covid.

This is why Respondent violated this one time, the Administrative Code. The Respondent owns that he did not intentionally engage in unethical behavior.

3. The Respondent admits the allegations of paragraph 3 of the complaint on file herein, however, the Oklahoma Administrative Code provides in 510:5-5-1, "The purpose of this subchapter is to provide guidance to Osteopathic Physicians for the disposal of medical tissue and to provide notice of a penalty for any violation of this subchapter: and also provides in 510:5-5-4, "Any Osteopathic physician who violates or whose employees violate this subchapter shall, upon conviction in a hearing before this board, be fined an amount not to exceed Ten Thousand Dollars (\$10,000)."

4. The Respondent admits the allegations of paragraph 4 of the Complaint on file herein.

5. The Respondent does not challenge the allegations of paragraph 5, but can not admit the same with certainty.

6. The Respondent does not challenge the allegations of paragraph 6, but can not admit the same with certainty.

7. The Respondent admits that DEQ did inspect the property and found certain medical waste, but as to the amounts and specifics, the Respondent can not admit the same with certainty.

8. The Respondent admits the allegations of paragraph 8 of the complaint on file herein. The Respondent admits that he himself had deposited the medical waste on the property, however the company dispensing of medical waste was under investigation at the time and was not picking up containers nor giving new empty containers. There was no disagreement

and Respondent did not admit the same to anyone but explained that during the companies nationwide class action suit they ceased to pick up and deliver any containers.

9. The Respondent admits the allegations of paragraph 9 of the complaint on file herein, however this was never toxic pollution.

10. The Respondent admits the allegations of paragraph 10 of the complaint on file herein, except that there was no controversy as to payment. The delay was due to lack of information as to progress and completion dates. Because of the same, another company was hired. All payments requested by the first company have been paid.

11. The Respondent denies the allegations of paragraph 11 of the complaint on file herein, for the reason that the Board was advised in person that Respondent had accepted the DEQ guidelines and they knew that Respondent had a third company already and would follow the guidelines. At that time Respondent provided the name of the new company at the meeting in Oklahoma City with the DEQ present. It may be noted that Respondent has worked with DEQ radiation division with his skin cancer radiation machine through many inspections over the years with no problems.

12. The Respondent denies that the Respondent had any intention to act unprofessionally or unethically, however, Respondent does admit that he violated the Administrative Code that the Board administers, and understands that the Respondent is subject to the fine set out therein.

#### **OTHER DEFENSES**

13. That the Respondent will diligently implement the remediation plan set out above after the same is approved by all involved at the Respondent's expense. That the improper

handling of medical waste was due to an unusual and extraordinary situation.

14. That the Respondent has practiced Osteopathic medicine for years and has done so faithfully with an intention to uphold the standards of the profession. That the Respondent has used his skills for public service and tried to do so with an intent to do competently and professionally with a goal to do so ethically.

HAVING fully answered, Respondent prays that the Board not place him on probation and/or sanction him in anyway, however, if the board fines it necessary and/or proper, assess a fine in accordance with the Administrative Code.

GARY AUGTER, LICENSE NO. 3536  
DOCTOR OF OSTEOPATHIC MEDICINE  
RESPONDENT

GOTCHER AND BEAVER  
POST OFFICE BOX 160  
MCALESTER, OKLAHOMA 74502  
(918) 423-0412

ATTORNEYS FOR RESPONDENT

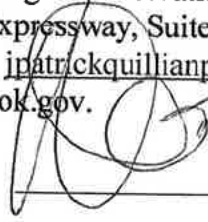
By: 

Warren Gotcher, OBA#3495



CERTIFICATE OF SERVICE

I, Warren Gotcher, herewith certify that on the 18<sup>th</sup> day of September, 2022, I mailed a true and correct copy of the above and foregoing to Mr. J.Patrick Quillian, Phillips, Coventon, Quillian & Banner, PLLC, 1900 Northwest Expressway, Suite 601, Oklahoma City, Oklahoma 73118 and further emailed the same to him at [jpatrickquillianpc@gmail.com](mailto:jpatrickquillianpc@gmail.com), he being Special Prosecutor for Petitioner and [mleake@osboe.ok.gov](mailto:mleake@osboe.ok.gov).



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PERMISSION TO FILE OUT OF TIME:

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September 12, 2022

Dr. Augter,

FOS proposes the following remediation proposal for cleanup of medical waste located in Bugtussle, OK.

FOS plans to use hydrovac and supervac equipment to essentially excavate the site in an effort to remove any and all medical waste debris and/or litter from the site. This will be done by essentially vacuuming up the waste. After as much waste as possible has been removed at ground level, the old vehicle, wire, and other steel components at the site will be removed to expose any other potential waste. Upon completion of this phase, site, soil, and rocks at ground level down to solid rock will be turned with excavation equipment to expose any material or pollutants that may have been hidden under ground. At that time, these will also be removed via supervac truck.

All material at site to be cleaned up and disposed of appear to be solid materials. This fact alone should prevent any prominent danger of migration due to cleanup activities. However, silt barriers may be constructed to limit this potential hazard.

The site is on a hillside and subject to water drainage where limited erosion could set in. To prevent erosion, rip rap will be brought to the site and ponied down the hill in a skid loader, placed upon the excavated site to prevent future degradation or erosion due to water and/or wind. Because of the slope of the site, most materials to be trucked in or out will need to be ponied up or down the hillside by track loader.

Common safety measures will be observed including thick gloves, hazmat suits when needed, ventilation masks when needed and steel toed boots, to offset biohazard risks.

Waste will be disposed of either in concrete capped drums or into sharps containers provided by a dedicated medical waste disposal facility. As of present, we haven't found a facility to take the barrels. Stericycle has in principle agreed to take the medical waste in their own containers. We are open to any direction and/or ideas as to the best way to dispose of this waste and/or the best facility that is licensed and willing to accept it.

Sincerely,

Jeff McPeak

	Fidget's Oilfield Services, LLC			
Owners	Office	Address	Email	
Jeff McPeak (918) 473-2918	Tel (918) 473-2755	2233 N. Broadway St	Fos@fajla@gmail.com	
Clint Walker (918) 473-3890	Fax (918) 473-2765	Cherokee, OK 74426		

From: **FOS** foseufaula@gmail.com  
Subject: **Fwd: Proposal for Dr Gary Augter**  
Date: **Sep 12, 2022 at 4:26:59 PM**  
To: **Warren Gotcher** warren@gotcher-beaver.com

**This is the proposed remediation plan requested by DEQ and representatives of the State board of Osteopathic Examiners. Please see the attachment.**

**Thank you,**

**Skylar Clark**

FOS, LLC

**Phone:** (918) 473-2765

**Fax:** (918) 473-2766

**Address:** P.O. Box 873

Eufaula, OK 74432

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

RECEIVED/FILED

STATE OF OKLAHOMA, ex rel., )  
STATE BOARD OF OSTEOPATHIC )  
EXAMINERS, )  
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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 9<sup>th</sup> Street, 2<sup>nd</sup> 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](mailto: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 yd<sup>3</sup> 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

JONATHAN  
CLARK, D.O.

# 3561

HEARING

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

**STATE OF OKLAHOMA, ex rel.,** )  
**STATE BOARD OF OSTEOPATHIC** )  
**EXAMINERS,** )  
 )  
Petitioners, )  
 )  
v. )  
 )  
**JONATHAN CLARK, D.O.** )  
Osteopathic Medicine License No. 3561. )  
 )  
Respondent. )

**Case No. 2023-193**

**RECEIVED/FILED**

**NOV 21 2023**

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

**COMPLAINT**

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

1. Dr. Jonathan Clark, D.O., is the holder of a license to practice as an osteopathic physician in the State of Oklahoma, license number 3561. Dr. Clark received his license to practice as an osteopathic physician in Oklahoma from the Board on July 1, 1998. Dr. Clark currently practices in family medicine in Poteau, Oklahoma.

2. Dr. Clark is in violation Tit. 59 O.S. § 637(A)(2), (A)(2)(g), and (A)(6) of the Oklahoma Osteopathic Medicine Act (the “Act”) 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, including but not limited to the following:

...

- g. ... violating any state or federal law on controlled dangerous substances, [or]

...

- 6. Has had the authority engage in the activities regulated by the Board revoked, suspended, restricted, modified or limited ... by any other state or federal agency whether or not voluntarily agreed to by the physician including, but not limited to, the denial of licensure, surrender of the license, permit, or authority, allowing the license, permit, or authority to expire or lapse....

4. Between 2021 and March 2023, Dr. Clark purchased controlled dangerous substances (“CDS”) such as Xanax and Ambien in bulk directly from McKesson Corporation for himself and his wife in violation of state and federal prescribing and dispensing laws. Dr. Clark would later explain to Board investigators that he did this to save money.

5. The Oklahoma Bureau of Narcotics (“OBN”) is currently investigating Dr. Clark’s direct purchases of CDS from McKesson. On October 31, 2023, Dr. Clark allowed his OBN license to prescribe CDS in Oklahoma to lapse.

6. Dr. Clark has violated the Act by: 1) dispensing CDS in violation of state and federal prescribing laws (to wit: directly purchasing CSD from McKesson for his and his wife’s personal use); and 2) allowing his OBN license to prescribe CDS to lapse while under investigation.

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

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

STATE OF OKLAHOMA, *ex rel.*, )  
STATE BOARD OF OSTEOPATHIC )  
EXAMINERS, )  
 )  
Petitioners, )  
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v. ) **Case No. 2023-193**  
 )  
JONATHAN CLARK, D.O. )  
Osteopathic Medicine License No. 3561. )  
 )  
Respondent. )

**RECEIVED/FILED**

NOV 21 2023

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

**CITATION AND NOTICE OF HEARING**

**TO: JONATHAN CLARK, 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 Board of Osteopathic Examiners, 4848 N. Lincoln Blvd., Suite 100, Oklahoma City, Oklahoma 73105, on **December 14, 2023**. 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.

**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  
(405) 418-8888 - (405) 260-9573 Facsimile  
[jpatrickquillianpc@gmail.com](mailto:jpatrickquillianpc@gmail.com)  
SPECIAL PROSECUTOR FOR PETITIONER

BRADLEY  
CROSS, D.O.  
# 6387  
CONTINUED



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

**STATE OF OKLAHOMA, ex rel.,** )  
**STATE BOARD OF OSTEOPATHIC** )  
**EXAMINERS,** )  
 )  
Petitioners, )  
 )  
v. )  
 )  
**BRADLEY CROSS, D.O.** )  
Osteopathic Medicine License No. 6387. )  
 )  
Respondent. )

**RECEIVED/FILED**

NOV 21 2023

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

**Case No. 2023-153**

**COMPLAINT**

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

1. Dr. Bradley Cross, D.O., is the holder of a license to practice as an osteopathic physician in the State of Oklahoma, license number 6387. Dr. Cross received his license to practice as an osteopathic physician in Oklahoma from the Board in July 2018. Dr. Cross is primarily engaged in the practice of family medicine in McAlester, Oklahoma.

2. Dr. Cross is in violation Tit. 59 O.S. § 637(A)(1), (A)(2), (A)(2)(f), and (A)(8) of the Oklahoma Osteopathic Medicine Act (the “Act”) 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:

1. ... [H]as been granted a ... license renewal ... based upon a material mistake of fact; [or]
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:

...

- f. acting in a manner which results in final disciplinary action by any ... hospital or medical staff of such hospital in this or any other state ... if the action was in any way related to professional conduct, professional competence, malpractice or any violation of the Oklahoma Osteopathic Medicine Act, [or]

...

- 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 March 23, 2023, Colbert, Oklahoma, Police Department officers arrested Dr. Cross for Driving Under the Influence. Dr. Cross's 13-year-old son was in the car with him at the time of the arrest.

4. On March 23, 2023, the Bryan County District Attorney's office charged Dr. Gross with one misdemeanor count of Driving a Motor Vehicle While Under the Influence of Alcohol, in violation of Tit. 47 O.S. § 11-902 (A)(1), in Bryan County Case No. CM-2023-156. Dr. Cross pled no contest to the charge on June 15, 2023, and received a probationary sentence.


5. Dr. Cross submitted his license renewal application to the Board in July 2024 but did not disclose his March 2023 DUI arrest therein, answering "No" to PSQ Nos. 7 and 8.

6. Board investigators interviewed Dr. Cross on July 31, 2023. Dr. Cross admitted to Board investigators that he was arrested for DUI by Colbert PD and that he did not report it on 2023 Board Renewal application, explaining that his defense counsel told him he did not need to report it.

7. Dr. Cross was terminated by Saint Frances Warren Clinic, McAlester, Oklahoma (“SFWC”) in October 2023 for failing to notify them of his March 23, 2023, DUI arrest.

8. Dr. Cross has violated the Act by 1) obtaining a license renewal from the Board based on a material mistake of fact (to wit: obtaining renewal without disclosing the March 2023 DUI arrest to the Board); and 2) acting in a manner which resulted in final disciplinary action by a hospital where such action was related to professional conduct (to wit: being terminated from SFWC for not disclosing his DUI arrest to 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

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

STATE OF OKLAHOMA, ex rel., )  
STATE BOARD OF OSTEOPATHIC )  
EXAMINERS, )  
 )  
Petitioners, )  
 )  
v. )  
 )  
BRADLEY CROSS, D.O. )  
Osteopathic Medicine License No. 6387. )  
 )  
Respondent. )

Case No. 2023-153

**RECEIVED/FILED**

NOV 21 2023

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

**CITATION AND NOTICE OF HEARING**

**TO: BRADLEY CROSS, 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 Board of Osteopathic Examiners, 4848 N. Lincoln Blvd., Suite 100, Oklahoma City, Oklahoma 73105, on **December 14, 2023**. 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.

## 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  
(405) 418-8888 - (405) 260-9573 Facsimile  
[jpatrickquillianpc@gmail.com](mailto:jpatrickquillianpc@gmail.com)  
SPECIAL PROSECUTOR FOR PETITIONER



OKLAHOMA HEALTH PROFESSIONALS PROGRAM

December 6, 2023

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

Re: Bradley Cross, DO

To Whom it May Concern:

This letter is regarding Bradley Cross, DO. Dr. Cross reached out to OHPP and signed an Initial Letter of Agreement. Dr. Cross received an evaluation from Dr. Julio Rojas on October 27<sup>th</sup>, 2023, treatment was recommended at that time, and he checked into Palmetto Recovery on December 1<sup>st</sup>, 2023. Anticipated time frame for treatment will be 8-12 weeks.

A handwritten signature in black ink, appearing to read 'JK', with a long horizontal flourish extending to the right.

John Kuhn, MD, MRO  
OHPP Director  
JK/th



DANIEL DE  
GASTON, D.O.

# 6640

CONTINUED

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

STATE OF OKLAHOMA, ex rel., )  
STATE BOARD OF OSTEOPATHIC )  
EXAMINERS, )  
 )  
                  **Petitioners,** )  
 )  
v. )  
 )  
DANIEL DE GASTON, D.O. )  
Osteopathic Medicine License No. 6640. )  
 )  
                  **Respondent.** )

**RECEIVED/FILED**

NOV 21 2023

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

**OSBOE Case No. 2021-213**

**COMPLAINT**

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

1. Dr. Daniel de Gaston, D.O., is the holder of a license to practice as an osteopathic physician in the State of Oklahoma, license number 6640. Dr. de Gaston received his license to practice as an osteopathic physician in Oklahoma from the Board on July 1, 2019, and primarily practices in family medicine.

2. Dr. de Gaston is in violation of the Oklahoma Osteopathic Medicine Act (the “Act”), Tit. 59 O.S. § 637(A)(2), (A)(2)(f), and (A)(4) which state:

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

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

...



f. acting in a manner which results in final disciplinary action by any ... hospital or medical staff of such hospital in this or any other state ... if the action was in any way related to professional conduct, professional competence, malpractice or any violation of the Oklahoma Osteopathic Medicine Act, [or]

...

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

3. Dr. de Gaston began OSU College of Health Sciences Family Medicine Residency (the “OSU-CHS Residency”) on July 1, 2018. Due to repeated issues with respect to professionalism, inattentiveness, and frequent mistakes throughout the OSU-CHS Residency, hospital staff required Dr. de Gaston to undergo three (3) focused reviews and placed him on two (2) separate periods of probation. OSU-CHS Residency staff ultimately placed Dr. de Gaston on a zero-tolerance plan in a final attempt to remediate continued observed deficiencies.

4. In early 2021, hospital staff gave Dr. de Gaston the option of resigning from the OSU-CHS Residency in lieu of being dismissed due to Dr. De Gaston’s inability to remediate continued observed deficiencies. Dr. de Gaston initially opted to resign but then withdrew his resignation. Hospital staff then dismissed Dr. de Gaston from the OSU-CHS Residency on February 23, 2021.

5. Dr. de Gaston has worked at John Lilley Correctional Facility in Boley, Oklahoma since being terminated from the OSU-CHS Residency.

6. Dr. de Gaston has violated the Act by: (1) engaging in unprofessional conduct as an osteopathic physician during the OSU-CHS Residency; (2) acting in a manner which resulted in final disciplinary action by OSU-CHS Residency staff (to

wit: being terminated from the program for issues related to professionalism and competency); and (3) engaging in repeated acts of malpractice and incompetence during the OSU-CHS Residency.

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

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. )  
 )  
DANIEL DE GASTON, D.O. )  
Osteopathic Medicine License No. 6640. )  
 )  
Respondent. )

NOV 21 2023

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

OSBOE Case No. 2021-213

CITATION AND NOTICE OF HEARING

TO: DANIEL DE GASTON, 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 Board of Osteopathic Examiners, 4848 N. Lincoln Blvd., Suite 100, Oklahoma City, Oklahoma 73105, on **December 14, 2023**. 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

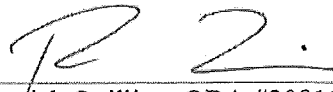
Be advised of your rights, which are as follows:

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.

## 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  
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Oklahoma City, OK 73118  
(405) 418-8888 - (405) 260-9573 Facsimile  
[jpatrickquillianpc@gmail.com](mailto:jpatrickquillianpc@gmail.com)  
SPECIAL PROSECUTOR FOR PETITIONER

DANIEL  
GARRISON,  
D.O.  
# 6306  
HEARING

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

**STATE OF OKLAHOMA, ex rel.,** )  
**STATE BOARD OF OSTEOPATHIC** )  
**EXAMINERS,** )  
 )  
Petitioners, )  
 )  
v. )  
 )  
**DANIEL MOSES GARRISON, D.O.** )  
Osteopathic Medicine License No. 6306. )  
 )  
Respondent. )

**RECEIVED/FILED**

NOV 21 2023

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

Case No. 2023-009

**COMPLAINT**

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

1. Dr. Daniel Moses Garrison, D.O., is the holder of a license to practice as an osteopathic physician in the State of Oklahoma, license number 6306. Dr. Garrison received his license to practice as an osteopathic physician in Oklahoma from the Board in October 2017. Dr. Garrison primarily practices in family medicine in Lawton, Oklahoma.

2. Dr. Garrison is in violation Tit. 59 O.S. § 637(A)(2), (A)(2)(f), (A)(8) and (A)(13) of the Oklahoma Osteopathic Medicine Act (the “Act”) 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, including but not limited to the following:

...

