

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

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| STATE OF OKLAHOMA, ex rel., |) | |
| STATE BOARD OF OSTEOPATHIC |) | |
| EXAMINERS, |) | |
| |) | |
| Petitioners, |) | |
| |) | |
| vs. |) | Case No. 2021-201 |
| |) | |
| |) | |
| R. Troy Lehman, D.O. |) | |
| Osteopathic Medicine License No. 4090 |) | |
| |) | |
| Respondent. |) | |

INTERIM ORDER DIRECTING COMPETENCY EVALUATION

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners (the “Board”) at the special meeting of the Board of December 12, 2024. The State of Oklahoma, ex rel. Oklahoma State Board of Osteopathic Examiners (“Petitioner” or the “Board”), by and through J. Patrick Quillian. R. Troy Lehman, D.O. (“Respondent”), appears in person, and through counsel Malinda S. Matlock, RHODES, HIERONYMUS, JONES, TUCKER & GABLE, P.L.L.C.

FINDINGS OF FACT

1. Dr. R. Troy Lehman, D.O., is the holder of a license to practice as an osteopathic physician in the State of Oklahoma, license number 4090. Dr. Lehman received his license to practice osteopathic medicine in Oklahoma on July 1, 2003, and primarily practices in gynecology and obstetrics.
2. At all times relevant to this Complaint, Dr. Lehman worked as a general obstetrician and gynecologist for Integris Health Woodward Hospital.
3. The Board finds that on four (4) separate occasions between 2017 and 2020, Dr. Lehman practiced outside the standard of care and exceeded the scope of his practice and training in managing patients’ known uterine

malignancies by knowingly performing the incorrect procedure. These incidents put each patient's long-term survival at risk and constitute multiple instances of negligence, malpractice, and incompetence under the circumstances.

4. On July 9th, 2024, Board investigators received a National Practitioners Data Bank ("NPDB") alert for Dr. Lehman indicating that his clinical privileges at Integris Woodward had been suspended. Documentation provided by Integris Woodward to Board investigators indicated that Dr. Lehman was initially given a fourteen (14) day summary suspension effective June 6, 2024. The suspension stemmed from a review of his handling of multiple birth scenarios. Dr. Lehman was notified of this suspension via letter and email.
5. Dr. Katherine Shepherd, DO, FACOG, appeared as an expert witness at the December 12, 2024 hearing and gave the following testimony which the Board finds is authoritative and correct in stating the facts and appropriately states the relevant medical standards:
 - a. It was Dr. Shepherd's opinion that Dr Lehman was practicing outside the scope of practice of a general obstetrician and gynecologist. He was putting the women of Oklahoma at unnecessary risk and practicing outside the standard of care.
 - b. In the case of patient, Patient K, Dr Lehman practiced outside the scope of his practice as a general gynecologist. He initiated a workup that was appropriate for postmenopausal bleeding after the patient presented to the Emergency Department in 7/4/2020. The ultrasound that was obtained showed an 11cm uterus with an endometrial thickness of 4cm. Evidence based practice would dictate a biopsy of the lining of the uterus, as anything beyond 4 mm in a postmenopausal patient is considered abnormal. Dr Lehman proceeded with a hysteroscopy D&C, which he noted in his dictation that the lining did not appear normal and likely consistent with cancer. He also noted in the hysteroscopy

operative report that her introitus was not conducive to a laparoscopic assisted vaginal hysterectomy due to narrowing. The pathology from the hysteroscopy showed malignant mixed mullerian tumor. At this point, the appropriate treatment would have been a referral to gynecology oncology for hysterectomy with staging. Instead, Dr Lehman proceeded to schedule the patient for a laparoscopic assisted vaginal hysterectomy with pelvic washings. It was noted in his office notes that he knew the patient had a cancer and still proceeded.

- c. When he performed the hysterectomy of Patient K, it was converted to a total abdominal hysterectomy due to the narrow introitus and limited vaginal access. Again, standard of care, would be a hysterectomy with staging procedures, which would include lymph node dissection. He did not counsel the patient that his plan was inadequate staging nor that she might need a further surgery.
- d. Post operatively, after the hysterectomy, Patient K was sent to OU Gynecology Oncology where she was informed that she had been inadequately staged. They recommended chemotherapy and radiation oncology with vaginal brachytherapy. This was a blatant mismanagement of a known cancer diagnosis with improper surgical staging.
- e. In the case of Patient H, Dr Lehman practiced outside the scope of his practice as a general gynecologist. He initiated a workup for postmenopausal bleeding that was appropriate and standard of care in June 2017. An ultrasound that showed a thickened endometrium at 19mm. Again, evidence-based practice would dictate a biopsy if greater than 4mm. Dr Lehman completed a hysteroscopy D&C which pathology showed high grade endometrial adenocarcinoma. He then recommended the patient have a hysterectomy with pelvic washings, which is not standard of care for endometrial adenocarcinoma. Standard of care would be a hysterectomy with staging and lymph node dissection.

