

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

STATE OF OKLAHOMA, ex rel.,)
STATE BOARD OF OSTEOPATHIC)
EXAMINERS,)
)
Petitioners,)
)
v.)
)
LISA BARACKER, D.O., Osteopathic)
Medicine License No. 7574,)
)
Respondent.)

RECEIVED/FILED

OCT 13 2023

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

Case No. 2021-223

ORDER TO CLARIFY RECORD

NOW ON this 21st day of September 2023, Respondent's oral request to clarify the record comes on for consideration by the Oklahoma Board of Osteopathic Examiners en banc. Respondent Lisa Baracker, D.O. appeared in person and with Respondent legal counsel Kaylee Davis-Maddy, J.D. appearing via Teams.

Whereupon the Board en banc heard arguments of legal counsel and reviewed the file and being fully advised in the premises made the following findings and Order.

1. That in regard to Dr. Baracker's application for Oklahoma Osteopathic Medical License the Board issued the following Interim Orders, to-wit:

Interim Order tabling application, January 11, 2022.

Order granting application with terms and conditions, April 15, 2022.

Interim Order, July 12, 2022.

Second Interim Order with terms and conditions, December 15, 2022.

Third Interim Order with terms and conditions, April 12, 2023.

2. That since the Board meeting of March 24, 2022, as reported in the Order granting license with terms and conditions Dr. Baracker has been licensed in good standing as an Osteopathic physician in the State of Oklahoma.

3. That the aforesaid terms and conditions in the Interim Board Orders were imposed as conditions on Dr. Baracker's Oklahoma license.

4. That the Board never made any finding based on clear and convincing evidence that Dr. Baracker practiced medicine in an unprofessional manner as defined by Oklahoma law, 59 O.S. 2021, §637.

5. That the Oklahoma Board did not impose terms and conditions on Dr. Baracker as any form of a disciplinary action.

6. That any Orders herein reported to the National Practitioner Data Bank were based on the terms and conditions imposed by the Board, and not based on any disciplinary action.

7. That all the Interim Orders are simply Interim Orders, not Final Orders, that follow Dr. Baracker's fulfillment of the terms and conditions imposed by the Board and amended by the Board.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Dr. Baracker's aforesaid Board status be clarified for the record to state that the terms and conditions presently on Dr. Baracker's Oklahoma Osteopathic Medical License relate to Dr. Baracker's osteopathic medical practice and do not constitute any disciplinary action against Dr. Baracker.

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

This Order may be reportable to the National Practitioner Data Bank pursuant to federal law, including but not limited to 45 C.F.R. Part 60.

IT IS HEREBY ORDERED AND EFFECTIVE this 13th day of October, 2023.



BRET LANGERMAN, D.O.
Board President
State Board of Osteopathic Examiners

CERTIFICATE OF SERVICE

On this 17th day of October, 2023, a true and correct copy of the within and forgoing Order to Clarify Record has been mailed, with sufficient postage fully prepaid thereon, to the following counsel of record.

Ms. Kaylee P. Davis-Maddy, J.D.
Doerner Sunders Daniel & Anderson
210 Park Avenue, Suite 1200
Oklahoma City, OK 74102
405-3196-3513
405-319-3524 (Facsimile)
kmaddy@dnda.com



KATIE TEMPLETON, INTERIM DIRECTOR

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

IN THE MATTER OF CHRISTOPHER)
GASKINS, D.O., APPLICANT FOR)
RENEWAL OF LICENSE)
(Osteopathic Medical License No.)
7670)

OSBOE-2023-104

RECEIVED/FILED

OCT 13 2023

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

ORDER GRANTING RENEWAL OF LICENSE

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners ("Board") at a regular meeting of the Board on September 21, 2023. Christopher Gaskins, D.O. ("Dr. Gaskins") appeared at the hearing on this date without counsel. The Board's Director of Licensing, Christi Aquino, also appeared and gave sworn testimony.

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

The Board, after reviewing Dr. Gaskins' Application for Renewal, his compliance with his previous Board Order, and being fully advised, enters this Order Granting Renewal of Oklahoma Osteopathic Medical License.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Board that, for good cause shown, of Dr. Gaskins' application for Renewal of Licensure is hereby **GRANTED**. Dr. Gaskins' license to practice osteopathic medicine in the State of Oklahoma is issued with the status of good standing and without any restrictions or curtailment.

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

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

IT IS HEREBY ORDERED AND EFFECTIVE this 13th day of October 2023.



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

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

IN THE MATTER OF JAMES)
MAGNUSSON, D.O., APPLICANT) Case No. 2023-184
FOR RE-ISSUE OF LICENSE)
(Osteopathic Medical License No.)
2713)

RECEIVED/FILED

OCT 13 2023

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

INTERIM ORDER TABLING APPLICATION

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners ("Board") at a regular meeting of the Board on September 21, 2023. James Magnusson, D.O. ("Dr. Magnusson"), appeared in person without counsel to request reinstatement of his Oklahoma osteopathic medical license. The Board's Director of Licensing, Christi Aquino, also appeared and gave testimony.