- f. acting in a manner which results in final disciplinary action by any ... hospital or medical staff of such hospital in this or any other state ... if the action was in any way related to professional conduct, professional competence, malpractice or any violation of the Oklahoma Osteopathic Medicine Act, [or]

...

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

3. On December 19, 2022, Dr. Garrison beat his son's therapy dog to death in the presence of his minor daughter at his house in Lawton, Oklahoma. Two (2) Lawton city employees working in a neighboring yard heard the incident and took a video of Dr. Garrison throwing a dead dog into the field behind his house immediately after the incident.

4. On January 4, 2023, the Comanche County District Attorney's office charged Dr. Garrison in Comanche County Case No. CF-2023-7 with one (1) felony count of Cruelty to Animals, a violation of Tit. 21 O.S. § 1685. This case is currently set for jury trial in February 2024.

5. Dr. Garrison's employer, Comanche County Memorial Hospital ("CCMH") suspended Dr. Garrison after he was arrested for this incident and ultimately terminated his employment on January 11, 2023. CCMH indicated to Board investigators that Dr. Garrison had issues controlling his anger, treating others


appropriately, prescribing issues, and had disciplined his children in an abusive manner.

6. In a March 13, 2023, in-person interview with Board investigators and staff, Dr. Garrison admitted to killing his son's therapy dog by slamming it into the ground three (3) times as hard as he could, and that he generally struggled to control his rage. Other statements made in this interview gave Board investigators additional concerns regarding Dr. Garrison's mental health and ability to safely practice osteopathic medicine.

7. Dr. Garrison and Board staff executed an agreement on March 13, 2023, in which Dr. Garrison agreed to not practice osteopathic medicine in Oklahoma until the Board issues a written order permitting him to practice again.

8. Dr. Garrison has violated the Act by: 1) acting in a manner which resulted in final disciplinary action by a hospital of this state (to wit: being terminated by CCMH for issues relating to medical and professional competence); 2) by being unable to discharge the functions of an osteopathic physician in a manner consistent with the public's health, safety, and welfare due to psychiatric issues; and 3) has been guilty of personal offensive behavior (to wit: killing his son's therapy dog in the presence of his daughter).

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

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

STATE OF OKLAHOMA, ex rel., )  
STATE BOARD OF OSTEOPATHIC )  
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DANIEL MOSES GARRISON, D.O. )  
Osteopathic Medicine License No. 6306. )  
 )  
Respondent. )

**RECEIVED/FILED**

NOV 21 2023

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

Case No. 2023-009

**CITATION AND NOTICE OF HEARING**

**TO: DANIEL MOSES GARRISON, 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 Board of Osteopathic Examiners, 4848 N. Lincoln Blvd., Suite 100, Oklahoma City, Oklahoma 73105, on **December 14, 2023**. All hearings will begin at **9:00 o'clock a.m.**

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## LEGAL AUTHORITY AND JURISDICTION FOR HEARING

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## 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  
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[jpatrickquillianpc@gmail.com](mailto: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,** )  
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v. )  
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**DANIEL GARRISON, D.O.** )  
Osteopathic Medicine License No. 6306. )  
 )  
Respondent. )

**RECEIVED/FILED**

MAR 13 2023

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

**OSBOE-2023-009 (RZ)**

**AGREEMENT NOT TO PRACTICE**

COMES NOW, on this 13<sup>th</sup> day of March, 2023, Petitioner, the State Board of Osteopathic Examiners ("Board"), by and through their Executive Director and Chief Prosecutor, Michael T. Leake Jr., and Respondent, Daniel Garrison, D.O., Oklahoma Osteopathic Medical License No. 6306 ("Dr. Garrison"), to memorize an Agreement between the Board and Dr. Garrison not to practice osteopathic medicine within the State of Oklahoma. The terms of this Agreement are the following:

1. Dr. Garrison will not practice osteopathic medicine in the State of Oklahoma effective immediately upon this Agreement's execution. Dr. Garrison's physician profile page with the Board will display his license as "suspended."
2. This *Agreement Not to Practice* shall remain in full force and effect until such time as Dr. Garrison appears before the Board on the complaint known as OSBOE-2023-009.
3. This *Agreement Not to Practice* shall remain in full force and effect until Dr. Garrison receives a written order from the Board that he may resume the practice of osteopathic medicine.

4. Dr. Garrison acknowledges that any violation of this executed *Agreement Not to Practice* may result in further Board action against his license, including but not limited to suspension, revocation, monetary fines, and/or reporting to the Attorney General of the State of Oklahoma regarding the unauthorized practice of osteopathic medicine.
5. Dr. Garrison acknowledges that the execution of this *Agreement Not to Practice* does not in any way prohibit the Board from filing a Verified Complaint in the case known as OSBOE-2023-009. Any hearing by the Board related to this *Agreement Not to Practice* or a Verified Complaint in the matter known as OSBOE-2023-009 shall not take place until agreed upon by Dr. Garrison and the Board. The Board may hold a hearing regarding any violation of the terms of this *Agreement Not to Practice* provided that Dr. Garrison and his legal counsel are given at least twenty (20) days of advanced notice in writing unless an emergency exists. If an emergency exists, the Board shall follow all procedures for bringing an emergency action.
6. Dr. Garrison acknowledges and agrees that he will cooperate with the Board's investigation into the matter known as OSBOE-2023-009, including the signing of any authorizations necessary for Board investigators to gather relevant information.
7. Dr. Garrison agrees that he will contact the Oklahoma Health Professional Program ("OHPP") and follow any recommendations from OHPP, including the signing of a contract for evaluation or monitoring. Dr. Garrison agrees to sign any releases necessary for Board Staff to access his records with OHPP.

8. Dr. Garrison acknowledges that any violation of a contract with any state's professional health program could result in further action against his osteopathic medical license before the Board.
9. Dr. Garrison acknowledges that he has the right to consult legal counsel in connection with this inquiry by the Board known as OSBOE-2023-009, this *Agreement Not to Practice*, and any other inquiry by the Board.
10. Dr. Garrison agrees to keep his contact information, including residential address and cell phone, current with the Board Staff.
11. Dr. Garrison agrees to complete the Compliance Information Request Form within ten (10) days of signing this Agreement. (Exhibit A, Compliance Information Request Form).
12. Dr. Garrison agrees to complete the Monthly Supervision Self-Report by the 10<sup>th</sup> day of each month. (Exhibit B, Monthly Supervision Self-Report).
13. Dr. Garrison agrees to renew his license yearly as required by the Board's statutes and rules.
14. Dr. Garrison 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.
15. Dr. Garrison acknowledges that this executed *Agreement Not to Practice* is a public record and subject to the Oklahoma Open Records Act.
16. Dr. Garrison acknowledges that this executed *Agreement Not to Practice* is reportable to the National Practitioner Data Bank ("NPDB") pursuant to federal law.

**AGREED AND ACCEPTED** on this 13<sup>th</sup> day of March, 2023.

DANIEL GARRISON, D.O. (#6306):

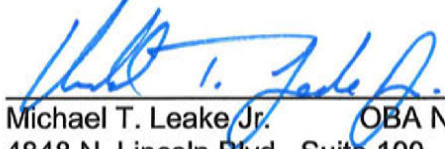


---

Daniel Garrison, D.O.  
Oklahoma Osteopathic License. No. 6306



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



# OSBOE HISTORY SHEET

**Daniel Garrison, D.O.**

Family Practice

Okla. Lic Number: 6306

Case Number: OSBOE-2023-009 (RZ)

Status: Agreement Not to Practice

## **COMPLAINT:**

- Dr. was arrested for beating his son's therapy dog to death in the presence of his minor daughter

## **3-13-2023 AGREEMENT NOT TO PRACTICE**

- X Dr. will not practice medicine in OK, license will show as "suspended"
- X Agreement will remain in effect until Dr. appears before the Board for complaint OSBOE-2023-009, and Board issues a written order allowing him to resume practice
- X Agrees to contract and monitoring with OHPP, and sign all necessary releases for the Board to receive reports
- X Agrees to complete Monthly Supervision Self-Reports, and the initial Compliance Information Request Form
- X Maintain the required 16 hrs of CME per year

## **11-21-2023 COMPLAINT**

- Dr. Garrison was videoed by Lawton City employees throwing his son's therapy dog into the field behind his house after overhearing him beat the dog to death
- Charged with 1 count of Cruelty to Animals with Comanche County District Attorney's office
- Dr. Garrison was terminated by CCMH for issues relating to medical and professional competence



OKLAHOMA HEALTH PROFESSIONALS PROGRAM

December 6, 2023

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

Re: Daniel Garrison, DO

To Whom it May Concern:

This letter is regarding Daniel Garrison, DO. Dr. Garrison signed a 5- year recovery monitoring agreement with the Oklahoma Health Professionals Program (OHPP) on August 15<sup>th</sup>, 2023. Dr. Garrison's contract with the Oklahoma Health Professional Program (OHPP) requires cooperation with 28 random alcohol/drug screens, participation in weekly caduceus meetings in addition to 3 support group meetings. Dr. Garrison has missed Zero check – ins since starting his contract in August 2023. He is currently remaining compliant with his Caduceus attendance.

In my opinion, Dr. Garrison is complying with all his contract requirements and appears to be working a solid program of recovery. Please feel free to contact OHPP at (405) 601-2536 if you have any questions or need anything further.

A handwritten signature in black ink, appearing to read 'John Kuhn', with a long horizontal flourish extending to the right.

John Kuhn, MD, MRO  
OHPP Director  
JK/th



CLAYTON  
HOWELL, D.O.

# 5398

KAYLEE DAVIS-MADDY,  
J.D.

HEARING



# Oklahoma State Board of Osteopathic Examiners

## BOARD MEMBERS

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DENNIS J. CARTER, D.O.  
POTEAU

CHELSEY D. GILBERTSON, D.O.  
EDMOND

November 21, 2023

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 14, 2023. 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

Katie L. Templeton, J.D.  
Interim Executive Director

KLT/kc

CC: **VIA Email kmaddy@dsla.com**  
**AND U.S. MAIL**

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

# OSBOE HISTORY SHEET

**Clayton Shane Howell, D.O.**

Family Practice

Okla. Lic Number: 5398

Case Number: OSBOE-2022-139 (RZ)

Status: Agreement Not to Practice

## **COMPLAINT:**

- Engaging in any sexual activity within a physician/patient relationship

## **11-16-2022 COMPLAINT**

- Dr. Howell participated in a sexual relationship with a patient he was the PCP for
- Pt has suffered psychological distress as a result of having this relationship

## **12-20-2022 AGREEMENT NOT TO PRACTICE**

- X Dr. will not practice medicine in OK, license will show as "inactive"
- X Agreement will remain in effect until Dr. appears before the Board for complaint OSBOE-2022-139, and Board issues a written order allowing him to resume practice
- X Agrees to maintain his contract and monitoring with OHPP, and sign all necessary releases for the Board to receive reports
- X Agrees to complete Monthly Supervision Self-Reports, and the initial Compliance Information Request Form
- X Maintain the required 16 hrs of CME per year

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

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

RECEIVED/FILED

DEC 20 2022

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

OSBOE-2022-139 (RZ)

AGREEMENT NOT TO PRACTICE

COMES NOW, on this 20<sup>th</sup> day of December, 2022,  
Petitioner, the State Board of Osteopathic Examiners ("Board"), by and through their  
Executive Director and Chief Prosecutor, Michael T. Leake Jr., and Respondent,  
Clayton Shane Howell, D.O., Oklahoma Osteopathic Medical License No. 5398 ("Dr.  
Howell"), to memorize an Agreement between the Board and Dr. Howell not to practice  
osteopathic medicine within the State of Oklahoma. The terms of this Agreement are  
the following:

1. Dr. Howell will not practice osteopathic medicine in the State of Oklahoma effective immediately upon this Agreement's execution. Dr. Howell's physician profile page with the Board will display his license as "inactive."
2. This *Agreement Not to Practice* shall remain in full force and effect until such time as Dr. Howell appears before the Board on the complaint known as OSBOE-2022-139.
3. This *Agreement Not to Practice* shall remain in full force and effect until Dr. Howell receives a written order from the Board that he may resume the practice

- of osteopathic medicine.
4. Dr. Howell acknowledges that any violation of this executed *Agreement Not to Practice* may result in further Board action against his license, including but not limited to suspension, revocation, monetary fines, and/or reporting to the Attorney General of the State of Oklahoma regarding the unauthorized practice of osteopathic medicine.
  5. Dr. Howell acknowledges that the execution of this *Agreement Not to Practice* does not in any way prohibit the Board from pursuing the Complaint known as OSBOE-2022-139. Any hearing by the Board related to this *Agreement Not to Practice* or the complaint known as OSBOE-2022-139 shall not take place until agreed upon by Dr. Howell and the Board. The Board may hold a hearing regarding any violation of the terms of this *Agreement Not to Practice* provided that Dr. Howell and his legal counsel are given at least twenty (20) days of advanced notice in writing.
  6. Dr. Howell acknowledges and agrees that he will cooperate with the Board's investigation into the matter known as OSBOE-2022-139, including the signing of any authorizations necessary for Board investigators to gather relevant information.
  7. Dr. Howell acknowledges and agrees that he will not contact the patient in the Complaint known as OSBOE-2022-139.
  8. Dr. Howell acknowledges that he is currently under a five (5) year contract with the Oklahoma Health Professional Program ("OHPP"). Dr. Howell agrees to sign any releases necessary for Board Staff to access his records with OHPP.

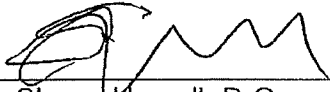


9. Dr. Howell agrees to abide by the terms of his OHPP contract throughout the contract's terms.
10. Dr. Howell acknowledges that any violation of his OHPP contract could result in further action against your osteopathic medical license before the Board.
11. Dr. Howell acknowledges that he has the right to consult legal counsel in connection with this inquiry by the Board known as OSBOE-2022-139, this *Agreement Not to Practice*, and any other inquiry by the Board.
12. Dr. Howell agrees to keep his contact information, including residential address and cell phone, current with the Board Staff.
13. Dr. Howell agrees to complete the Compliance Information Request Form within ten (10) days of signing this Agreement. (Exhibit A, Compliance Information Request Form).
14. Dr. Howell agrees to complete the Monthly Supervision Self-Report by the 10<sup>th</sup> day of each month. (Exhibit B, Monthly Supervision Self-Report).
15. Dr. Howell agrees to renew his license yearly as required by the Board's statutes and rules.
16. Dr. Howell 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.
17. Dr. Howell acknowledges that this executed *Agreement Not to Practice* is a public record and subject to the Oklahoma Open Records Act.
18. Dr. Howell acknowledges that this executed *Agreement Not to Practice* is reportable to the National Practitioner Data Bank ("NPDB") pursuant to federal

law.

AGREED AND ACCEPTED on this 20<sup>th</sup> day of December,  
2022.

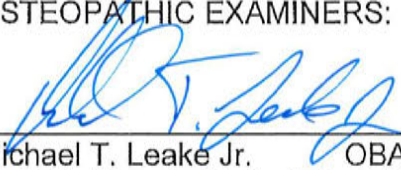
CLAYTON SHANE HOWELL, D.O. (#5398):



---

Clayton Shane Howell, D.O.  
Oklahoma Osteopathic License No. 5398  
C/O Kaylee Davis-Maddy OBA No. 31534  
210 Park Avenue  
Suite 1200  
Oklahoma City, OK 73102

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



# Oklahoma State Board of Osteopathic Examiners

## BOARD MEMBERS

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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

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

RECEIVED/FILED

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

NOV 16 2022

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

Case No. 2022-139

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**

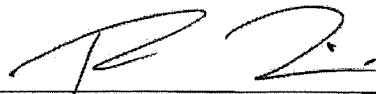
Be advised of your rights, which are as follows:

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](mailto:jpatrickquillianpc@gmail.com)  
SPECIAL PROSECUTOR FOR PETITIONER

**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.** )  
 )  
**CLAYTON SHANE HOWELL, D.O.,** )  
Osteopathic Medicine License No. 5398. )  
 )  
Respondent. )

NOV 16 2022

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

**Case No. 2022-139**

**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.

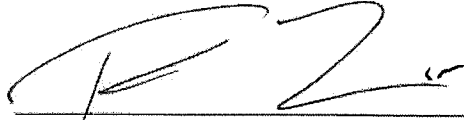
5. In approximately Fall of 2021, Dr. Howell arranged to meet T.E. in person in the parking lot of his medical practice in Tulsa, Oklahoma. After this meeting, the meetings between Dr. Howell and T.E. become more frequent and evolved into a sexual relationship between the two.

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



OKLAHOMA HEALTH PROFESSIONALS PROGRAM

December 6, 2023

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

Re: Clayton Shane Howell, DO

To Whom it May Concern:

This letter is regarding C. Shane Howell, DO. Dr. Howell signed a 5- year recovery monitoring agreement with the Oklahoma Health Professionals Program (OHPP) on May 1<sup>st</sup>, 2023. Dr. Howell's contract with the Oklahoma Health Professional Program (OHPP) requires cooperation with Soberlink, random alcohol/drug screens, participation in weekly caduceus meetings in addition to 3- support group meetings. Dr. Howell has missed zero check – ins during the 3<sup>rd</sup> quarter of 2023. Caduceus attendance for the 3<sup>rd</sup> quarter 2023 was 100%.

In my opinion, C. Shane Howell, DO is complying with all his contract requirements and appears to be working a solid program of recovery. Please feel free to contact OHPP at (405) 601-2536 if you have any questions or need anything further.

A handwritten signature in black ink, appearing to read 'John Kuhn', with a long horizontal flourish extending to the right.

John Kuhn, MD, MRO  
OHPP Director  
JK/th

MARY  
KATHRYN  
MERCER, D.O.

# 2887

ELIZABETH SCOTT, J.D.

PROBATIONARY  
REPORT HEARING



# Oklahoma State Board of Osteopathic Examiners

BRET S. LANGERMAN, D.O.  
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MUSTANG

BOARD MEMBERS  
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VICE PRESIDENT  
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TULSA

DENNIS J. CARTER, D.O.  
POTEAU

CHELSEY D. GILBERTSON, D.O.  
EDMOND

November 21, 2023

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 14, 2023. 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

Katie L. Templeton, J.D.  
Interim Executive Director

KLT/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



# 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:
  - X CPEP Evaluation
  - X Sleep study by a Board-approved evaluator
  - X Neuropsychological evaluation by a Board-approved evaluator
  - X 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



# Oklahoma State Board of Osteopathic Examiners

## BOARD MEMBERS

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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

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

**OSBOE Q4 BOARD MATERIALS 121**

CC: VIA Email [elizabeth.scott@crowedunlevy.com](mailto: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

## BOARD MEMBERS

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OKLAHOMA CITY

CARL B. PETTIGREW, D.O.  
OKLAHOMA CITY

DUANE KOEHLER, D.O.  
TULSA

DALE DERBY, D.O.  
OWASSO

March 1, 2022

VIA EMAIL [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](mailto: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

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

OCT 11 2021  
OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

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**

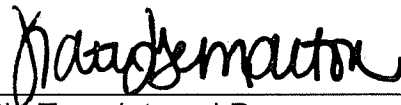
**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** by the Board that the Interim Order of Suspension entered on September 15, 2016, and the Order Modifying Interim Order of Suspension entered on December 14, 2017, are modified as follows:

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 11<sup>th</sup> day of October 2021.