- f. After the hysterectomy of Patient H, he then referred the patient to OU gynecology oncology. It is unclear if the patient followed through with the initial referral but was seen at OU in 2020 for recurrence of her cancer.
- g. In the case of Patient Y, Dr Lehman practiced outside the scope of his practice as a general gynecologist. The patient was seen for acute anemia and found to have an enlarged uterus in June 2019. She had an ultrasound that showed endometrial thickness of 5.6cm. Per standard of care for thickened endometrium, Dr Lehman completed a hysteroscopy and the pathology showed endometrial adenocarcinoma. At this point, Dr Lehman scheduled the patient for a hysterectomy with pelvic washings. The standard of care for an endometrial adenocarcinoma is hysterectomy with staging and lymph node dissection. The hysterectomy pathology resulted on July 11, 2019, and showed invasive adenocarcinoma with positive washings for malignancy.
- h. Dr Lehman then referred Patient Y to Dr Jeffrey Smith, gynecology oncology in Oklahoma City.
- i. On August 1, 2019, Dr Lehman released Patient Y to have an elective orthopedic surgery, even though she had a known endometrial malignancy and needed further surgery for the malignancy. Later that month, she had imaging that showed a DVT along with enlarged lymph nodes and right hydronephrosis. At some point, she was then referred to OU Gynecology Oncology as Dr Smith closed his practice.
- j. Patient Y was seen in November 2019 by Dr Richards who explained to the patient that she was inadequately staged, and it had now been 4 months since her hysterectomy. Dr Richards documented that the standard of care should have at least been lymph node dissection and all adjuvant therapy should have been started within at least 12 weeks. Dr Richards recommended vaginal brachytherapy and deferred the lymph node dissection due to the lymphedema already present in her lower extremity. The patient did complete vaginal cuff brachytherapy through OU.

- k. In the case of Patient S, Dr Lehman practiced outside the scope of his practice as a general gynecologist. He initiated a workup in September 2019 that was appropriate for postmenopausal bleeding with an ultrasound that showed an endometrial thickness of 17mm. He performed a hysteroscopy D&C with the pathology showing endometrial adenocarcinoma. At this time, appropriate treatment would have been a hysterectomy with full staging and lymph node dissection. Dr Lehman did not do that, but instead he performed a hysterectomy on October 31, 2019, with pelvic washings and the pathology showed endometrial carcinoma.
 - l. Patient S, was then referred to OU gynecology oncology. The patient was seen, had a CT of the pelvis to assess node status since lymph node dissection was not completed at the time of the hysterectomy. She had a port placed and received chemotherapy.
6. It is the finding of the Board, after reviewing all the evidence presented, that in all four cases presented that Dr Lehman was practicing outside the standard of care when managing known uterine malignancies.
 7. It is the finding of the Board, that Dr Lehman knowingly did the incorrect procedure on these patients, which put their long-term survival at risk due to improper staging for an endometrial malignancy. It is standard of care to perform a hysterectomy with staging including lymph node dissection on a patient with a known endometrial malignancy.

CONCLUSIONS OF LAW

8. The Board has jurisdiction over the subject matter and is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of osteopathic physicians in the State of Oklahoma. 59 O.S. § 620 et seq. and Okla. Admin. Code §§ 510: 1-1 -1 et seq.
9. The Board is authorized to suspend, revoke or order any other appropriate conditions against the license of any osteopathic physician holding a license

to practice medicine in the State of Oklahoma for unprofessional conduct.
59 O.S. §§ 637.1.

10. The Board finds that Dr. Lehman is in violation of the Oklahoma Osteopathic Medicine Act (the "Act"), Tit. 59 O.S. § 637(A)(2) and (A)(4), 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 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, [or] ... 4. Has engaged in repeated acts of negligence, malpractice or incompetence[.]

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Board that Dr. Lehman's license to practice osteopathic medicine in the state of Oklahoma is subject to the following terms and conditions:

1. The Board Orders that Respondent shall complete within six (6) months, at his expense, an assessment for physician competency in a program approved in advance by the Board Staff. Programs such as the Center for Personalized Education for Physicians (CPEP), KSTAR (Knowledge, Skills, Training, Assessment and Research), or Physician Assessment and Clinical Education Program (PACE) would be appropriate for this evaluation.
2. Dr. Lehman shall sign any and all authorizations necessary to release the findings of the evaluation directly to the Board.
3. Following receipt of the requested documentation and information, Dr. Lehman shall appear before the Board at the next scheduled meeting.
4. This Order is not a final determination of this Board and is therefore not appealable as a final order.

5. The Board has not reached any final determination, and any violation of this Order may result in further discipline of Dr. Lehman's license to practice osteopathic medicine in the State of Oklahoma.

This Order is a public record and therefore subject to the Oklahoma Open Records Act. Further, this Order may be reportable to the National Practitioner Data Bank ("NPDB") pursuant to federal law, including but not limited to, 45 CFR Part 60.

IT IS HEREBY ORDERED AND EFFECTIVE this 12th day of DECEMBER 2024.

Chelsey Gilbertson, D.O.