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

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

1. In order to protect the public, Dr. Magnusson shall undergo a clinical evaluation in the specialty of plastic/reconstructive surgery, at an entity approved by the Board.
 - a. Dr. Magnusson shall sign all authorizations necessary to release the evaluation findings directly to the Board.
2. In order to protect the public, Dr. Magnusson shall take the appropriate Continuing Medical Education (CMEs) to be current on all CME requirements, providing documentation for proof of completion.
3. Dr. Magnusson's Application shall remain tabled until such time as the Board receives the requested documentation and/or information in this Order.
4. Dr. Magnusson shall bear the financial costs of any expenses incurred herein, including but not limited to the cost of any hearings, investigations, or evaluations that are ordered or result from the Board's consideration of Dr. Magnusson's Application.
5. Following receipt of the requested documentation and information, Dr. Magnusson

will be scheduled to appear before the Board for review of all documents and for any other issues raised by Dr. Magnusson's Application and history.

6. This Order is not a final determination of this Board and is therefore not appealable as a final order.
7. The Board has not reached any final determination in the Application, and nothing in this Order shall guarantee further licensure of Dr. Magnusson.
8. This Order is a public record and, therefore, subject to the Oklahoma Open Records Act.

IT IS HEREBY ORDERED AND EFFECTIVE this 13 day of October 2023.



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

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

IN THE MATTER OF MEGAN)
MELOTT MOSS, D.O., APPLICANT) Case No. 2023-107
FOR OKLAHOMA OSTEOPATHIC)
LICENSE)

RECEIVED/FILED

OCT 13 2023

OKLA. BOARD OF
OSTEOPATHIC EXAMINERS

ORDER MODIFYING TABLING OF APPLICATION

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners ("Board") at a regular meeting of the Board on September 21, 2023. Applicant Megan Melott Moss, D.O. ("Dr. Melott Moss") appeared in person. The Board's Director of Licensing, Christi Aquino, also appeared and gave sworn testimony.

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

The Board reviewed Dr. Melott Moss' compliance with her previous Board Order Tabling Application, wherein she was required to provide evidence of either successfully completing a traditional rotating internship, or successful acceptance in an ACGME-approved pediatric residency. In addition, the Board reviewed requests by Dr. Melott Moss to approve her presented rotations, approve the extension of her present temporary license, and allow her to work in a pediatric clinic as a resident under the temporary license. After reviewing all items and hearing sworn testimony, the Board modifies the previous Order to Table Application as set forth below.

1. Dr. Melott Moss' request for the Board to approve her presented rotations is GRANTED.
2. Extension of Dr. Melott Moss' temporary resident license, 0017T, is APPROVED and has been extended until May 4, 2024.
3. Dr. Melott Moss' request to work in a pediatric clinic under her temporary license is DENIED.

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 3 day of October 2023.



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

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

STATE OF OKLAHOMA, ex rel.)	
OKLAHOMA STATE BOARD OF)	
OSTEOPATHIC EXAMINERS,)	
)	
Petitioner,)	
)	Case No. 2022-104
v.)	
)	
MATTHEW RAY WHITTAKER, D.O.,)	
Osteopathic Medical License No.)	
7054,)	
)	
Respondent.)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND
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 September 21, 2023. The Board is represented by the Special Prosecutor for the Board, J. Patrick Quillian. Matthew Whittaker, D.O. ("Dr. Whittaker") presents without counsel. The Board's Special Investigator, Elizabeth Fullbright, and Dr. Teresa Hardesty also appeared and gave sworn testimony. The parties submitted exhibits for the Board's consideration.

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.*

FINDINGS OF FACT

After reviewing the pleadings, exhibits, and hearing testimony, and being fully advised specifically the Board finds the following Findings of Fact and Conclusions of Law to be true and correct and proven by clear and convincing evidence:

1. Dr. Whittaker is the holder of a license to practice osteopathic medicine in the State

- of Oklahoma, license number 7054. At the time this action commenced, the license was unrestricted and in good standing.
2. Dr. Whittaker received proper notice of the hearing, and a true and correct copy of the Verified Complaint (“Complaint”), as required by Oklahoma law.
 3. That the evidence at the hearing revealed Dr. Whittaker’s residency program expressed concern for his medical knowledge, patient care, interpersonal communication skills, and professionalism during his employment between the period of July 2019 and July 2021. Specifically, Dr. Whittaker acted in a way which resulted in a remediation plan by the hospital, which he violated, ultimately leading the hospital to make the decision not to renew his contract.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear this matter pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 *et. seq.*, and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*
2. The Board concludes by clear and convincing evidence that Dr. Whittaker violated the Oklahoma Osteopathic Medicine Act, specifically, Tit. 59 O.S. § 637 (A)(2), (A)(2)(f), and (A)(4).
3. The Board also concludes that such actions are grounds for imposing any sanction against Dr. Whittaker’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 HEREBY ORDERED, ADJUDGED AND DECREED by the Board that Dr. Whittaker's license, number 7054 is hereby **SUSPENDED** indefinitely pending completion of, and the results reported to the Board of, the following:

1. That Dr. Whittaker undergo an evaluation by Acumen, or other Board approved evaluator:
 - a. Dr. Whittaker is to be evaluated in the areas of medical knowledge, clinical competence and knowledge.
 - b. Dr. Whittaker will also be evaluated in issues of honesty, boundary violations, psychiatric evaluations, and any other evaluations deemed necessary or appropriate by the evaluator.
2. Upon completion of the requirements set forth in Paragraph 1, Dr. Whittaker shall appear at the next regularly scheduled meeting of the Board for further consideration of this matter.

IT IS FURTHER ORDERED that:

3. That Dr. Whittaker shall bear the financial costs of any expenses incurred from this Order.
4. That Dr. Whittaker ensure all authorizations are signed and completed to release all reports, documents, etc., directly to the Board.
5. That Dr. Whittaker complete the Compliance Information Request Form within ten (10) days of signing this Order. (Exhibit A, Compliance Information Request Form).
6. That Dr. Whittaker complete the Monthly Supervision Self-Report by the tenth (10th) day of each month. (Exhibit B, Monthly Supervision Self-Report).
7. Dr. Whittaker shall cause a copy of this Order to be shared in whole with any current or potential employer.
8. That Dr. Whittaker is admonished by the Board to utilize his right to consult legal

counsel in connection with this inquiry by the Board known as OSBOE-2022-104, this Order, and any other inquiry by the Board.

9. That Dr. Whittaker is required to notify the Board within fourteen (14) days of any changes to his residential or practice address.
10. That Dr. Whittaker is required to notify the Board within fourteen (14) days of any changes to his cell phone number.
11. That Dr. Whittaker renews his license yearly as required by the Board's statutes and rules. Failure to renew the license could result in cancellation by the Board.
12. That Dr. Whittaker maintains the 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. Whittaker'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 this 17 day of January, 2024.

Bret Langerman, D.O.

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



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2024-7A

Katie L. Templeton, Interim Director
State Board of Osteopathic Examiners
4848 N. Lincoln Blvd., Ste. 100
Oklahoma City, Oklahoma 73105

January 2, 2024

Re: Whittaker, Case No. 2022-104

Dear Interim Director Templeton:

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 2022-104.

The Oklahoma Osteopathic Medicine Act authorizes the Board to suspend any license upon proof that the license holder “[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). Such conduct includes “acting in a manner which results in final disciplinary action by any . . . hospital . . . whether agreed to voluntarily or not, if the action was in any way related to professional conduct [or] professional competence [.]” 59 O.S.2021, § 637(A)(2)(f). Further, the Board may also take action when a license holder “[h]as engaged in repeated acts of negligence, malpractice or incompetence[.]” 59 O.S.2021, § 637(A)(4).

According to a Board complaint, Respondent was put on a remediation plan during his hospital residency program in 2019, due to concerns regarding competency and professionalism. Respondent was subsequently put on a twelve-month probation plan after violations of the remediation plan. In 2021, Respondent resigned from the residency program upon learning the hospital was not renewing his contract. Respondent has continued to work as a locum tenens contractor under a Texas emergency license. Finding clear and convincing evidence of grounds for discipline under 59 O.S.2021, § 637(A)(2), (4), the Board proposes to indefinitely suspend Respondent’s license pending an evaluation of medical knowledge, clinical competence, issues of honesty, boundary violations, psychiatric evaluation, and any other evaluation deemed necessary or appropriate by a Board-approved evaluator. After completion of the evaluation, Respondent will appear before the Board for further consideration. Additionally, Respondent shall bear the costs incurred by this action and ensure that all required reports are submitted to the Board timely. 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.

A handwritten signature in black ink, appearing to read 'Rob Johnson', written in a cursive style.

ROB JOHNSON
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: _____

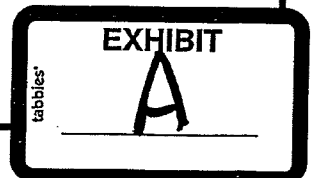
CELL PHONE: _____

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 10th of the month following the reporting period. Failure to do so may result in a Citation. Please use additional paper as necessary.

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

HOME: _____

PRACTICE: _____

CELL: _____

EMAIL: _____

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

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

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

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

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

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

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

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

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

Signature: _____