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

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

Ms. 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.

SECOND ORDER MODIFYING INTERIM ORDER OF SUSPENSION  
Mary Kathryn Mercer, D.O. (#2887)  
Case No. 1215-148



# 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

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 2<sup>nd</sup> Floor Auditorium of the Oklahoma State University Medical Center, 744 West 9<sup>th</sup> 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 127**

CC: VIA Email [elizabeth.scott@crowedunlevy.com](mailto: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

KATIE TEMPLETON, J.D.  
PRESIDENT  
OKLAHOMA CITY

BOARD MEMBERS  
BRET LANGERMAN, D.O.  
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

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](mailto: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

## BOARD MEMBERS

KATIE TEMPLETON, J.D.  
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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](mailto: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**

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

**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.

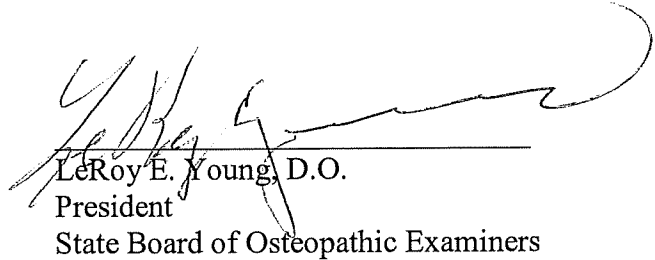
6. During this six [6] month period Board Staff may file any additional complaints and include PMP reports.

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 14<sup>th</sup> 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**

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

**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.

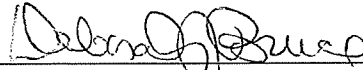
#### **ORDER**

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 17<sup>th</sup> 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**

<p><b>STATE BOARD OF OSTEOPATHIC EXAMINERS,</b></p> <p style="text-align: center;"><b>Petitioner,</b></p> <p><b>v.</b></p> <p><b>MARY KATHRYN MERCER, D.O.</b> <b>Osteopathic Medical License No. 2887,</b></p> <p style="text-align: center;"><b>Respondent.</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>Case No. 1215-148</b></p>
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**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.*

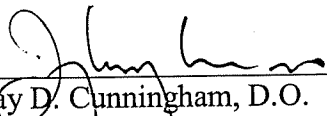
The Board, having heard the testimony, read and considered all the evidence, and being fully advised, issues this Interim Order Granting Respondent’s Motion for Re-hearing and Denying Respondent’s Motion to Vacate Suspension.

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.

  
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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. )

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

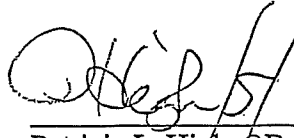


first two letters. Dr. Mercer was described as demanding, argumentative, unprofessional and close-minded. As a result of Dr. Mercer's conduct, Telligen upgraded the level of concern from "serious risk" to "gross and flagrant". Telligen recommended immediate termination of Dr. Mercer's contract with the 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 5<sup>th</sup> 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.

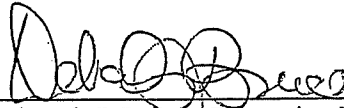
Respectfully submitted,



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](mailto: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**

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

**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.

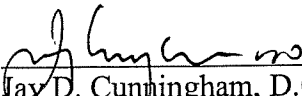
3. Upon receipt of the testing and evaluation, Dr. Mercer shall appear at the next regular meeting of the Board for such further Orders as the Board deems necessary and proper.

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



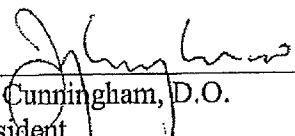
Order shall result in immediate sanction based upon evidence already in hand and based on any newly discovered evidence.

15. This Order is remedial in nature.

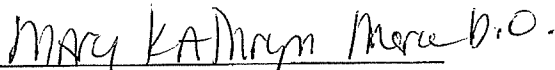
16. This Order is subject to the Open Records Act. and is therefore a public record.

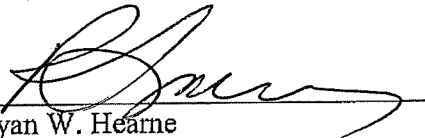
**IT IS SO ORDERED, ADJUDGED AND DECREED** this 16<sup>th</sup> day of June, 2016.

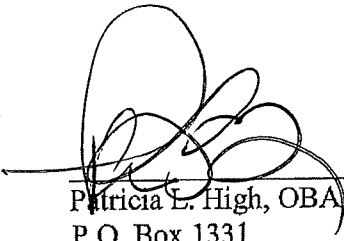
This Order shall become effective on the 17<sup>th</sup> day of July, 2016.

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

AGREED:

  
Mary Kathryn Mercer, D.O.

  
Ryan W. Hearne  
7301 N. Broadway, Suite 128  
Oklahoma City, OK 73116  
(405) 471-7578  
(405) 235-8888 Facsimile  
ATTORNEY FOR RESPONDENT

  
Patricia E. High, OBA No. 13414  
P.O. Box 1331  
Oklahoma City, Oklahoma 73101  
(405) 343-4877  
(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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)  
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)  
) Case No. 1215-148  
)  
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)

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.

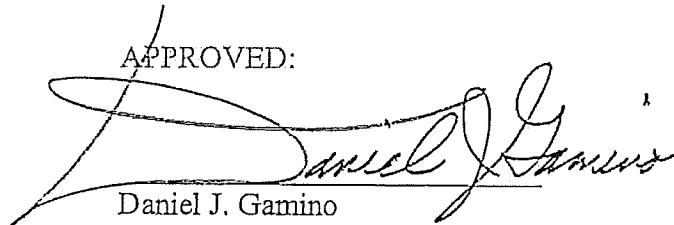
5. On December 15, 2015 Dr. Mercer called Deaconess Hospital and berated staff of Alliance Health as being "a dimwitted idiot." Dr. Mercer was described as being unstable, repeating the same phrases and accusing Deaconess Personnel as "talking f...ing trash about her" and killing patients with their 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

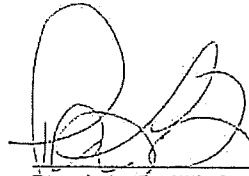
“viper who is responsible for false documents being filed against me.” On this same date, Dr. Mercer sent a strange email to the Deaconess CEO claiming “my practice is stronger than ever and don’t worry, I plan to stay right across the street from Deaconess because your care continues to go down.”

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**

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

**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**

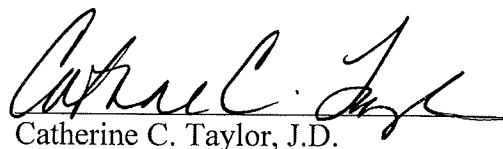
IT IS THEREFORE ORDERED by the Board that her request for further amendment to the 2009 Amended Plan is GRANTED as follows:

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 16<sup>th</sup> 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**

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

**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

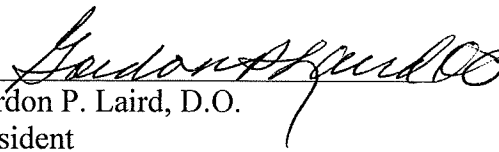
IT IS THEREFORE ORDERED by the Board that consideration of this request for further amendment to the 2009 Amended Plan is tabled pending receipt of the following:

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 17<sup>th</sup> 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**

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

**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.*

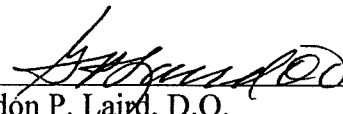
At the Hearing Dr. Mercer advised the Board that her 2009 Preceptor Plan was in place and working to her benefit. She requested one amendment to the 2009 Plan which the Board approved.

**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 18<sup>th</sup> day of March, 2010.

  
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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.**

**MARY KATHRYN MERCER, D.O.  
Osteopathic Medicine License No. 2887,**

**Respondent.**

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**Case No. 0908-080**

**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.

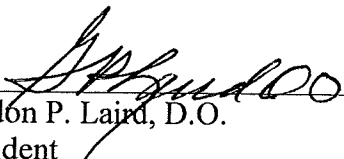
2. Dr. Mercer will prepare a Journal of the meetings with the Preceptor with the discussed articles delineated. She will also submit a Monthly report of these meetings to the Board. This report is to be signed by the Preceptor.
3. Dr. Mercer will attend Continuing Medical Education during the term of 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 10<sup>th</sup> day of December, 2009.

  
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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**

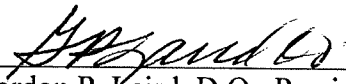
The Board, having adopted the above-described Findings of Fact and Conclusions of Law, adopts the following Emergency Order.

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**

<b>STATE BOARD OF</b>	)	
<b>OSTEOPTAHIC EXAMINERS,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 09-08-080</b>
	)	
	)	
<b>MARY KATHRYN MERCER, D.O.</b>	)	
<b>Medical License No. 2887</b>	)	
	)	
<b>Respondent.</b>	)	

**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.

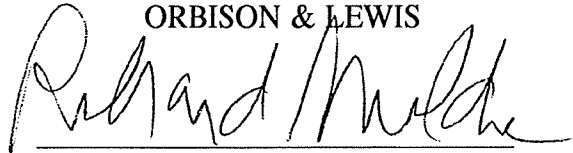
6. On June 12, 2009, Dr Mercer was arrested for driving under the influence of drugs. It is alleged that the car in which Dr. Mercer was driving at a speed of 25 miles per hour in a 45 mile per hour zone, weaving all over the road, ran a stop sign and struck the curb

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.

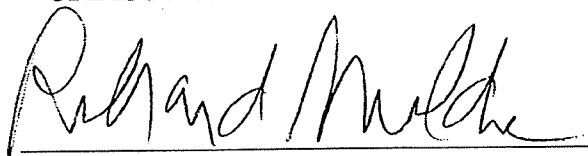
**RIGHTS OF RESPONDENT**

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 4<sup>th</sup> 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 25<sup>th</sup> and also in person on Wednesday, August 26<sup>th</sup>. 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

TRUNG  
NGUYEN, D.O.

# 3683

CONTINUED

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. )  
 )  
TRUNG NAM NGUYEN, D.O. )  
Osteopathic Medicine License No. 3683. )  
 )  
Respondent. )

AUG 08 2023

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

OSBOE-2023-74

COMPLAINT

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

1. Dr. Trung Nam Nguyen, D.O., is the holder of a license to practice as an osteopathic physician in the State of Oklahoma, license number 3683. Dr. Nguyen primarily practices in family medicine via telehealth and received his license as an osteopathic physician in Oklahoma from the Board on July 9, 2018. Dr. Nguyen is licensed as an osteopathic physician in numerous other states, including Kentucky, Alabama, and Texas. Dr. Nguyen currently resides in Texas.

2. Dr. Nguyen is in violation of the Oklahoma Osteopathic Medicine Act (the "Act"), Tit. 59 O.S. § 637(A)(2) and (A)(6) 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[]

Verified Complaint  
Trung Nam Nguyen, D.O. (#3683)  
OSBOE-2023-074  
Page 1 of 3

... [or]

6. Has had the authority to engage in the activities regulated by the Board revoked, suspended, restricted, modified or limited, or has been reprimanded, warned or censured, probated or otherwise disciplined by any other state or federal agency whether or not voluntarily agreed to by the physician[.]

3. On March 8, 2023, "in lieu of the issuance of a Complaint and Emergency Order of Restriction [,]" Dr. Nguyen voluntarily entered into an agreed order (the "Kentucky Order") with the Commonwealth of Kentucky Board of Medical Licensure (the "Kentucky Board"). The Order contained stipulations of fact indicating that Dr. Nguyen's patient charts were "below the minimum standards" for prescribing.

4. The Order also contained "Stipulated Conclusions of Law", which, *inter alia*, found that Dr. Nguyen violated Kentucky physician regulations and, thus, there were grounds for action to be taken on his Kentucky license to practice osteopathic medicine.

5. The Kentucky Order stated that "[t]he license to practice osteopathy within the Commonwealth of Kentucky held by Truong Nam Nguyen, D.O. is RESTRICTED/LIMITED FOR AN INDEFINITE PERIOD OF TIME" and ordered that Dr. Nguyen "SHALL NOT prescribe, dispense, administer, or otherwise professionally utilize controlled substances unless and until approved to do so by the Panel ...." (emphasis in original).

6. The Alabama State Board of Medical Examiners (the "Alabama Board") proceeded against Dr. Nguyen's Alabama osteopathic medical license based upon the Kentucky Order, which resulted in Dr. Nguyen voluntarily

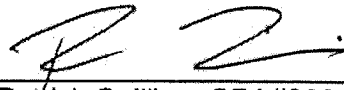
surrendering his Alabama license to administer and prescribe controlled substances on April 27, 2023.

7. On May 9, 2023, Dr. Nguyen voluntarily surrendered his DEA Drug Registration to prescribe controlled substances in the State of Alabama.

8. On June 9, 2023, Dr. Nguyen executed a Waiver Order before the Texas Medical Board which requires him to comply with the Kentucky Order, and if he fails to do so, he agrees that it would constitute a basis for disciplinary action by the Texas Medical Board.

9. Dr. Nguyen has violated the Act by 1) engaging in unethical or unprofessional conduct in the performance of his duties as an osteopathic physician (to wit: issuing prescriptions for CDS without proper documentation); and 2) having his authority to distribute controlled substances limited by the Kentucky Board, the Alabama Board, the DEA, and the Texas Medical Board.

Respectfully submitted,



---

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

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

**STATE OF OKLAHOMA, ex rel.,** )  
**STATE BOARD OF OSTEOPATHIC** )  
**EXAMINERS,** )  
 )  
          Petitioners, )  
 )  
**v.** ) **OSBOE-2023-74**  
 )  
**TRUNG NAM NGUYEN, D.O.** )  
Osteopathic Medicine License No. 3683. )  
 )  
          Respondent. )

**RECEIVED/FILED**

AUG 08 2023

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

**CITATION AND NOTICE OF HEARING**

**TO: TRUNG NAM NGUYEN, 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 9<sup>th</sup> Street, 2<sup>nd</sup> Floor Auditorium, Tulsa, Oklahoma 74127, on **September 21, 2023**. 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**

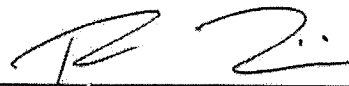
Be advised of your rights, which are as follows:

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.

### **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  
(405) 418-8888 - (405) 260-9573 Facsimile  
[jpatrickquillianpc@gmail.com](mailto: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.	)	OSBOE-2023-74
	)	
Trung Nam Nguyen, D.O.,	)	
License No. 3683,	)	
Respondent.	)	

**ANSWER TO COMPLAINT**

NOW COMES Respondent, Trung Nam Nguyen, D.O., by and through his attorneys, Polsinelli PC, and in response to the Complaint, answers as follows:

1. Trung Nam Nguyen, D.O. is the holder of a license to practice as an osteopathic physician in the State of Oklahoma, license number 3683. Dr. Nguyen primarily practices in family medicine via telehealth and received his license as an osteopathic physician in Oklahoma from the Board on July 9, 2018. Dr. Nguyen is licensed as an osteopathic physician in numerous other states, including Kentucky, Alabama, and Texas. Dr. Nguyen currently resides in Texas.

**ANSWER: Respondent admits that he is presently the holder of a license to practice as an osteopathic physician in the State of Oklahoma, license number 3683. Respondence also admits that he is licensed to practice medicine in several states, including Kentucky, Alabama, and Texas and currently resides in Texas. Respondent denies that he “primarily practices in family medicine via telehealth.”**

2. Dr. Nguyen is in violation of the Oklahoma Osteopathic Medicine Act (the “Act”), Tit. 59 O.S. Section 637(A)(2) and (A)(6).

**ANSWER: Denied.**

3. On or about March 8, 2023, “in lieu of the issuance of a Complaint and Emergency Order of Restriction[,]” Dr. Nguyen voluntarily entered into an agreed order (the “Kentucky Order”) with

the Commonwealth of Kentucky Board of Medical License (the “Kentucky Board”). The Order contained stipulations of fact indicating that Dr. Nguyen’s patient charts were “below the minimum standards” for prescribing.

**ANSWER:** Respondent admits that on or about March 8, 2023, Respondent and the Kentucky Board of Medical Licensure entered into an Agreed Order in which Respondent agreed to stop prescribing controlled substances pending a clinical assessment to determine whether discipline will issue and to compensate the Board for the time spent on the investigation. The remainder of the allegations in Paragraph 3 are denied.

4. The Order also contained “Stipulated Conclusions of Law,” which, *inter alia*, found that Dr. Nguyen violated Kentucky physician regulations and, this, there were grounds for action to be taken on his Kentucky license to practice osteopathic medicine.

**ANSWER:** Respondent admits that the Kentucky Board found it had legal authority to offer Dr. Nguyen the Kentucky Order.

5. The Kentucky Order states that “[t]he license to practice osteopathy within the Commonwealth of Kentucky held by Trung Nam Nguyen, D.O is RESTRICTED/LIMITED FOR AN INDEFINITE PERIOD OF TIME” and ordered that Dr. Nguyen “SHALL NOT prescribe, dispense, administer, or otherwise professionally utilize controlled substances unless and until approved to do so by the Panel ....” (emphasis in original).

**ANSWER:** Respondent admits that the Kentucky Agreed Order contains the quoted language in Paragraph 4.

6. The Alabama State Board of Medical Examiners (the “Alabama Board”) proceeded against Dr. Nguyen’s Alabama osteopathic medical license based upon the Kentucky Order, which resulted in Dr. Nguyen voluntarily surrendering his Alabama license to administer and prescribe controlled substances on April 27, 2023.

**ANSWER:** Dr. Nguyen admits that he voluntarily surrendered his Alabama Controlled Substances Certificate on March 22, 2023 while under

**investigation by the Alabama Board. Dr. Nguyen denies that the Alabama Board “proceeded against” his Alabama medical license.**

7. On May 9, 2023, Dr. Nguyen voluntarily surrendered his DEA Drug Registration to prescribe controlled substances in the State of Alabama.

**ANSWER: Dr. Nguyen admits that, on May 3, 2023, he voluntarily surrendered his DEA Certificate of Registration in the state of Alabama.**

8. On June 9, 2023, Dr. Nguyen executed a Waiver Order before the Texas Medical Board which requires him to comply with the Kentucky Order, and, if he fails to do so, he agrees that it would constitute a basis for disciplinary action by the Texas Medical Board

**ANSWER: Dr. Nguyen admits that, on May 16, 2023, he signed a Waiver Order with the Texas Medical Board which provides that “[a]ny violation of the terms of this Waiver order, including failure to cooperate, shall be a basis for disciplinary action by the [Texas Medical] Board.” Dr. Nguyen denies that his ability to practice medicine in Texas has been limited at all by the Waiver Order, as alluded to in Paragraph 9 below.**

9. Dr. Nguyen has violated the Act by (1) engaging in unethical or unprofessional conduct in the performance of his duties as an osteopathic physician (to wit: issuing prescriptions for CDS without proper documentation); and (2) having his authority to distribute controlled substances limited by the Kentucky Board, Alabama Board, the DEA, and the Texas Medical Board.

**ANSWER: Denied.**

WHEREFORE, Respondent, Dr. Trung Nguyen, prays this Tribunal find in his favor, recommend that no action be taken against his License.

Respectfully submitted,

By: /s/ John T. Synowicki  
Attorney for Respondent, Dr. Trung Nguyen

John T. Synowicki  
Oklahoma State Bar No. 30271

Stephen Angelette  
Shelby Zumwalt  
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ORDER  
TO  
SHOW  
CAUSE

DONNA HILL,

D.O.

# 3463

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. )  
 )  
DONNA R. HILL, D.O., )  
Osteopathic Medical License No. 3463, )  
 )  
Respondent. )

NOV 21 2023

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

No. 0319-25

**NOTICE AND ORDER TO SHOW CAUSE WHY**  
**OKLAHOMA OSTEOPATHIC MEDICAL LICENSE**  
**SHOULD NOT BE REVOKED**

Following lawful notice and hearing held on May 10, 2019, the Oklahoma Board previously entered an Interim Order of Suspension With Conditions in this case. Therein the Board ordered you to provide evidence of successful completion of certain conditions, to-wit:

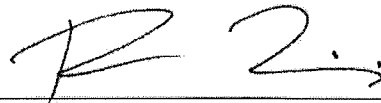
- “1. Prior to her next appearance before the Board, Dr. Hill shall obtain and present an independent psychological evaluation by Dr. A.W. Rousseau, supported by neurological-psychological testing done by Dr. David Johnsen. All expenses related to this testing and evaluation shall be borne by Dr. Hill. Dr. Hill 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. Following the receipt of the testing and evaluations, Dr. Hill shall appear at the next regularly scheduled Board Meeting at which time the Board may order further testing or such further Orders as the Board deems necessary and proper.



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

To date the Board Staff have not received from you any evidence of successful completion of the aforesaid conditions.

WHEREFORE, the Board orders you to appear at its meeting of December 14, 2023 at 9:00 a.m. to show cause why the Board should not revoke your Oklahoma Osteopathic Medical License. Hearing will be held at 4848 N. Lincoln Blvd, Oklahoma City, Oklahoma. You may be accompanied by legal counsel at your own election and expense.



---

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

# OSBOE HISTORY SHEET

**Donna R. Hill, D.O.**

Psychiatry

Okla. Lic Number: 3463

Case Number: OSBOE-0319-025 (RZ)

Status: Suspended

## **COMPLAINT:**

- Unprofessional conduct

### **4-17-2019 NOTICE AND EMERGENCY ORDER TO APPEAR AND SHOW CAUSE**

- X The Board alleges evidence that Dr. Hill is failing to provide Pt records, is unresponsive to phone calls and inquiries from Pts/ the Board, and who's conduct represents a threat to the health, safety, and welfare of the people of Oklahoma
- Dr. Hill is Ordered to appear April 18, 2019 at 2:30 pm and show cause why her license should not be temporarily suspended or further disciplined

### **5-10-2019 INTERIM ORDER OF SUSPENSION WITH CONDITIONS**

- X License will remain suspended until Dr. meets Board Ordered conditions
- Obtain and present an independent psychological evaluation by A.W. Rousseau, supported by neurological-psychological testing done by Dr. David Johnsen
- Bear all expenses
- Sign full releases for the Board to receive any and all reports directly

### **11-21-2023 NOTICE AND ORDER TO SHOW CAUSE WHY OKLAHOMA OSTEOPATHIC MEDICAL LICENSE SHOULD NOT BE REVOKED**

- X Dr. Hill was previously Ordered to provide evidence of successful completion of conditions in her Interim Order of Suspension with Conditions
- Dr. Hill is Ordered to appear December 14, 2023 at 9:00 am to show cause why the Board should not revoke her license

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

**RECEIVED/FILED**  
**MAY 10 2019**  
**OKLA. BOARD OF**  
**OSTEOPATHIC EXAMINERS**

**STATE OF OKLAHOMA, ex rel.** )  
**OKLAHOMA STATE BOARD OF** )  
**OSTEOPATHIC EXAMINERS,** )  
) )  
**Petitioner,** )  
) )  
**v.** )  
) )  
**DONNA R. HILL, D.O.,** )  
**Osteopathic Medical License No. 3463,** )  
) )  
**Respondent.** )  
) )

**No. 0319-25**

**INTERIM ORDER OF SUSPENSION WITH CONDITIONS**

This matter comes on for hearing before the Oklahoma State Board of Osteopathic Examiners [Board] at a special meeting on May 10, 2019. Donna R. Hill, D.O. [Dr. Hill] appears in person without counsel. Investigator for the Board, John Mobley, also appears and gives testimony. The purpose of the Hearing is to afford a full Hearing to Dr. Hill following the Emergency Hearing which occurred on April 18, 2019, at a special meeting of the Board which resulted in a Temporary Suspension of Dr. Hill’s license.

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

The State relied on previously presented Exhibits 1-5 and the Board heard testimony from Investigator Mobley about Exhibit 6. Dr. Hill was present and testified.

The Board, after reviewing the pleadings and Exhibits, hearing testimony and considering all of the evidence and being fully advised specifically finds the evidence against Dr. Hill to have been proven by clear and convincing evidence and enters this Interim Order of Suspension with Conditions.

**FINDINGS OF FACT**

1. Donna R. Hill, D.O., is the holder of a license to practice osteopathic medicine in the State of Oklahoma, license number 3463 issued July 1, 1997. At the time of this hearing Dr. Hill’s license is under suspension.

2. On March 14, 2019, the Board received a complaint that Dr. Donna R. Hill had failed to provide medical records to a patient after numerous requests made by the patient and the attorney for the patient. The complaint further alleged that Dr. Hill did not respond to telephone messages and that her office door was locked during office hours. The investigator tried for several days to contact Dr. Hill by telephone and email at both professional and personal numbers, without success. (Testimony of Investigator John Mobley)

3. On April 5, 2019, the Investigator went to Dr. Hill's office address at 2500 McGee Drive #126, Norman, Oklahoma, to both investigate the complaint and to check on the welfare of Dr. Hill. Dr. Hill and her adult daughter were at the address, although the office was not open and not in a condition to be open for patients. Dr. Hill appeared to be confused and was unable to respond to simple questions regarding her patient's medical records. She was unkempt and unsteady on her feet, weaving from side to side; her speech was extremely slurred and hard to understand and she reported that she was taking Xanax, but was unable to say how much she had taken and when her last dose was taken. Dr. Hill stated to the Investigator that she had not been seeing patients for at least two weeks. After further conversation with no positive communication, the investigator took photographs of the office; notices to patients posted on the door, and the doctor and her daughter themselves, and left the office. (Exhibit 5 and testimony of Investigator Mobley). Dr. Hill testified she was tired and had slept at her office instead of her home which is five (5) blocks from her office.

4. Dr. Hill's PMP indicated she had written prescriptions as recently as the day before his visit to her office. Investigator was able to contact one of Dr. Hill's patients who had filled a prescription on April 5, 2019. That patient was temporarily a resident of the Garvin County Jail in Pauls Valley. The patient had seen Dr. Hill on April 4, 2019, and received a refill prescription for Xanax from her. Dr. Hill has been seeing this patient for three years and prescribing for her. Dr. Hill's personal prescriptions on the PMP for the past 2 years (4-5-2017 to 4-5-2019), and her CDS prescriptions were: Clonazepam 2 mg tablets (60 units for 30 day period – last filled 2-15-2019); Dextroamp-amphetamin 20mg (90 units for 30 day period – last filled 4-1-2019); and Alprazolam 2mg tablets (60 units for 30 day period – last filled on 3-29-2019). These medications appear to have been refilled monthly for the two year period of the PMP. The prescribing doctors were Dr. Christopher A Edge, D.O. and Julia Jane Irwin, M.D. and several

prescriptions by Donna Denise Bowers, PA at Dr. Irwin's address. Exhibit 2, 4 and Testimony of Investigator Mobley)

5. A complaint in December, 2018, involving several patients of Dr. Hill being concerned because they could not reach Dr. Hill for appointments or for medication refills was investigated. Dr. Hill explained that she was moving her office and the situation would be completed and remedied soon. The situation has not been remedied and has, in fact, gotten worse. Dr. Hill appears incapable, for medical or psychiatric reasons, of discharging the functions of an osteopathic physician in a manner consistent with the public's health, safety and welfare as required by law. Dr. Hill either did not remember seeing and prescribing for the patient referred to before Investigator's visit, or was deliberately dishonest with the Investigator when she stated that she had not been seeing patients for at least two weeks. (Exhibits 3 and 6 and testimony of Investigator Mobley)

6. Notice of this hearing was made by the Investigator by personally delivering a copy of the Notice and Emergency Complaint to Dr. Hill at her office/home at 2500 McGee Drive #126, Norman, Oklahoma on May 7, 2019. (Testimony of Investigator Mobley)

7. The Board specifically finds these Findings of Fact to have been proven by clear and convincing evidence.

8. That this evidence constitutes an imminent danger to public health, safety, and welfare requires action by this Board.

### **CONCLUSIONS OF LAW**

1. The Board concludes that because Dr. Hill is in violation of the Oklahoma Osteopathic Medicine Act, 59 O.S. §§ 620 *et seq.*, it has the authority to take disciplinary action.

2. The Board has jurisdiction to hear this matter pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 640 *et. seq.* and the Administrative Procedures Act, 75 O.S. § 301 *et. seq.*

3. The Board concludes Dr. Hill is in violation of the Oklahoma Osteopathic Medicine Act, 59 O.S. § 637 [Act] and specifically § 637(A) (2) (g) (j) (3), (4) and (7), 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;
  - j. failing to furnish a copy of a patient's medical records upon a proper request from the patient or legal agent of the patient or another physician; or failing to comply with any other law relating to medical records,
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,

4. The Board concludes that there is clear and convincing evidence to support the allegations which consist of unprofessional conduct. The conduct of Dr. Hill as outlined in the Findings of Fact, paragraphs 1-7 and the Conclusions of Law, paragraphs 1-4 warrants discipline of her license to practice osteopathic medicine in the State of Oklahoma by ordering the Suspension of her License to practice osteopathic medicine to continue.

5. Since public health, safety and welfare imperatively require action such Board action is authorized by the legal authority of 75 O.S. 2011, § 314.

#### **ORDER**

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

IT IS THEREFORE ORDERED that the license to practice osteopathic medicine in the State of Oklahoma held by Dr. Donna Hill, license number 3463, will remain **suspended** until such time as Dr. Hill provides evidence of successful completion of the following conditions:

1. Prior to her next appearance before the Board, Dr. Hill 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. Hill. Dr. Hill 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.

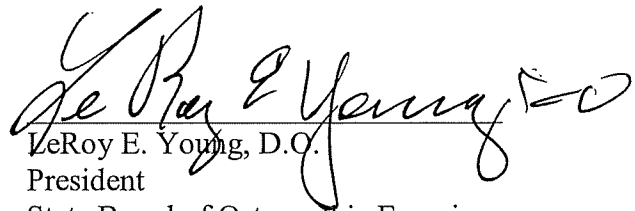
3. Following the receipt of the testing and evaluations, Dr. Hill shall appear at the next regularly scheduled Board Meeting at which time the Board may order further testing or such further Orders as the Board deems necessary and proper.

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

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

IT IS SO ORDERED, ADJUDGED AND DECREED.

Dated this 10th day of May, 2019.

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

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

<b>STATE OF OKLAHOMA, ex rel.</b>	)	
<b>OKLAHOMA STATE BOARD OF</b>	)	
<b>OSTEOPATHIC EXAMINERS,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	<b>No. 0319-25</b>
<b>v.</b>	)	
	)	
<b>DONNA R. HILL , D.O.,</b>	)	
<b>Osteopathic Medical License No. 3463,</b>	)	
	)	
<b>Respondent.</b>	)	

**CITATION AND NOTICE OF HEARING**

**TO: Donna R. Hill, D.O.**

**YOU ARE HEREBY NOTIFIED** that under the Oklahoma Osteopathic Medicine Act ("Osteopathic Act"), 59 O.S. 1991, § 620 *et seq.*, and the Oklahoma Administrative Procedures Act 75 O.S. 1991 § 301 *et seq.*, and pursuant to your oral request, a hearing will be held before the Oklahoma State Board of Osteopathic Examiners ("Board"), at the offices of the Board, 4848 North Lincoln Boulevard, Suite 100, Oklahoma City, Oklahoma 73105, on **May 10, 2019.** The hearing will begin at 2:00 p.m.

**PURPOSE OF HEARING**

The purpose of the hearing will be to show cause why your license to practice osteopathic medicine in the State of Oklahoma, temporarily suspended by this Board on April 18, 2019, should continue to be 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 Emergency Order issued against you.



**LEGAL AUTHORITY FOR HEARING**

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

**RIGHTS OF RESPONDENT**

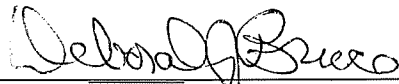
Please be advised of your rights, to-wit:

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

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

Dated this 6th day of May, 2019.

Respectfully submitted,



Deborah J. Bruce, OBA No. 5977  
4848 N. Lincoln Blvd., Suite 10  
Oklahoma City, Oklahoma 73105  
Telephone: (405) 819-3323  
Facsimile: (405) 557-0653  
EXECUTIVE DIRECTOR

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

<b>STATE OF OKLAHOMA, ex rel.</b>	)	
<b>OKLAHOMA STATE BOARD OF</b>	)	
<b>OSTEOPATHIC EXAMINERS,</b>	)	
<b>DEBORAH J. BRUCE, Director,</b>	)	
	)	
<b>Petitioner,</b>	)	<b>No. 0319-25</b>
	)	
<b>v.</b>	)	
	)	
<b>DONNA R. HILL, D.O.,</b>	)	
<b>Osteopathic Medical License No. 3463,</b>	)	
	)	
<b>Respondent.</b>	)	

**NOTICE AND EMERGENCY ORDER TO APPEAR AND 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 an Emergency Show Cause Hearing before the Oklahoma State Board of Osteopathic Examiners [Board] at a Meeting of the Board on the **18th day of April, 2019, at 2:30 p.m.**

**ALLEGATIONS OF FACT**

3. Donna R. Hill, D.O., is the holder of a license to practice osteopathic medicine in the State of Oklahoma, license number 3463 issued July 1, 1997. At the time of this hearing Dr. Hill's license is active and unrestricted.

4. Pursuant to routine procedures of the Board, the Board's Staff is charged by the Board with investigation of all complaints received involving physicians who may be impaired or violating other provisions of the Oklahoma Osteopathic Medicine Act. The Board staff will investigate the specific complaints by contacting the physician and making such other and further contacts as may appear necessary to determine and resolve the issue.

5. On March 14, 2019, the Board received a complaint that Dr. Donna R. Hill had failed to provide medical records to a patient after numerous requests made by the patient and the attorney for the patient. The complaint further alleged that Dr. Hill did not respond to telephone messages and that her office door was locked during office hours. The investigator tried for several days to contact Dr. Hill by telephone and email at both professional and personal numbers, with no success.

6. On April 5, 2019, the Investigator went to Dr. Hill's office address at 2500 McGee Drive #126, Norman, Oklahoma, to both investigate the complaint and to check on the welfare of Dr. Hill. Dr. Hill and her adult daughter were at the address, although the office was not open and not in a condition to be open for patients. Dr. Hill appeared to be confused and was unable to respond to simple questions regarding her patient's medical records. She was unkempt and unsteady on her feet, weaving from side to side; her speech was extremely slurred and hard to understand and she reported that she was taking Xanax, but was unable to say how much she had taken and when her last dose was taken. Dr. Hill stated to the Investigator that she had not been seeing patients for at least two weeks. After further conversation with no positive communication, the investigator took photographs of the office, notices to patients posted on the door, and the doctor and her daughter themselves, and left the office.

7. Investigator reviewed Dr. Hill's PMP and found she had written prescriptions as recently as the day before his visit to her office. Investigator was able to contact one of Dr. Hill's patients who had filled a prescription on April 5, 2019. That patient was temporarily a resident of the Garvin County Jail in Pauls Valley. Investigator visited with the patient and learned that she had seen Dr. Hill on April 4, 2019, and received a refill prescription for Xanax from her. Dr. Hill has been seeing this patient for three years and prescribing for her. Investigator reviewed Dr. Hill's personal prescriptions on the PMP for the past 2 years (4-5-2017 to 4-5-2019), and her CDS prescriptions were: Clonazepam 2 mg tablets (60 units for 30 day

period – last filled 2-15-2019); Dextroamp-amphetamin 20mg (90 units for 30 day period – last filled 4-1-2019); and Alprazolam 2mg tablets (60 units for 30 day period – last filled on 3-29-2019). These medications appear to have been refilled monthly for the two year period of the PMP. The prescribing doctors were Dr. Christopher A Edge, D.O. and Julia Jane Irwin, M.D. and several prescriptions by Donna Denise Bowers, PA at Dr. Irwin’s address.

8. Investigator investigated a complaint in December, 2018, involving several patients of Dr. Hill being concerned because they could not reach Dr. Hill for appointments or for medication refills. Upon talking to Dr. Hill, the doctor explained that she was moving her office and the situation would be completed and remedied soon. It appears to Investigator that the situation has not been remedied and has, in fact, gotten worse. Investigator is concerned that the doctor may not be capable, for medical or psychiatric reasons, of discharging the functions of an osteopathic physician in a manner consistent with the public’s health, safety and welfare. Title 59 Section 637 (A) (8) Investigator is also concerned that Dr. Hill either did not remember seeing and prescribing for the patient referred to above the day before Investigator’s visit, or Dr. Hill was deliberately dishonest with the Investigator when she stated that she had not been seeing patients for at least two weeks. Investigator has not yet been able to contact any other patients who filled prescriptions during that two week period according to the PMP.

9. Notice of this hearing will be attempted by the Investigator trying to deliver a copy of Notice to Dr. Hill personally at her office/home at 2500 McGee Drive #126, Norman, Oklahoma, and by regular mail to that address as well.

### **ALLEGED CONCLUSIONS OF LAW**

10. Dr. Hill’s conduct represents a threat to the health, safety and welfare of the people of Oklahoma which warrants Emergency action by this Board.

11. The conduct of Dr. Hill warrants discipline of her license to practice osteopathic medicine in the State of Oklahoma of a Temporary Suspension of her License to practice, pending further review and hearing before the Board. The Temporary Suspension should not

affect the ability of the Board to file a complaint herein on these matters and other matters that may appear to be violations of the Act that may be discovered during further investigation.

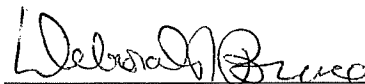
**ORDER**

WHEREFORE, premises considered, **Dr. DONNA R. HILL** is hereby given notice to appear before the Board on **APRIL 18<sup>th</sup>, 2019, at 2:30 p.m.** and to show cause why her license to practice osteopathic medicine in the state of Oklahoma should not be temporarily suspended or further disciplined for violating or failing to comply with the provision of the Osteopathic Medicine Act as required by 59 O.S. § 620 et. seq. The Hearing will be held at the following location:

**OSU-OKC**  
**900 N. Portland**  
**Science Building, Room 205**  
**Oklahoma City, Oklahoma**  
**(405) 945-8607**

DATED this 17th day of April, 2019.

Respectfully submitted,

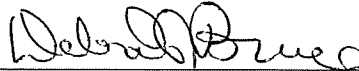


Deborah J. Bruce, OBA#13019  
Executive Director  
State Board of Osteopathic Examiners  
4848 N. Lincoln, Suite 100  
Oklahoma City, OK 73105  
(405) 528-8625 (phone)  
(405) 557-0653 (facsimile)

**CERTIFICATE OF SERVICE**

This certifies that a true and correct copy of the above and foregoing Notice and Emergency Order to Appear and Show Cause was mailed to the following on this date, April 17, 2019, by placing it in the U.S. Mail, postage pre-paid:

Donna R. Hill, D.O.  
2500 McGee Drive #126  
Norman, OK 73072

  
\_\_\_\_\_  
Deborah J. Bruce

ROGER  
HOBGOOD,  
D.O.  
# 2623

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. )  
 )  
ROGER HOBGOOD, D.O., )  
Osteopathic Medical License No. 2623, )  
 )  
Respondent. )

NOV 21 2023

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

No. 1019-104

**NOTICE AND ORDER TO SHOW CAUSE WHY**  
**OKLAHOMA OSTEOPATHIC MEDICAL LICENSE**  
**SHOULD NOT BE REVOKED**

Following lawful notice and hearing held on March 12, 2020, the Oklahoma Board previously entered its Order of Suspension of License in this case. Therein the Board ordered you to provide evidence of successful completion of certain conditions, to-wit:

“2. Respondent is ordered to arrange and attend at his own expense examination by psychologist Dr. David Johnsen, Ph.D. and psychiatrist Dr. Arthur Rousseau, M.D.

3. Respondent shall sign releases and authorize Dr. Johnsen and Dr. Rousseau to submit complete copy of their report on the Respondent directly to the Board Staff. Upon the Board’s review of those reports and consideration of any further evidence by Petitioner or Respondent the Board may enter further orders in this cause.

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

5. Any failure to comply with the submission of documentation by third-parties, including late reports, or unsatisfactory reports, and/or other violations of the Oklahoma Osteopathic Medicine Act by the Respondent will require Respondent to make additional appearances before the Board to



show cause why Respondent's license should not be revoked or such other action taken as the Board deems necessary."

To date the Board Staff have not received from you any evidence of successful completion of the aforesaid conditions.

WHEREFORE, the Board orders you to appear at its meeting of December 14, 2023 at 9:00 a.m. to show cause why the Board should not revoke your Oklahoma Osteopathic Medical License. Hearing will be held at 4848 N. Lincoln Blvd, Oklahoma City, Oklahoma. You may be accompanied by legal counsel at your own election and expense.



---

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

# OSBOE HISTORY SHEET

**Roger Lee Hobgood, D.O.**

Anesthesiology

Okla. Lic Number: 2623

Case Number: OSBOE-1019-104

Status: Suspended

## **COMPLAINT:**

- Concerns of psychiatric issues

## **3-12-2020 ORDER OF SUSPENSION OF LICENSE**

- X License is SUSPENDED until further notice
- Arrange and attend examinations by Dr. David Johnsen, Ph.D. and Dr. Arthur Rousseau, M.D.
- Sign releases and authorize examination reports to be sent directly to the Board
- Failure to comply will result in additional appearances

## **11-21-2023 NOTICE AND ORDER TO SHOW CAUSE WHY OKLAHOMA OSTEOPATHIC MEDICAL LICENSE SHOULD NOT BE REVOKED**

- X Dr. Hobgood was previously Ordered to undergo psychological and psychiatric examinations and have not yet received evidence of successful completion
- Dr. Hobgood is Ordered to appear December 14, 2023 at 9:00 am to show cause why the Board should not revoke his license

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

STATE OF OKLAHOMA, ex rel., )  
 STATE BOARD OF OSTEOPATHIC )  
 EXAMINERS, )  
 )  
 Petitioners, )  
 )  
 v. )  
 )  
 ROGER HOBGOOD, D.O., )  
 Osteopathic Medicine License No. 2623, )  
 )  
 Respondent. )

**RECEIVED/FILED**  
 APR 10 2020  
 OKLA. BOARD OF  
 OSTEOPATHIC EXAMINERS

Case No. 1019-104

**ORDER OF SUSPENSION OF LICENSE**

This matter comes on for hearing before the Oklahoma State Board of Osteopathic Examiners en banc on the 12<sup>th</sup> day of March, 2020. The Board is represented by Patrick J. Quillian, Oklahoma City. Respondent is present in person and represented by counsel Clifford N. Ribner, Oklahoma City.

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

The Board, after reviewing the pleadings, and hearing statement of Respondent legal counsel and being fully advised finds by specific motion the following Findings of Fact and Conclusions of Law to be true and correct and proven by clear and convincing evidence.

## FINDINGS OF FACT

The Board finds there is clear and convincing evidence to show as follows, to-wit:

1. Dr. Roger Hobgood, D.O., is the holder of a license to practice as an osteopathic physician in the State of Oklahoma, license number 2623. Dr. Hobgood received his license as an osteopathic physician in Oklahoma from the Board in 1986. Until recently Dr. Hobgood worked for Comanche County Memorial Hospital (“Comanche Hospital”) as an anesthesiologist under the supervision of Chief-of-Staff Dr. Scott Michener, M.D.

2. On October 11, 2019, Dr. Hobgood contacted Board Special Investigator John Mobley by phone and indicated he was experiencing emotional problems that affected his ability to function and that he had stopped working as a physician at Comanche Hospital to deal with these issues. Investigator Mobley noted that during this conversation Dr. Hobgood often rambled and jumped from unrelated topic to unrelated topic, which gave Investigator Mobley the impression that Dr. Hobgood was suffering from serious mental health issues.

3. Investigator Mobley concluded the October 11, 2019 conversation with Dr. Hobgood by referring him to OHPP, and Dr. Hobgood agreed that he would not practice medicine further before contacting OHPP. Investigator Mobley

subsequently learned that Dr. Hobgood made initial contact with OHPP staff but did not sign a contract or otherwise participate in their program.

4. Investigator Mobley contacted Dr. Hobgood on October 16, 2019, who explained that OHPP could not treat his issues and that osteopathic doctors are “large and in charge” who need their own health professionals that are in tune with “their special superior brain power.” During this conversation, Dr. Hobgood again rambled from unrelated topic-to-topic and demonstrated mental health impairment. Dr. Hobgood did not, however, express intent to resume his medical practice.

5. On October 16, 2019, the Board received a complaint from Dr. Scott Michener, M.D., who indicated that Dr. Hobgood had recently exhibited strange behaviors at the hospital such as missing shifts, having random outbursts, and coming to work with a gun and ammunition in his car. Dr. Michener also stated that Dr. Hobgood had recently had many odd communications with hospital staff and physicians and he had written emails and texts that made him appear delusional. Dr. Michener ultimately had concerns that Dr. Hobgood may be suffering from psychiatric issues that prohibit him from being able to practice medicine safely.

6. That the Respondent ceased voluntarily the active practice of osteopathic medicine on or around October 9, 2019.

### **CONCLUSION OF LAW**

1. Dr. Hobgood is in violation of the Oklahoma Osteopathic Medicine Act, Tit. 59 O.S. §637(A)(8), which states:

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

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;

**ORDER**

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

1. Respondent's Oklahoma Osteopathic Medicine License No. 2623 is hereby **SUSPENDED** for a period until further Order of the Board.

2. Respondent is ordered to arrange and attend at his own expense examination by psychologist Dr. David Johnsen, Ph.D. and psychiatrist Dr. Arthur Rousseau, M.D.

3. Respondent shall sign releases and authorize Dr. Johnsen and Dr. Rousseau to submit complete copy of their report on the Respondent directly to the Board staff. Upon the Board's review of those reports and consideration of any further evidence by Petitioner or Respondent the Board may enter further orders in this cause.

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

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

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

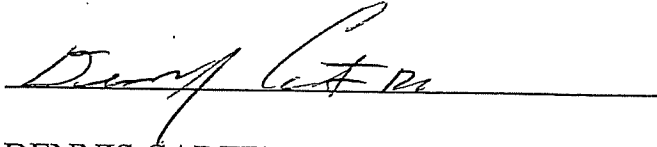
7. This Order constitutes formal disciplinary action by the Board of record and may be used in any subsequent hearing by the Board. In the event of other misconduct by Respondent is reported to the Board, this Order may be used as evidence against Respondent to establish a pattern of behavior and for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

8. This Order constitutes public record subject to release by the Board staff.

9. This Order shall become final after anti-competitive review and a determination by the Oklahoma Attorney General, 74 O.S. 2011, §18(b)(A)(5) that

the Order is in compliance with the Board's authority and mission to protect public health, safety and welfare, and Respondent's receipt of the fully executed Order.

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

A handwritten signature in cursive script, appearing to read "Dennis Carter, DO", is written over a solid horizontal line.

DENNIS CARTER, DO  
President  
State Board of Osteopathic Examiners



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

STATE OF OKLAHOMA, ex rel. )  
OKLAHOMA STATE BOARD OF )  
OSTEOPATHIC EXAMINERS, )  
 )  
 )  
Petitioners, )  
 )  
v. )  
 )  
ROGER HOBGOOD, D.O., )  
Osteopathic Medical License No. 2623. )  
 )  
Respondent. )

No. 1019-104

**RECEIVED/FILED**  
NOV 19 2019  
OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

**CITATION AND NOTICE OF HEARING**

**TO: ROGER HOBGOOD, D.O.** [Licensee]

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

**NATURE OF THE HEARING**

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

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

**LEGAL AUTHORITY AND JURISDICTION FOR HEARING**

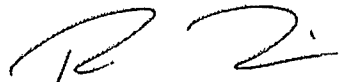
The hearing is ordered pursuant to the authority and jurisdiction conferred upon the Board by Title 59 O.S. 1991 § 637 and 631.1 and will be conducted according to the procedures set forth in the Oklahoma Administrative Procedures Act, Title 75 O.S. § 301, *et seq*, and the Rules and Regulations of the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

**RIGHTS OF RESPONDENT**

Be advised of your rights, which are as follows:

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

Respectfully submitted,



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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](mailto:jpatrickquillianpc@gmail.com)  
SPECIAL PROSECUTOR FOR PETITIONER

RECEIVED/FILED  
NOV 19 2019  
OKLA. 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. )  
 )  
ROGER HOBGOOD, D.O. )  
Osteopathic Medicine License No. 2623. )  
 )  
Respondent. )

Case No. 1019-104

**RECEIVED/FILED**  
NOV 19 2019  
OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

**COMPLAINT**

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

1. Dr. Roger Hobgood, D.O., is the holder of a license to practice as an osteopathic physician in the State of Oklahoma, license number 2623. Dr. Hobgood received his license as an osteopathic physician in Oklahoma from the Board in 1986. Until recently Dr. Hobgood worked for Comanche County Memorial Hospital ("Comanche Hospital") as an anesthesiologist under the supervision of chief-of-staff Dr. Scott Michener, M.D.

2. Dr. Hobgood is in violation of the Oklahoma Osteopathic Medicine Act, Tit. 59 O.S. § 637(A)(8), which states:

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

...

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.

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NOV 19 2019  
OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

safety and welfare;

....

3. On October 11, 2019, Dr. Hobgood contacted Board Special Investigator John Mobley by phone and indicated he was experiencing emotional problems that affected his ability to function and that he had stopped working as a physician at Comanche Hospital to deal with these issues. Investigator Mobley noted that during this conversation Dr. Hobgood often rambled and jumped from unrelated topic to unrelated topic, which gave Investigator Mobley the impression that Dr. Hobgood was suffering from serious mental health issues.

4. Investigator Mobley concluded the October 11, 2019 conversation with Dr. Hobgood by referring him to OHPP, and Dr. Hobgood agreed that he would not practice medicine further before contacting OHPP. Investigator Mobley subsequently learned that Dr. Hobgood made initial contact with OHPP staff but did not sign a contract or otherwise participate in their program.

5. Investigator Mobley contacted Dr. Hobgood on October 16, 2019, who explained that OHPP could not treat his issues and that osteopathic doctors are “large and in charge” who need their own health professionals that are in tune with “their special superior brain power.” During this conversation, Dr. Hobgood again rambled from unrelated topic-to-topic and demonstrated mental health impairment. Dr. Hobgood did not, however, express intent to resume his medical practice.

6. On October 16, 2019, the Board received a complaint from Dr. Scott Michener, M.D., who indicated that Dr. Hobgood had recently exhibited strange behaviors at the hospital such as missing shifts, having random outbursts, and coming to work with a gun and ammunition in his car. Dr. Michener also stated that Dr. Hobgood had recently had many

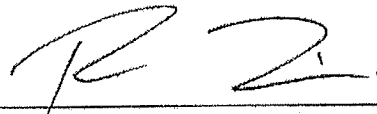
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OKLA. BOARD OF  
OSTEOPATHIC PHYSICIAN EXAMINERS

odd communications with hospital staff and physicians and he had written emails that made him appear delusional. Dr. Michener ultimately had concerns that Dr. Hebered may be suffering from psychiatric issues that prohibit him from being able to practice medicine safely.

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

DONALD  
LAMOUREAUX,  
D.O.  
# 4785

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. )  
 )  
DONALD W. LAMOUREAUX, D.O., )  
Osteopathic Medical License No. 4785, )  
 )  
Respondent. )

NOV 21 2023

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

No. 0415-45

**NOTICE AND ORDER TO SHOW CAUSE WHY  
OKLAHOMA OSTEOPATHIC MEDICAL LICENSE  
SHOULD NOT BE REVOKED**

Following lawful notice and hearing held on May 1, 2015, the Oklahoma Board previously entered its Finding of Fact, Conclusions of Law and Emergency Order of Suspension in this case.

Since that date you have not made written request for further meeting of the Board to allow the Board to evaluate any evidence that you have successfully completed any curative steps and actions so that any future practice of osteopathic medicine does not threaten public health, safety and welfare.

WHEREFORE, the Board orders you to appear at its meeting of December 14, 2023 at 9:00 a.m. to show cause why the Board should not revoke your Oklahoma Osteopathic Medical License. Hearing will be held at 4848 N. Lincoln Blvd, Oklahoma City, Oklahoma. You may be accompanied by legal counsel at your own election and expense.



---

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



# OSBOE HISTORY SHEET

**Donald Wayne Lamoureaux, D.O.**

Family Practice

Okla. Lic Number: 4785

Case Number: OSBOE-0415-045 (RZ)

Status: Suspended

## **COMPLAINT:**

- Arrested for allegations of soliciting sex with a child

### **5-1-2015 EMERGENCY COMPLAINT**

- Dr. was arrested on allegations of soliciting sex with a child
- Engaged in online conversation with an undercover officer and made arrangements to travel out to state for the purpose of having sexual relations with a minor

### **5-1-2015 FINDINGS OF FACT, CONCLUSIONS OF LAW AND EMERGENCY ORDER OF SUSPENSION**

- X License is SUMMARILY SUSPENDED pending a hearing within 30 days
- X Suspension shall continue until such time as the Board determines practice does not threaten the public health, safety and welfare

### **11-21-2023 NOTICE AND ORDER TO SHOW CAUSE WHY OKLAHOMA OSTEOPATHIC MEDICAL LICENSE SHOULD NOT BE REVOKED**

- X No written requests for further meeting of the Board to evaluate evidence have been made since the Board entered its Finding of Fact, Conclusions of Law and Emergency Order of Suspension
- Dr. Lamoureaux is Ordered to appear December 14, 2023 at 9:00 am to show cause why the Board should not revoke his license

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

STATE BOARD OF OSTEOPATHIC )  
EXAMINERS, )  
STATE OF OKLAHOMA, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
DONALD W. LAMOUREAUX, D.O., )  
Osteopathic Medical License No. 4785 )  
 )  
Respondent. )

Case No. 0415-45

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

This matter comes before the State Board of Osteopathic Examiners [Board] at an emergency hearing held on May 1, 2015, at the Embassy Suites Hotel, Norman, Oklahoma, in the above-styled individual proceeding. After reviewing the Emergency Complaint and Exhibits, 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.

**FINDINGS OF FACT**

1. Donald W. Lamoureux, D.O. [Dr. Lamoureux] is the holder of an out-of-state license to practice osteopathic medicine in the State Of Oklahoma, license number 4785. His also holds a Missouri license, number 2008014963. His primary practice location is in Horseshoe Bend, Arkansas, license number E2759. Dr. Lamoureux attended Kansas City University of Osteopathic Medicine in Kansas City, Missouri from 1994 through 1998, and graduated in 1998. Dr. Lamoureux received his license as an osteopathic physician and surgeon in Oklahoma from the Board in 2010. As of the date of this Emergency Complaint, his license is in good standing.

2. Proper notice of this proceeding was attempted. However, Dr. Lamoureux has failed to update his contact information with the Board.

3. Evidence at the hearing included that on April 22, 2015, the Board received a copy of an Emergency Order of Suspension and Notice of Hearing issued by the Arkansas Board. This Order of April 10, 2015, suspended the license of Dr. Lamoureaux pending a disciplinary hearing on June 4, 2015. Included with the Order was a copy of a Criminal Complaint from the United States District Court for the Western District of Arkansas filed on February 5, 2015. The Complaint stated that Dr. Lamoureaux engaged in an online conversation with an undercover officer and made arrangements to travel out of state for the purpose of having sexual relations with a minor. (Testimony of Richard Zimmer, Chief Investigator for the Board and Exhibit 1.)

4. Evidence at the hearing also included an affidavit in support of the Criminal Complaint prepared by a Task Force Officer investigating criminal violations relating to child exploitation and child pornography. The officer posed as an adult mother offering her four year old daughter for sexual exploitation. Dr. Lamoureaux expressed in many conversations that he wanted to “teach” the 4 year old how to have sex. He also said he wanted to penetrate the minor digitally, orally, and with toys. Dr. Lamoureaux asked if he could bruise her vagina and anus. Dr. Lamoureaux wanted to meet the officer at a motel in Missouri for the purpose of abusing the child by slapping, biting, and being rough. Dr. Lamoureaux set up a bank account and deposited money for expenses related to meeting with the child. (Testimony of Richard Zimmer, Chief Investigator for the Board and Exhibit 2.)

### CONCLUSIONS OF LAW

1. The Board specifically finds the above Findings of Fact and the following Conclusions of Law to have been proven by clear and convincing evidence. The Board further concludes that it has jurisdiction over individual(s) licensed by the Board to practice 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. The Board also finds Dr. Lamoureaux is in violation of the Oklahoma Osteopathic Medicine Act, 59 O.S. § 637 [Act] and specifically § 637(A) (2), (3), (6), (8) and (13) 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:
3. Has engaged in gross negligence, gross malpractice or gross incompetence and
6. Has had the authority to engage in the activities regulated by the Board revoked, suspended, restricted, modified or limited, or has been reprimanded, warned or censured, probated or otherwise disciplined by any other state or federal agency whether or not voluntarily agreed to by the physician including, but not limited to, the denial of licensure, surrender of the license, permit or authority, allowing the license, permit or authority to expire or lapse, or discontinuing or limiting the practice of osteopathic medicine pending disposition of a complaint or completion of an investigation;
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 be limited to obscenity, lewdness, molestation and other acts of moral turpitude;

3. The Board concludes that because Dr. Lamoureaux has violated Section 637 of the Act, specifically § 637(A)(2) (3), (6), (8) and (13) and that it has the authority to take emergency disciplinary action.

4. The actions of Dr. Lamoureaux, as described in paragraphs 1-4 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. Lamoureaux to practice osteopathic medicine in the State of Oklahoma is **SUMMARILY SUSPENDED** pending a Hearing within thirty days from the date of this Emergency Order pursuant to a written request by Dr.

Lamoureaux. 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. Lamoureaux' practice of osteopathic medicine does not threaten the public health, safety and welfare.

2. 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.**

Dated this 1st day of May, 2015.

  
\_\_\_\_\_  
C. B. Pettigrew, 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.	)	Case No. 0415-45
	)	
DONALD W. LAMOUREAUX, D.O.,	)	
Osteopathic Medical License No. 4785	)	
	)	
Respondent.	)	

EMERGENCY COMPLAINT

The Interim Prosecutor for the State Board of Osteopathic Examiners [Board], Deborah J. Bruce, files this Emergency Complaint against the Respondent, Donald Wayne Lamoureaux.

1. Donald W. Lamoureaux, D.O. [Dr. Lamoureaux] is the holder of an out-of-state license to practice osteopathic medicine in the State Of Oklahoma, license number 4785. His also holds a Missouri license, number 2008014963. His primary practice location is in Horseshoe Bend, Arkansas, license number E2759.

Dr. Lamoureaux attended Kansas City University of Osteopathic Medicine in Kansas City, Missouri from 1994 through 1998, and graduated in 1998. Dr. Lamoureaux received his license as an osteopathic physician and surgeon in Oklahoma from the Board in 2010. As of the date of this Emergency Complaint, his license is in good standing. 2. Dr. Lamoureaux is in violation of the Oklahoma Osteopathic Medicine Act, 59 O.S. § 637 [Act] and specifically § 637(A) (2), (3), (6), (8) and (13) 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:
3. Has engaged in gross negligence, gross malpractice or gross incompetence and
6. Has had the authority to engage in the activities regulated by the Board revoked, suspended, restricted, modified or limited, or has been reprimanded, warned or censured, probated or otherwise disciplined by any other state or federal agency whether or not voluntarily agreed to by the physician including, but not limited to, the denial of licensure, surrender of the license, permit or authority, allowing the license, permit or authority to expire or lapse, or discontinuing or limiting the practice of osteopathic medicine pending disposition of a complaint or completion of an investigation;
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 be limited to obscenity, lewdness, molestation and other acts of moral turpitude;

3. On April 22, 2015, the Board received a letter from the Arkansas State Medical Board. The letter advised that on April 9-10, 2015, the Arkansas Board received information regarding the arrest of Dr. Lamoureaux for allegations of soliciting sex with a child. A trial is scheduled in Arkansas on June 1, 2015, with a disciplinary hearing set for June 4, 2015.

4. The packet received by the Board on April 22, 2015, contained an Emergency Order of Suspension and Notice of Hearing issued by the Arkansas Board. This Order suspends the license of Dr. Lamoureaux pending a disciplinary hearing on April 10, 2015.

5. The packet also included a Criminal Complaint from the United States District Court for the Western District of Arkansas filed on February 5, 2015. The Complaint stated that Dr. Lamoureaux engaged in an online conversation with an undercover officer and made arrangements to travel out of state for the purpose of having sexual relations with a minor.

6. An affidavit in support of the Criminal Complaint was prepared by a Task Force Officer investigating criminal violations relating to child exploitation and child pornography. The officer posed as an adult mother offering her four year old daughter for sexual

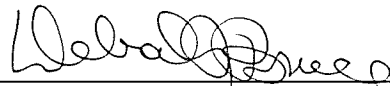
exploitation. Dr. Lamoureaux expressed in many conversations that he wanted to “teach” the 4 year old how to have sex. He also said he wanted to penetrate the minor digitally, orally, and with toys. Dr. Lamoureaux asked if he could bruise her vagina and anus.

7. Dr. Lamoureaux wanted to meet the officer at a motel in Missouri for the purpose of abusing the child by slapping, biting, and being rough. Dr. Lamoureaux set up a bank account and deposited money for expenses related to meeting with the child.

THE ACTIONS OF DR. DONALD W. LAMOUREAUX AS DESCRIBED IN PARAGRAPHS 1-7 OF THIS EMERGENCY COMPLAINT, IMPERATIVELY CONSTITUTE A THREAT TO THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC THAT REQUIRES EMERGENCY ACTION BY THIS BOARD.

Issued this 1<sup>st</sup> day of May, 2015.

Respectfully submitted,



---

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

INTERIM PROSECUTOR FOR THE  
STATE BOARD OF OSTEOPATHIC  
EXAMINERS



LICENSURE  
& RENEWAL  
HEARING  
DOCKET

APPLICANTS  
FOR  
LICENSURE  
OR RENEWAL  
APPEARING

JUNAIID  
ALAM, D.O.  
REAPPEARANCE  
NEEL NARARAJAN, J.D.



# Oklahoma State Board of Osteopathic Examiners

BRET S. LANGERMAN, D.O.  
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SECRETARY-TREASURER  
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OKLAHOMA CITY

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OKLAHOMA CITY

C. MICHAEL OGLE, D.O.  
TULSA

DENNIS J. CARTER, D.O.  
POTEAU

CHELSEY D. GILBERTSON, D.O.  
EDMOND

November 21, 2023

**VIA EMAIL** [REDACTED]  
**AND U.S. MAIL**

Junaid Alam, D.O.  
[REDACTED]

Re: Notice of Appearance re Licensure

Dear Dr. Alam:

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 14, 2023**. **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.

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

Katie Templeton, J.D.  
Interim Director  
KLT/kc

CC: VIA Email nnatarajan@medicaldefense.law  
AND U.S. MAIL

Mr. Neel Natarajan, J.D.  
Walters Stanley & Natarajan, LLP  
1017 NW Sixth Street  
Oklahoma City, OK 73106  
(405) 235-3800  
(405) 235-5800

SEP 01 2023

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

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

IN THE MATTER OF THE APPLICATION )  
OF JUNAID ALAM, DO APPLICANT FOR )  
OKLAHOMA OSTEOPATHIC MEDICAL ) OSBOE-2023-125  
LICENSE )

ORDER GRANTING LICENSURE WITH CONDITIONS

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners (“Board”) at its regular meeting of the Board held on June 15, 2023. Applicant Dr. Junaid Alam, DO appeared by video along with his legal counsel, Neel Natarajan, by video.

This Order is pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. 2021, §620 et seq. and the Oklahoma Administrative Procedures Act, 75 O.S. §250 et seq.

The Board, after reviewing the application file, hearing testimony and being fully advised specifically finds the following Findings of Fact and Conclusions of Law to be proven by clear and convincing evidence.

FINDINGS OF FACT

1. Dr. Junaid Alam is an applicant for license to practice osteopathic medicine in the State of Oklahoma.

2. The applicant admitted he was involved in an allegation of domestic violence in February, 2021 with his spouse but any criminal case was subsequently dismissed and expunged.

3. That the applicant is not currently in any counseling and the applicant did successfully complete 36-hours of intensive counseling on or around May 19, 2021.

4. That the applicant meets the requirements for licensure in Oklahoma as an osteopathic physician with certain conditions.

### **CONCLUSIONS OF LAW**

1. The Board has jurisdiction to hear this matter pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. 2021, §620 et seq., rules for the Board 510 OAC §1-1 et seq. and the Oklahoma Administrative Procedures Act, 75 O.S. §250 et seq.

### **ORDER**

**IT IS THEREFORE ORDERED** by the Board that Dr. Alam's application for license to practice osteopathic medicine in the State of Oklahoma should be granted subject to the following terms and conditions:

1. Dr. Alam shall present evidence of initial assessment by an appropriate professional approved by the Board on the topics of anger management, disruptive physician, and domestic abuse and periodic reports from a professional following up on that evaluation, if indicated by the evaluator, shall be presented directly to the Board staff.

2. That the Board en banc will review the aforesaid reports at its meeting of December, 2023 and consider any subsequent evidence and enter any further Order as supported by evidence presented at that time.
3. That Dr. Alam shall bear the financial costs of any evaluation and any periodic reports made to the Oklahoma Board.
4. That Dr. Alam shall ensure all authorizations to release all evaluation reports, attachments and documents directly to the Oklahoma Board.
5. 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 C.F.R. Part 60.

**IT IS SO ORDERED AND EFFECTIVE** this 1st day of September, 2023.

*Bret Langerman, D.O.*  
Bret Langerman, D.O. (Sep 1, 2023 11:31 CDT)

---

BRET LANGERMAN, D.O.

President

State Board of Osteopathic Examiners





December 6, 2023

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

Re: Junaid Alam, DO

To Whom it May Concern:

This letter is regarding Junaid Alam, DO. Dr. Alam signed a recovery monitoring agreement with the Oklahoma Health Professionals Program (OHPP) on December 1<sup>st</sup>, 2023, contract length will be determined after reporting from PRC following treatment. Dr. Alam's contract with the Oklahoma Health Professional Program (OHPP) requires cooperation with 4 random hair/nail alcohol/drug screens, participation in weekly caduceus meetings.

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

A handwritten signature in black ink, appearing to read 'JK', with a long horizontal line extending to the right.

John Kuhn, MD, MRO  
OHPP Director  
JK/th

JOSEPH  
BLYTHE, D.O.  
APPLICANT



# Oklahoma State Board of Osteopathic Examiners

BRET S. LANGERMAN, D.O.  
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MUSTANG

BOARD MEMBERS  
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TULSA

DENNIS J. CARTER, D.O.  
POTEAU

CHELSEY D. GILBERTSON, D.O.  
EDMOND

November 21, 2023

VIA EMAIL [REDACTED]  
AND U.S. MAIL

Joseph Blythe, D.O.  
[REDACTED]

Re: Notice of Appearance re Licensure

Dear Dr. Blythe:

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 14, 2023**. **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.

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

Katie Templeton, J.D.  
Interim Director  
KLT/kc

EVAN  
GARRETT,  
D.O.  
APPLICANT

RACHEL  
GRUBBS, D.O.  
REAPPEARANCE



# Oklahoma State Board of Osteopathic Examiners

## BOARD MEMBERS

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OKLAHOMA CITY

LEROY E. YOUNG, D.O.  
OKLAHOMA CITY

C. MICHAEL OGLE, D.O.  
TULSA

DENNIS J. CARTER, D.O.  
POTEAU

CHELSEY D. GILBERTSON, D.O.  
EDMOND

November 21, 2023

VIA EMAIL [REDACTED]  
AND U.S. MAIL

Rachel Grubbs, D.O.  
[REDACTED]

Re: Notice of Appearance re Licensure

Dear Dr. Grubbs:

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 14, 2023**. **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: 272 761 779 610

Passcode: SsDDfj

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

Katie Templeton, J.D.  
Interim Director  
KLT/kc

JUL 21 2023

OKLA. BOARD OF  
OSTEOPATHIC EXAMINERS

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

IN THE MATTER OF THE APPLICATION )  
OF RACHEL GRUBBS, DO FOR OKLAHOMA ) OSBOE-2023-105  
OSTEOPATHIC TRAINING LICENSE )

**ORDER TO ISSUE TRAINING LICENSE**  
**UNDER CONDITIONS**

This matter came on for consideration before the Oklahoma State Board of Osteopathic Examiners (“Board”) at the regular meeting of the Board on June 15, 2023. Applicant Dr. Rachel Grubbs appeared *pro se*.

This Order is pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. 2021, §620 et seq. and the Oklahoma Administrative Procedures Act, 75 O.S. §250 et seq.

The Board after reviewing the application filed, hearing testimony, and being fully advised specifically finds the following Findings of Fact and Conclusions of Law as proven by clear and convincing evidence.

**FINDINGS OF FACT**

1. Dr. Rachel Grubbs is an applicant for a training license to practice osteopathic medicine in the State of Oklahoma.
2. Dr. Grubbs PGY1 rotations began August 1, 2018, but she discontinued same based on personal health challenges.

3. That Dr. Grubbs does meet the requirements for issuance of a training license by the Oklahoma Board of Osteopathic Examiners and said license should be issued under certain conditions.

### CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear this matter pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. 2021, §620 et seq., rules for the Board 510 OAC §1-1 et seq. and the Oklahoma Administrative Procedures Act, 75 O.S. §250 et seq.

### ORDER

**IT IS THEREFORE ORDERED** by the Board that Dr. Grubbs be issued an Oklahoma training license to allow her to practice osteopathic medicine within a PGY1 program approved by the Board.

1. That by December 31, 2023 Dr. Grubbs shall provide the Board with results of a neuro psychological evaluation conducted by a practitioner acceptable to the Board. Upon receipt of that evaluation the Board reserves the option to issue further orders based on evidence adduced in the future.

2. That Dr. Grubbs shall bear the financial costs of any neuro psychological evaluation. And Dr. Grubbs shall ensure all authorizations for release of that evaluation and any attachments or exhibits directly to the Board.

3. 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 C.F.R. Part 60.

4. The issuance of this training license does not guarantee the subsequent issuance of a full Oklahoma Osteopathic Medical License.

**IT IS SO ORDERED AND EFFECTIVE** this 21 day of July, 2023.

*Bret Langerman, DO*

Bret Langerman, DO (Jul 21, 2023 09:58 CDT)

**BRET LANGERMAN, D.O.**

President

State Board of Osteopathic Examiners

GUEI-JIUN  
ALICE LIOU,  
D.O.  
APPLICANT



# Oklahoma State Board of Osteopathic Examiners

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DENNIS J. CARTER, D.O.  
POTEAU

CHELSEY D. GILBERTSON, D.O.  
EDMOND

November 21, 2023

VIA EMAIL [REDACTED]  
AND U.S. MAIL

Guei-Jiun Liou, D.O.  
[REDACTED]

Re: Notice of Appearance re Licensure

Dear Dr. Liou:

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 14, 2023**. **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.

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

Katie Templeton, J.D.  
Interim Director  
KLT/kc

MARINA  
LUKAC, D.O.  
APPLICANT



# Oklahoma State Board of Osteopathic Examiners

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CHELSEY D. GILBERTSON, D.O.  
EDMOND

November 21, 2023

**VIA EMAIL** [REDACTED]  
**AND U.S. MAIL**

Marina Lukac, D.O.  
[REDACTED]

Re: Notice of Appearance re Licensure

Dear Dr. Lukac:

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 14, 2023**. **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.

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

Katie Templeton, J.D.  
Interim Director  
KLT/kc

PUNAM  
MULJI, D.O.  
APPLICANT



# Oklahoma State Board of Osteopathic Examiners

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DENNIS J. CARTER, D.O.  
POTEAU

CHELSEY D. GILBERTSON, D.O.  
EDMOND

November 21, 2023

VIA EMAIL [REDACTED]  
AND U.S. MAIL

Punam Mulji, D.O.  
[REDACTED]

Re: Notice of Appearance re Licensure

Dear Dr. Mulji:

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 14, 2023**. **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.

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

Katie Templeton, J.D.  
Interim Director  
KLT/kc

# STATUS CHANGE REQUEST



SHANNON  
HEADLEY,  
D.O.

# 8037

ELIZABETH SCOTT, J.D.

MID-LEVEL  
SUPERVISION  
EXCEPTION  
REQUEST

AARON  
SIZELOVE,  
D.O.  
# 4958

**From:** [Michael Leake](#)  
**To:** [Aaron Sizelove](#); [Kelsey Devlinney](#)  
**Subject:** Re: [EXTERNAL] Re: Aaron Sizelove, D.O. - mid level supervision  
**Date:** Monday, August 28, 2023 11:48:58 AM  
**Attachments:** [image001.png](#)  
[image001.png](#)

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Hi Doctor,

You can have approval for 9—just make sure your license profile on our website is updated. We will have to decide on whether it is an in-person or virtual appearance as we get closer to December. Our office will be in touch. Thank you.

**Michael T. Leake Jr.**

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



**OKLAHOMA**  
State Board of  
Osteopathic Examiners

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---

**From:** Aaron Sizelove [REDACTED]  
**Date:** Monday, August 28, 2023 at 11:06 AM  
**To:** Michael Leake <[Michael.Leake@osboe.ok.gov](mailto:Michael.Leake@osboe.ok.gov)>  
**Subject:** Re: [EXTERNAL] Re: Aaron Sizelove, D.O. - mid level supervision

Thank you.

I just realized I forgot to put, Hina Rey PA License# 2889, She works 2 weekends a month for Beaver county hospital. This was an oversight on my part. I am not sure if she follows under part time or full time, as it is only 2 weekends but her hours per month are 192 usually, which is 8 days per month. Once again I apologize for this oversight it was not intentional at all, I noticed after I was reading

your email and mine trying to figure out why I put 9 but only listed 8 people. Please let me know what time I need to present in front of the board and if I can do it virtually or will I need to be in person?

Aaron Sizelove

On Mon, Aug 28, 2023 at 9:36 AM Michael Leake <[Michael.Leake@osboe.ok.gov](mailto:Michael.Leake@osboe.ok.gov)> wrote:

Dear Dr. Sizelove:

I have reviewed your request for additional mid-level supervision. I am going to give you temporary approval to supervise a total of 8 mid-level, as described below, until December 14, 2023. On December 14, you will need to appear before the Board to obtain permanent approval to continue supervising more than 6 mid-levels. Our office will be in contact as we get closer to December. Further, please make sure your license is updated on our website to reflect the 8 mid-levels you are supervising.

Should you have any questions, please do not hesitate to contact our office.

Very truly yours,

**Michael T. Leake Jr.**

Executive Director & Attorney  
State Board of Osteopathic Examiners  
4848 N. Lincoln Blvd., Suite 100  
Oklahoma City, OK 73105  
405/528-8625  
405/557-0653 (Facsimile)  
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---

**From:** Aaron Sizelove [REDACTED]  
**Date:** Tuesday, August 8, 2023 at 8:53 AM  
**To:** Michael Leake <[Michael.Leake@osboe.ok.gov](mailto:Michael.Leake@osboe.ok.gov)>  
**Subject:** Re: [EXTERNAL] Re: Aaron Sizelove, D.O. - mid level supervision

Here is a copy of the email I sent on June 21 with answers to your questions. If we can do virtually that would be great.

As mentioned in the December 2019 request to the board the supervision will be both on site and by telephone. Both Beaver and Harper County use the same Epic EHR through SSM health, so I am able to see all the schedules and pts in the hospital or ED. I am even able to review charts from my phone if they have questions about a pt and I am not near a computer. At Harper county I am even able to look at telemetry and live vitals through SpaceLabs. This is being set up at Beaver and hopefully will be up and running soon. They contact me through my cell phone or the secure chat in Epic. I am available to be contacted 24/7 except for the week I take a vacation in which both facilities find coverage for me. For est mid-levels I require 25% of their clinic charts to be reviewed and co-signed and sign 100% of ED and hospital charts. For new grads I review 100% of their clinic charts as well as 100% of ED and hospital charts. For Harper county I am with the mid-levels on site usually 2 days per week. For Beaver I go over once a month to be on site. As I told the board in December 2019 I do not write any controlled substances unless I personally see the pt. Doesn't matter if they were seen in the ED for a broken arm the pt has to see me in clinic before I will write a controlled substance. For Beaver County their hospital is in the town of Beaver with clinics in Turpin and Beaver. For Harper County the hospital is in Buffalo with clinics in Laverne and Buffalo.

Current full time as reported on my license renewal June 2023

Alysia Smith PA #4487- Harper County  
Tim Legg PA #3169 - Harper County  
Lynnetta Stout NP #R0094046 - Beaver County  
Camber Cline NP #R0088840- Beaver County  
Jennifer Sparks NP #205506- Beaver County  
Scotty King NP #207607- Beaver County

New full time coming

Nick Russenberger PA - Will be graduating University of Arkansas August 2023 to be joining Harper County  
Jana Morris PA #1383- Has been working weekends for Harper county and has joined full time and I will be primary supervising if the board graciously approves my request.

I believe this is all the information your requested, if I have missed anything please let me know

Thanks,

Aaron Sizelove

On Tue, Aug 8, 2023 at 8:38 AM Michael Leake <[Michael.Leake@osboe.ok.gov](mailto:Michael.Leake@osboe.ok.gov)> wrote:

Hi Dr. Sizelove:

I can confirm you will be on the agenda for the September 21, 2023, meeting. This meeting is in Tulsa at the OSU Medical Center on the second floor—we will send you more information as we get closer to the meeting. You may also appear virtually via Teams.

Please send me an email with a list of who you plan to supervise together with their license type, license number, practice location, and plan for how you intend to ensure there is adequate supervision. Please also include a summary of what your practice is on a daily basis. We ask all this information ahead of the meeting to help the appearance go quicker.

Should you have any questions, please do not hesitate to give me a call.

Very truly yours,

**Michael T. Leake Jr.**

Executive Director & Attorney  
State Board of Osteopathic Examiners  
4848 N. Lincoln Blvd., Suite 100  
Oklahoma City, OK 73105  
405/528-8625  
405/557-0653 (Facsimile)  
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---

**From:** Aaron Sizelove [REDACTED]

**Date:** Tuesday, August 8, 2023 at 8:22 AM

**To:** Michael Leake <[Michael.Leake@osboe.ok.gov](mailto:Michael.Leake@osboe.ok.gov)>

**Subject:** [EXTERNAL] Re: Aaron Sizelove, D.O. - mid level supervision

I am just double checking that I was placed on the agenda for the September 21 meeting. I am needing to know where I need to present to and what time if possible.

Thanks

Aaron Sizelove

On Tue, Jun 20, 2023 at 10:12 AM Michael Leake <[Michael.Leake@osboe.ok.gov](mailto:Michael.Leake@osboe.ok.gov)> wrote:

Dear Dr. Sizelove:

Thank you for your email. I am happy to place you on our September 2023 Board Meeting Agenda so you can make a request to supervise 12 mid-levels. The meeting is September 21, 2023, in Tulsa, Oklahoma.

In the meantime, could you please provide the names and license types of each mid-level you are requesting approval to supervise together with a summary of how you plan to supervise them? Some of the information that is helpful to know is the locations, tasks, and plan for reviewing charts for each of the mid-levels.

As always, please do not hesitate to contact me should you have any questions.

Very truly yours,

**Michael T. Leake Jr., Esq.**

Executive Director & Attorney  
State Board of Osteopathic Examiners  
4848 N. Lincoln Blvd., Suite 100  
Oklahoma City, OK 73105  
405/528-8625  
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---

**From:** OSBOE Board <[Board@osboe.ok.gov](mailto:Board@osboe.ok.gov)>  
**Date:** Tuesday, June 20, 2023 at 9:08 AM  
**To:** Michael Leake <[Michael.Leake@osboe.ok.gov](mailto:Michael.Leake@osboe.ok.gov)>  
**Subject:** FW: [EXTERNAL] mid level supervision

Michael,

Please see Dr. Sizelove's request below.

Thank you!

**Kelsey Devinney**  
Business Manager  
State Board of Osteopathic Examiners  
P: (405) 528-8625

---

**From:** Aaron Sizelove [REDACTED]  
**Sent:** Thursday, June 15, 2023 8:43 AM  
**To:** OSBOE Board <[Board@osboe.ok.gov](mailto:Board@osboe.ok.gov)>  
**Subject:** [EXTERNAL] mid level supervision

To Whom it may concern:

I approached the board in December 2019 about expanding my mid level supervision privileges and the board graciously expanded mine from 4 to 6. I come again asking for further expansion due to the continued physician shortage in my area. I am still supervising Beaver County Memorial Hospital as well as my home base of work at Harper County Community Hospital. Both places have added mid levels and we at HCCH are further adding one in October to help lessen my call burden taking Emergency department call. I am asking to expand my limit to 12 expecting to only have 9 full time at any one time but would like to have some breathing room if needed. If I need to present in front of the board again I will, as I did in December 2019. I am hopeful Beaver can hire a physician in the next several years as I am actively working with OSU students trying to promote rural medicine. I appreciate your time and consideration.

Sincerely,

Aaron Sizelove

**RATIFICATION  
OF  
SURRENDERED  
LICENSES**

**RATIFICATION  
OF  
APPROVED  
LICENSES**

### Approved Licenses Ratification List 9/13/2023 to 12/7/2023

#	Licensee/Applicant	License Number	License Category	License Status	License Type	Initial Licensure Date	License Expiry Date
1	Peter Nguyen	8280	Osteopathic Physician and Surgeon	Active	In State	9/13/2023	6/30/2024
2	Vincent Call	8281	Osteopathic Physician and Surgeon	Active	In State	9/15/2023	6/30/2024
3	Alvin Schonfeld	8282	Osteopathic Physician and Surgeon	Active	Out of State	9/18/2023	6/30/2024
4	Mumtaj Chand	8283	Osteopathic Physician and Surgeon	Active	Out of State	9/18/2023	6/30/2024
5	Meiklejohn McKenzie	8284	Osteopathic Physician and Surgeon	Active	Out of State	9/18/2023	6/30/2024
6	Nicholas Poponea	8285	Osteopathic Physician and Surgeon	Active	Out of State	9/18/2023	6/30/2024
7	Kelly Allen-Lopez	8286	Osteopathic Physician and Surgeon	Active	In State	9/18/2023	6/30/2024
8	Laura Ford	8287	Osteopathic Physician and Surgeon	Active	In State	9/18/2023	6/30/2024
9	Lauren Kruse	8288	Osteopathic Physician and Surgeon	Active	Resident / Fellow	9/25/2023	6/30/2024
10	Blake Heinz	8289	Osteopathic Physician and Surgeon	Active	In State	9/26/2023	6/30/2024
11	Linda Ball	8290	Osteopathic Physician and Surgeon	Active	In State	9/26/2023	6/30/2024
12	Adam Hennessey	8291	Osteopathic Physician and Surgeon	Active	In State	9/27/2023	6/30/2024
13	Ron Ben-Meir	8292	Osteopathic Physician and Surgeon	Active	In State	9/27/2023	6/30/2024
14	Mitchell Devlin	8293	Osteopathic Physician and Surgeon	Active	In State	9/28/2023	6/30/2024
15	Syed Naqvi	8294	Osteopathic Physician and Surgeon	Active	In State	9/29/2023	6/30/2024
16	Minden Collamore	8295	Osteopathic Physician and Surgeon	Active	Out of State	10/2/2023	6/30/2024
17	James Hugin	0011E-Emeritus	Osteopathic Physician and Surgeon	Active	Retired	10/3/2023	6/30/2099
18	Ashley Chatigny	8296	Osteopathic Physician and Surgeon	Active	In State	10/3/2023	6/30/2024
19	Timothy Talbot Tye	8297	Osteopathic Physician and Surgeon	Active	In State	10/3/2023	6/30/2024
20	Janki Rami	8298	Osteopathic Physician and Surgeon	Active	In State	10/3/2023	6/30/2024
21	Mohamed Rezik	8299	Osteopathic Physician and Surgeon	Active	In State	10/3/2023	6/30/2024
22	Jennifer Prince	8300	Osteopathic Physician and Surgeon	Active	In State	10/3/2023	6/30/2024
23	Homan Mostafavi	8301	Osteopathic Physician and Surgeon	Active	Out of State	10/11/2023	6/30/2024
24	Maharshi Patel	8302	Osteopathic Physician and Surgeon	Active	Out of State	10/11/2023	6/30/2024
25	Lindsey Barnes	0012E-Emeritus	Osteopathic Physician and Surgeon	Canceled	Retired	10/12/2023	10/31/2023
26	Jason Freeman	8303	Osteopathic Physician and Surgeon	Active	Out of State	10/12/2023	6/30/2024
27	Angela Palitto	8304	Osteopathic Physician and Surgeon	Active	Out of State	10/12/2023	6/30/2024
28	Charlece Hughes	8305	Osteopathic Physician and Surgeon	Active	Out of State	10/12/2023	6/30/2024
29	Charles Janssens	8306	Osteopathic Physician and Surgeon	Active	Out of State	10/12/2023	6/30/2024
30	Michael Caruso	8307	Osteopathic Physician and Surgeon	Active	In State	10/12/2023	6/30/2024
31	Suhail Salim	8308	Osteopathic Physician and Surgeon	Active	In State	10/13/2023	6/30/2024
32	Jeffrey Rickard	8309	Osteopathic Physician and Surgeon	Active	In State	10/13/2023	6/30/2024
33	Jamie Boone	8310	Osteopathic Physician and Surgeon	Active	In State	10/13/2023	6/30/2024
34	Natalie Lambie	8311	Osteopathic Physician and Surgeon	Active	Out of State	10/13/2023	6/30/2024
35	Anna Buzadzhi	8312	Osteopathic Physician and Surgeon	Active	In State	10/17/2023	6/30/2024
36	Satinderjit Kaur	8313	Osteopathic Physician and Surgeon	Active	Resident / Fellow	10/25/2023	6/30/2024
37	Olivia Gonzalez	8314	Osteopathic Physician and Surgeon	Active	Resident / Fellow	10/25/2023	6/30/2024
38	Phillip Mele	8315	Osteopathic Physician and Surgeon	Active	In State	10/31/2023	6/30/2024
39	Tiffanie Noonan	8316	Osteopathic Physician and Surgeon	Active	In State	10/31/2023	6/30/2024



40	Dawn Clark Barber	8317	Osteopathic Physician and Surgeon	Active	Out of State	11/3/2023	6/30/2024
41	Edward Carew	8318	Osteopathic Physician and Surgeon	Active	Out of State	11/3/2023	6/30/2024
42	Kirk Brisnehan	8319	Osteopathic Physician and Surgeon	Active	Out of State	11/3/2023	6/30/2024
43	Todd Paxton	8320	Osteopathic Physician and Surgeon	Active	Out of State	11/3/2023	6/30/2024
44	Kelly Biddle	8321	Osteopathic Physician and Surgeon	Active	In State	11/3/2023	6/30/2024
45	Douglas Lucas	8322	Osteopathic Physician and Surgeon	Active	In State	11/3/2023	6/30/2024
46	Zachary Shields	8323	Resident Training	Active	Out of State	11/6/2023	6/30/2024
47	Ricci St Jules	8324	Osteopathic Physician and Surgeon	Active	Out of State	11/6/2023	6/30/2024
48	Christopher Kushner	8325	Osteopathic Physician and Surgeon	Active	In State	11/7/2023	6/30/2024
49	Daniel Higgins	8326	Osteopathic Physician and Surgeon	Active	Resident / Fellow	11/8/2023	6/30/2024
50	Revanth Madina	8327	Osteopathic Physician and Surgeon	Active	Resident / Fellow	11/9/2023	6/30/2024
51	Amanda Paige Flynn	8328	Osteopathic Physician and Surgeon	Active	In State	11/9/2023	6/30/2024
52	Mark Bomia	8329	Osteopathic Physician and Surgeon	Active	In State	11/9/2023	6/30/2024
53	Alin Gragossian	8330	Osteopathic Physician and Surgeon	Active	In State	11/17/2023	6/30/2024
54	Sara Franklin	8331	Osteopathic Physician and Surgeon	Active	In State	11/20/2023	6/30/2024
55	Micheal Moisant	8332	Osteopathic Physician and Surgeon	Active	In State	11/21/2023	6/30/2024
56	Rebekah Russell	8333	Osteopathic Physician and Surgeon	Active	In State	11/21/2023	6/30/2024
57	Hope Cordova	8334	Osteopathic Physician and Surgeon	Active	In State	11/21/2023	6/30/2024
58	Annick Weber	8335	Osteopathic Physician and Surgeon	Active	Out of State	11/21/2023	6/30/2024
59	William Cerrato	8336	Osteopathic Physician and Surgeon	Active	Out of State	11/21/2023	6/30/2024
60	John Geiss	8337	Osteopathic Physician and Surgeon	Active	Out of State	11/21/2023	6/30/2024
61	Andrew Holtz	8338	Osteopathic Physician and Surgeon	Active	Out of State	11/21/2023	6/30/2024
62	Scott Bland	8339	Osteopathic Physician and Surgeon	Active	In State	11/28/2023	6/30/2024
63	Laura Thomas	8340	Osteopathic Physician and Surgeon	Active	In State	11/28/2023	6/30/2024
64	Joshua Carlton	8341	Osteopathic Physician and Surgeon	Active	In State	11/28/2023	6/30/2024
65	Brendan O'Donnell	8342	Osteopathic Physician and Surgeon	Active	In State	11/28/2023	6/30/2024
66	Marc Galland	5078	Osteopathic Physician and Surgeon	Active	Out of State	11/29/2023	6/30/2024
67	Sophia Thang	0018T	Temporary Resident	Active	Resident / Fellow	11/29/2023	5/27/2024
68	Aaron Craig	8344	Osteopathic Physician and Surgeon	Active	Out of State	12/1/2023	6/30/2024
69	Lori Leopold	8345	Osteopathic Physician and Surgeon	Active	Out of State	12/1/2023	6/30/2024
70	Sadia Najamuddin	8346	Osteopathic Physician and Surgeon	Active	Out of State	12/1/2023	6/30/2024
71	Joseph Moleski	8347	Osteopathic Physician and Surgeon	Active	Out of State	12/1/2023	6/30/2024
72	Bryan Barnosky	8348	Osteopathic Physician and Surgeon	Active	Out of State	12/4/2023	6/30/2024

REPORTS  
AND  
POSSIBLE  
ACTIONS

State Bd of Osteopathic Exam  
Business Unit - 52500  
FY 2024 Operating Budget Comparison by Department and Account  
as of November 30, 2023

OCPGL338  
05-DEC-2023  
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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	564,371	235,155	237,611.48	0.00	0.00	237,611.48	326,759.52	-2,456.93	42.10	101.04
512 Insur.Prem-Hlth-Life,etc	106,495	44,373	36,079.02	0.00	0.00	36,079.02	70,415.98	8,293.88	33.88	81.31
513 FICA-Retirement Contributi	172,285	71,785	47,326.20	0.00	0.00	47,326.20	124,958.80	24,459.10	27.47	65.93
515 Professional Services	125,178	52,157	25,807.03	106,867.97	10,000.00	142,675.00	-17,497.00	-90,517.60	113.98	273.55
519 Inter/Intra Agy Pmt-Pers S	1,800	750	192.96	919.04	0.00	1,112.00	688.00	-362.00	61.78	148.27
521 Travel - Reimbursements	13,550	5,646	2,792.34	0.00	0.00	2,792.34	10,757.66	2,853.36	20.61	49.46
522 Travel - Agency Direct Pmt	14,900	6,208	1,899.11	796.50	0.00	2,695.61	12,204.39	3,512.59	18.09	43.42
531 Misc. Administrative Expen	33,500	13,958	9,404.71	21,687.33	0.00	31,092.04	2,407.96	-17,133.84	92.81	222.75
532 Rent Expense	28,348	11,812	10,177.40	10,988.56	0.00	21,165.96	7,182.04	-9,354.31	74.66	179.20
533 Maintenance & Repair Expen	0	0	0.00	360.00	0.00	360.00	-360.00	-360.00	~	~
534 Specialized Sup & Mat.Expe	1,300	542	862.94	2,206.92	0.00	3,069.86	-1,769.86	-2,528.21	236.14	566.76
535 Production,Safety,Security	2,500	1,042	0.00	0.00	0.00	0.00	2,500.00	1,041.65	0.00	0.00
536 General Operating Expenses	9,750	4,062	1,280.63	3,000.00	0.00	4,280.63	5,469.37	-218.18	43.90	105.37
537 Shop Expense	0	0	259.97	0.00	0.00	259.97	-259.97	-259.97	~	~
541 Office Furniture & Equipme	30,000	12,500	0.00	0.00	0.00	0.00	30,000.00	12,500.00	0.00	0.00
542 Library Equipment-Resource	140	58	0.00	0.00	0.00	0.00	140.00	58.30	0.00	0.00
601 AFP Encumbrances	0	0	0.00	9,340.89	0.00	9,340.89	-9,340.89	-9,340.89	~	~
	1,104,117	460,048	373,693.79	156,167.21	10,000.00	539,861.00	564,256.00	-79,813.05	48.90	117.35
Class Funding	Annual Budget	YTD Budget	Expenses	Encumbrance	Pre-Encumbrance	Total Exp, Enc, Pre-Enc	Annual Variance	YTD Variance	Annual %	YTD %
20000 Revolving Fund	1,104,117	460,048	373,693.79	156,167.21	10,000.00	539,861.00	564,256.00	-79,813.05	48.90	117.35
	1,104,117	460,048	373,693.79	156,167.21	10,000.00	539,861.00	564,256.00	-79,813.05	48.90	117.35
Totals for Division 10	1,104,117	460,048	373,693.79	156,167.21	10,000.00	539,861.00	564,256.00	-79,813.05	48.90	117.35

State Bd of Osteopathic Exam  
 Business Unit - 52500  
 FY 2024 Operating Budget Comparison by Department and Account  
 as of November 30, 2023

OCPGL338  
 05-DEC-2023  
 02:17:50.000000\_PM

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	36,097	15,040	2,523.36	5,159.40	0.00	7,682.76	28,414.24	7,357.64	21.28	51.08
531 Misc. Administrative Expen	18,559	7,733	6,261.00	10,113.00	0.00	16,374.00	2,185.00	-8,641.10	88.23	211.74
532 Rent Expense	20,500	8,542	2,939.40	5,121.92	0.00	8,061.32	12,438.68	480.28	39.32	94.38
533 Maintenance & Repair Expen	600	250	169.17	1,205.73	0.00	1,374.90	-774.90	-1,124.90	229.15	549.96
535 Production, Safety, Security	0	0	205.00	4,458.75	0.00	4,663.75	-4,663.75	-4,663.75	~	~
536 General Operating Expenses	1,500	625	278.96	0.00	0.00	278.96	1,221.04	346.04	18.60	44.63
541 Office Furniture & Equipme	0	0	472.65	0.00	0.00	472.65	-472.65	-472.65	~	~
601 AFP Encumbrances	0	0	0.00	5,716.63	0.00	5,716.63	-5,716.63	-5,716.63	~	~
	77,256	32,190	12,849.54	31,775.43	0.00	44,624.97	32,631.03	-12,435.07	57.76	138.63
Class Funding	Annual Budget	YTD Budget	Expenses	Encumbrance	Pre-Encumbrance	Total Exp, Enc, Pre-Enc	Annual Variance	YTD Variance	Annual %	YTD %
20000 Revolving Fund	77,256	32,190	12,849.54	31,775.43	0.00	44,624.97	32,631.03	-12,435.07	57.76	138.63
	77,256	32,190	12,849.54	31,775.43	0.00	44,624.97	32,631.03	-12,435.07	57.76	138.63
Totals for Division 88	77,256	32,190	12,849.54	31,775.43	0.00	44,624.97	32,631.03	-12,435.07	57.76	138.63
Totals for Bus Unit 52500	1,181,373	492,238	386,543.33	187,942.64	10,000.00	584,485.97	596,887.03	-92,248.12	49.48	118.74



## Licensing update for December 2023

**Total of ALL Active licenses – 4,008**

Total Number of **New/Initial FULL** Applications Only (\$600 fee):

- 2021: 343
- 2022: 362
- 2023: 443

Total Number of **In-State** ACTIVE Licenses:

- 2022: 2,403
- 2023: 2,858

Total Number of **Out-of-State** ACTIVE Licenses:

- 2022: 490
- 2023: 545

Total Number of **Residents & Fully Retired** ACTIVE Licenses:

- 2021-22: 230 – Residents & 53 – Retired
- 2022-23: 421 – Residents & 70 – Retired

Total number of all **Renewals** (\$225 fee):

- 2021-2022: 3,208
- 2022-2023: 3,321
- 2023-2024: 3,370

Total Number of **Late Renewals** Only (\$150 fee):

- 2021-22: 99
- 2022-23: 94

Total Number of **Temporary Resident** Licenses Only (\$100 per year fee):

- 2022: 7
- 2023: 5

Total Number of **Resident Training** Licenses Only (\$120 fee):

- 2022: 85
- 2023: 92

Total Number of **Special Volunteer** Licenses Only (No fee):

- 2022: 6
- 2023: 7

Total Number of **Interstate Medical Licensure Compact (IMLCC)** Full Licenses (\$600):

- 2022: 78
- 2023: 117

Total Number of **IMLC Doctors that we are a State of Principal License (SPL)** for:

- 2023 – 39 (not included - 3 doctors were denied)

Total Number of **Emeritus** Licenses (Retired license w/no fees)

- 2023: 10



## Exhibit

### BOOTH INFORMATION

**\$650 per booth**

*this includes 6' skirted table with  
2 chairs & a wastebasket*

## SET UP

**Friday, January 26**

**from 11:00 am - 1:00 pm**

## EXHIBIT HOURS

**Friday, January 26**

**from 1:00 pm - 6:00 pm**

**&**

**Saturday, January 27**

**from 8:00 am - 1:00 pm**

## SILENT AUCTION

**The OEFOM silent auction will  
take place during exhibiting  
hours. If your company would  
like to donate an auction item,  
please contact us today!**

## EXHIBITOR INFORMATION

This meeting attracts around 300 osteopathic physicians and a variety of other health care professionals who are interested in discovering how your products and services will advance and improve their work.

Name on event webpage which will link to your dedicated Company Landing Page. Once your payment and page information are received, your page will be live on the website within one week.

Your page will only include the information you provide to us. Your page will be linked on both the event registration webpage and an attendee webpage.

Landing Page can include:

- \* About Us
- \* Links to information regarding products/services including videos, articles, resources and blogs
- \* Links to download company resources and reports
- \* Company representative listings with photo, name, title, and contact information (limit 2)
- \* Contact form for attendees to provide you with their contact information
- \* Social media channels

Pre- and post-CME attendee lists including name of attendee, business address and practice specialty. These lists will be emailed to you within two weeks of the event.

Add interest to the Oklahoma Educational Foundation for Osteopathic Medicine Student Activity Fund by donating a tax-deductible good or services. Also, join the fun and participate!

## QUESTIONS?

If you have any questions or concerns, please contact Chrissa Watson or Catherine Bruce with the OOA.

chrissa@okosteo.org | catherine@okosteo.org  
(P) 405-528-4848 | (F) 405-528-6102

**OSBOE Q4 BOARD MATERIALS 278**



# HYDRATION THERAPY SPONSORSHIP

## HALF PAGE AD

In a future virtual Oklahoma DO journal, your organization will be provided space for a half page ad, an upgrade from the quarter page ad in the Exhibitor Package.

Mailed to over 250 physician members, this quarterly journal is also distributed through the weekly OOA Report e-newsletter to more than 2,300 physicians, residents and medical students, and shared via the OOA's social media.

## WEB AD

Your organization's logo will be included in our web ads on our website for six months, until July 2024.

Keep our attendees hydrated, energized, caffeinated, and alert throughout the Winter CME Seminar as our Hydration Therapy (Beverage) Sponsor. In addition to receiving recognition in all applicable marketing materials, your organization's logo will be displayed on the beverage station and recognized in the lecture hall.

This sponsor will receive all benefits included in the Exhibitor Package with some upgrades and additional benefits, listed on the left, for \$1,200.

This is an exclusive sponsorship.







# HUNGER PREVENTION SPONSORSHIP


## HALF PAGE AD

In a future virtual Oklahoma DO journal, your organization will be provided space for a half page ad, an upgrade from the quarter page ad in the Exhibitor Package.

Mailed to over 250 physician members, this quarterly journal is also distributed through the weekly OOA Report e-newsletter to more than 2,300 physicians, residents and medical students, and shared via the OOA's social media.

## WEB AD

Your organization's logo will be included in our web ads on our website for six months, until July 2024.



Help our attendees start the day off right with a fresh, hot meal on Saturday and Sunday morning. Our attendees won't be malnourished with such a hearty spread to choose from. In addition to receiving recognition in all applicable marketing materials, your organization's logo will be displayed on the buffet and recognized in the lecture hall.

This sponsor will receive all benefits included in the Exhibitor Package with some upgrades and additional benefits, listed on the left, for \$2,000. This is an exclusive sponsorship.



# EXHIBIT APPLICATION

## CONTACT INFORMATION:

Company Name: \_\_\_\_\_

Exhibit Contact Name: \_\_\_\_\_  Key Contact Website: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State/Zip: \_\_\_\_\_

## I WOULD LIKE THE:

- Hydration Therapy Sponsorship
- Hunger Prevention Sponsorship
- General Exhibitor Package

## APP LISTING INFORMATION:

This information will be used in our seminar app and your Company Landing Page. Please complete the information below so we can include the most up to date and correct information for your company. Thank you!

**Key Contact** — Provides attendees with a direct member of your staff who they can reach out to with questions. You can add an additional person or list another individual if they are different from the Exhibit Contact. You can also email us photos (JPEG or PNG) of the key contacts to include on your Company Landing Page.

Name \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**About Us — Company Description** (100 words or less; can also be emailed)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Logo** — Please email a high resolution JPEG or PNG of your logo to [chrissa@okosteo.org](mailto:chrissa@okosteo.org) or [catherine@okosteo.org](mailto:catherine@okosteo.org).

**Links to videos, documents, etc.** — Please email us links to videos, documents or other information you would like included on your Company Landing Page.

**Social Media Channels:** \_\_\_\_\_

**Silent Auction** — Please indicate if you will be providing a tax-deductible silent auction service or item by completing the needed information below.

Item Donated: \_\_\_\_\_ Total Cost: \_\_\_\_\_

## PAYMENT INFORMATION:

- Check\*  Visa  MasterCard  American Express  Discover

Card Number \_\_\_\_\_ CVV \_\_\_\_\_

Total \$ \_\_\_\_\_ Exp. Date \_\_\_\_\_ Zip Code \_\_\_\_\_

Signature \_\_\_\_\_

## COMPLETED REGISTRATION FORMS — LAST DAY TO REGISTER JANUARY 12, 2024

Completed exhibitor registration forms can be emailed to [chrissa@okosteo.org](mailto:chrissa@okosteo.org) or [catherine@okosteo.org](mailto:catherine@okosteo.org); mailed to the OOA, 4848 N. Lincoln Blvd, OKC, OK 73105-6612.

**OSBOE Q4 BOARD MATERIALS 281**

\*Please make checks payable to: Oklahoma Osteopathic Association.

**From:** [Christi Aquino](#)  
**To:** [Katie Templeton](#)  
**Cc:** [Bret Langerman](#); [Kelsey Devinney](#)  
**Subject:** FW: 2024 FSMB Artificial Intelligence Symposium  
**Date:** Wednesday, October 18, 2023 1:58:33 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

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Ms. Templeton, good afternoon! You probably already know about this **2024 Symposium on Artificial Intelligence (AI) in Health Care and Medical Regulation**. Still, I wanted to send this to you and Dr. Langerman so the new Executive Director and Board President could attend if they could or needed to. I cc'd Kelsey in this email since she is the one who submits the travel and gets it approved through the state. Have a wonderful day!

**Christi Aquino**

**Director of Licensing**

**Oklahoma State Board of Osteopathic Examiners**

**4848 N. Lincoln Blvd., Suite 100**

**Oklahoma City, OK 73105**

**Office #405-528-8625 Fax# 405-557-0653**



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**From:** Sandy McAllister (FSMB) <SMcAllister@fsmb.org> **On Behalf Of** Humayun Chaudhry  
**Sent:** Wednesday, October 18, 2023 8:51 AM  
**To:** Humayun Chaudhry <hchaudhry@fsmb.org>  
**Cc:** Sandy McAllister (FSMB) <SMcAllister@fsmb.org>; Mark Staz <mstaz@fsmb.org>; Kelly Alfred <KAlfred@fsmb.org>  
**Subject:** [EXTERNAL] 2024 FSMB Artificial Intelligence Symposium

Dear Medical Board Chairs/Presidents and Executive Directors,



The Federation of State Medical Boards (FSMB) is pleased to invite you to the **2024 Symposium on Artificial Intelligence (AI) in Health Care and Medical Regulation** where we will bring



together select leaders and innovators from state medical boards, academia, industry, and government. During the Symposium, we will address the impact of artificial intelligence on patient safety and quality of care, helping to identify ethical principles to guide the important work of state medical boards in this changing environment.

The AI Symposium will take place **Wednesday, January 17, 2024**, at the **Hamilton Hotel** located in **Washington, D.C.** The Symposium agenda will include:

- Keynotes from Key Government and Industry Leaders
- Overview of FSMB Ethics and Professionalism Committee Work on Artificial Intelligence
- Insights into Algorithmic Integration in Clinical Decision Making
- Discussion of Physician Accountability and Ethical Responsibility
- Small Group Breakout Exercises Exploring Role of Regulation

To facilitate participation in this important meeting, all state medical boards are eligible to receive up to two (2) scholarships to assist in offsetting the costs for their Board President/Chair and Executive Director to participate in the Symposium. For contiguous states, **all scholarship amounts will be in the amount of \$1,200 each for travel, lodging and meals, and \$2,400 for non-contiguous states and territories.** Space for additional representatives from the same board may become available and will be communicated to interested boards.

Registration for the AI Symposium is now open. To RSVP for the event, please [click here](#).

The deadline to RSVP is **December 16, 2023**. An acknowledgement of receipt and additional instructions will be sent to each recipient, along with a copy of FSMB's reimbursement policy.

**Conference objectives include:**

- Provide a forum for state medical boards, government officials and health care technology leaders to share perspectives on artificial intelligence and its use in health care and medical regulation
- Foster a common understanding about the role of state medical boards in health care regulation and identify ethical principles to guide medical regulatory efforts related to AI
- Address current and near-future AI and machine learning approaches to health care delivery that may become regulated by state medical boards
- Explore the regulatory framework around AI and the role of state medical boards to assist in evolution and deployment of AI, without sacrificing patient safety and public protection
- Identify what standards could be developed to address concerns about the use of AI and machine learning in health care delivery, including whether future physician competency standards should include understanding of the use of AI in a clinical setting
- Explore patient education resources that foster an understanding of the role and use of AI in the delivery of care

The program will be interactive, with both presentations and collaborative discussion where participants can brainstorm and craft unique approaches based on their differing backgrounds,

skillsets and organizational perspectives.

The FSMB has contracted with the **Hamilton Hotel**, which is located at 1001 14<sup>th</sup> St NW, Washington, DC, 20005, for a block of rooms at a room rate of \$279 per night, plus tax. Attendees will need to secure their own room reservations using the [FSMB Booking Link](#).

We hope to see you at this special Symposium! For more information, please contact our Education Department at [edu@fsmb.org](mailto:edu@fsmb.org)

Sincerely,

Jeffrey D. Carter, MD  
Chair, FSMB Board of Directors

Mark B. Woodland, MD  
Chair, FSMB Committee on Ethics and Professionalism

Humayun J. Chaudhry, DO, MACP  
President and Chief Executive Officer

**Humayun “Hank” Chaudhry, DO, MACP**  
President and Chief Executive Officer

**Federation of State Medical Boards**  
1775 Eye Street NW | Suite 410 | Washington, DC 20006  
o. 817-868-4044 | [hchaudhry@fsmb.org](mailto:hchaudhry@fsmb.org) | [www.fsmb.org](http://www.fsmb.org)





## OKLAHOMA MED SPA GUIDELINES

The purpose of this document is to provide MDs and DOs guidance for regulations regarding the operation of a med spa in Oklahoma. Oklahoma MDs and DOs can face serious licensing consequences from the improper supervision of a med spa and place their licenses in jeopardy. All MDs and DOs should review all rules and regulations from their respective Boards prior to involvement with these practices.

A med spa is a medical practice that utilizes aesthetic healthcare professionals to provide treatments such as injection of neuromodulators and dermal fillers, laser and intense pulsed light sources for hair removal, dyschromia of skin, ablation of vascular diseases such as spider veins or cherry angioma and wrinkles, treatments that heat the skin and underlying fat using radio frequency, and treatments that cool skin to treat fat and microneedling. This is only a partial list of med spa procedures. Spa procedures are generally facials, hydrafacials, massage, and mild chemical peels, and as such, are regulated by the Board of Cosmetology and Barbering.

### GUIDELINES

- MDs and DOs who supervise a med spa must have an active full, unrestricted Oklahoma license.
- All MDs and DOs must **ACTIVELY** supervise their med spa.
- **All patients must have an INITIAL EVALUATION**, prior to treatment, that is either face to face or via telehealth that is performed by the physician, or by a supervised PA, or a supervised APRN with **prescriptive authority**.
- **A TREATMENT PLAN** that includes risks, benefits, alternatives, follow-up, and care for potential complications should be developed by the aesthetic healthcare professionals.
- The supervising physician, PA, and/or APRN may then treat that patient or delegate that treatment to a **licensed RN** under the general supervision of the supervising physician.
- General supervision does not require the presence of the supervising physician in the office.
- If treatment is delegated to **Licensed Practical Nurses, Licensed Estheticians, Certified Micropigmentologists, Medical Assistants, or unlicensed assistants**, the supervising physician must provide direct supervision and be **physically available before, during, and after treatment**.
- The supervising physician must provide **timely chart reviews**, ensure **adequate training** for all staff, conduct **safety and compliance reviews**, and ensure **ongoing medical aesthetic education**.

It is important for the supervising physician to know the regulatory requirements for each of the members of the aesthetic healthcare professionals providing aesthetic treatments in the med spa. The Oklahoma Board of Cosmetology and Barbering has deemed that med spa procedures are beyond the scope of practice for their licensees. Therefore, the supervising physician must provide direct supervision for all licensed aestheticians. Similarly, the Oklahoma Board of Nursing prohibits LPNs from performing hair removal with a laser or other intense light sources.

**From:** [Robyn Rieger](#)  
**To:** [OSBOE Support](#); [OSBOE Licensing](#); [OSBOE Board](#); [senatormaryboren@gmail.com](mailto:senatormaryboren@gmail.com); [annie.menze@okhouse.gov](mailto:annie.menze@okhouse.gov)  
**Subject:** [EXTERNAL] Medical Micropigmentation Physician Oversight Inquiry  
**Date:** Friday, November 10, 2023 11:54:56 AM

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Dear Board of Osteopathic Examiners,

My name is Robyn Rieger. I have been a Registered Nurse with a Bachelor's Degree in Science for over 12 year. I have worked in Oklahoma in areas of Medical/Surgical Units, Cardiac Intensive Care Unit, Surgical Center, and Hospice.

I have recently completed my Medical Micropigmentation course, exam, and have received my license from the state. I am hoping to get a better understanding of physician oversight and an explanation of the differences in oversight between MD's and DO's. Specifically my questions are related to why MD's, "shall determine the level of supervision", when DO's require, "direct supervision by the supervising physician".

The original laws for medical micropigmentation were established in 2001, prior to tattooing becoming legal in Oklahoma later in 2006. In comparison, tattoo artists in the state of Oklahoma are not required to have any overseeing physician, but their establishment and the artist have to be licensed, which is similar to permanent makeup requirements for other states like Texas.

With Medical Micropigmentation, topical anesthetics can be used but do not have to be used, and the topical anesthetics used are all purchased over the counter and do not require a physician's prescription.

As the entity responsible for licensing DO's in the State of Oklahoma can you please explain to me why there is such a vast difference between oversight in the MD's and DO's in the Medical Micropigmentation industry?

Thank you in advance for your time. I look forward to your reply. I have cc'd my state representatives so they are aware of this concern.

Robyn Rieger RN BSN  
[REDACTED]

## SUBCHAPTER 11. MEDICAL MICROPIGMENTATION

### 510:5-11-1. Purpose

The purpose of this subchapter is to set forth the duties and responsibilities of an osteopathic physician electing to employ and/or utilize a Medical Micropigmentologist according to the provisions of House Bill 1964.

[Source: Added at 19 Ok Reg 2977, eff 9-13-02]

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

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

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

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

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

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

[Source: Added at 19 Ok Reg 2977, eff 9-13-02; Amended 9-11-22]

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

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

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

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

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

(c) The supervising physician is limited to the total number of mid-level providers allowed in 510:10-4-3.

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

[Source: Added at 19 Ok Reg 2977, eff 9-13-02; Amended 9-11-22]

DANIEL  
GAMINO, J.D.  
GENERAL  
COUNSEL

DISCUSSION AND  
POSSIBLE  
APPOINTMENT TO  
RESPIRATORY  
CARE ADVISORY  
COMMITTEE

**From:** [Allison LeBoeuf](#)  
**To:** [katie.templeton.ctr@osboe.ok.org](mailto:katie.templeton.ctr@osboe.ok.org); [Kelsey Devinney](#)  
**Cc:** [Leroy Young](#)  
**Subject:** [EXTERNAL] OOA nominations to the Respiratory Care Advisory Committee  
**Date:** Thursday, November 9, 2023 11:52:31 AM

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Good morning,

Please see below names put forward by the Oklahoma Osteopathic Association Board of Trustees for consideration of appointment to the Respiratory Care Advisory Committee by the OSBOE.

Clayton Royder, DO

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Kevin O'Neal, DO

[REDACTED]  
[REDACTED]  
[REDACTED]

Michael Hull, DO

[REDACTED]  
[REDACTED]  
[REDACTED]

Please let me know if you have any questions.

Regards,

Allison

**Allison C. LeBoeuf, JD**  
*CEO/Executive Director*  
*OEFOM Secretary/Treasurer*  
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# EXECUTIVE SESSION

# OLD BUSINESS



# NEW BUSINESS

# PUBLIC COMMENT

# ADJOURNMENT