Chelsey Gilbertson, D.O. (Dec 16, 2024 15:18 CST)

Chelsey Gilbertson, 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., |) | |
| STATE BOARD OF OSTEOPATHIC |) | |
| EXAMINERS, |) | |
| |) | |
| Petitioners, |) | |
| |) | |
| v. |) | OSBOE Case No. 2024-024 |
| |) | |
| Ladd Atkins, D.O. |) | |
| Osteopathic Medicine License No. 4632. |) | |
| |) | |
| Respondent. |) | |

CONSENT ORDER

The State of Oklahoma, *ex rel.* Oklahoma State Board of Osteopathic Examiners (“Petitioner” or the “Board”), by and through the undersigned counsel for the Board, as represented by J. Patrick Quillian, and Ladd Atkins, D.O. (“Respondent”), Oklahoma license no. 4632, who appears in person, and through counsel Steve Pontius, Esq. (collectively, the “Parties”), offer this Consent Order (the “Order”) for acceptance by the Board.

By voluntarily entering into this Order, Respondent admits to certain of the allegations herein contained and further acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Osteopathic Medicine Act (“Act”). 59 O.S. § 620 *et seq.*

Respondent, Ladd Atkins, D.O., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for an evidentiary hearing on the allegations made against him. Respondent hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Respondent acknowledges that he has read and understands the terms and conditions stated herein, and that the Order may be reviewed and discussed with him by legal counsel prior to execution.

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void, and Petitioner shall not use any admission made by Respondent herein against him in any subsequent disciplinary hearing before the Board or otherwise. If the Board does not accept this order, Respondent will be free to defend himself and no inferences would be drawn from Respondent’s willingness to have this Order accepted by the Board. The Parties further stipulate that neither the presentation of this Order nor the Board’s consideration of this Order shall be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not constitute grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.

Findings of Fact

1. Ladd Atkins, D.O., is the holder of a license to practice as an osteopathic physician in the State of Oklahoma, license number 4362. Dr. Atkins received his license to practice as an osteopathic physician in Oklahoma from the Board in March 2016, and primarily engages in the practice of general and cosmetic surgery.
2. At all relevant times, Dr. Atkins was the owner-operator of Face and Body Wellness and Medical Spa located at 6304 E. 102nd St., Tulsa, Oklahoma 73147 (“Face and Body”), which provides services such as cosmetic surgery, Botox injections, pain pump monitoring, and hormone therapy.
3. In February 2024, Board investigators received a complaint from a former Face and Body employee who expressed concerns regarding Dr. Atkins’ sedation practices. In response to the complaint, Board investigators gathered information related thereto and obtained the assistance of an expert in anesthesiology practices.
4. After the investigation concluded, Board investigators found that that cause existed to be concerned for the safety of patients undergoing in-office surgical procedures performed by Atkins at Face and Body due to anesthesia practices and protocols that did not meet the standard of care.

Conclusions of Law

1. The Board has jurisdiction over the subject matter and is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of osteopathic physicians in the State of Oklahoma. 59 O.S. § 620 *et seq.* and Okla. Admin. Code §§ 510: 1-1 -1 *et seq.*
2. The Board is authorized to suspend, revoke or order any other appropriate conditions against the license of any osteopathic physician holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. 59 O.S. §§ 637.1.
3. Based on the foregoing, Dr. Atkins is guilty of unprofessional conduct as follows:
 - a. 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. 59 O.S. §637(A)(2).
 - b. Has engaged in repeated acts of negligence, malpractice or incompetence. 59 O.S. §637(A)(4).

Orders

IT IS THEREFORE ORDERED by the Oklahoma State Board of Osteopathic Examiners as follows:

1. The Board hereby adopts the agreement of the Parties in this Consent Order, including the Findings of Fact and Conclusions of Law stated herein.
2. Ladd Atkins, D.O. is hereby placed on Probation for a term of two (2) years and shall comply with the following probationary terms and conditions:
 - a. Dr. Atkins shall immediately refrain from conducting all office-based surgeries involving sedation at Face and Body until Face and Body hires or contracts a CRNA or anesthesiologist to assist Dr. Atkins in all such in-office surgeries involving sedation. Dr. Atkins shall postpone or reschedule all currently scheduled surgeries at Face and Body until this condition is met.
 - b. Face and Body shall hire or contract with a CRNA or anesthesiologist by the December 12, 2024, Board meeting.
 - c. Dr. Atkins shall at all times maintain gainful employment as an osteopathic physician. Dr. Atkins shall notify the Board in writing within fourteen (14) days in the event Dr. Atkins is terminated or resigns from employment as an osteopathic physician.
 - d. Upon request, Dr. Atkins shall make himself available for one or more personal appearances before the Board or its authorized designee.
 - e. Dr. Atkins will maintain quarterly contact with his assigned Board Investigator.
 - f. Dr. Atkins shall bear the financial costs of any expenses incurred from this Order.
 - g. Board staff shall have oversight of this Order on behalf of the Board, and the authority to direct Dr. Atkins to provide any and all reports, evaluations, assessments, and/or documents, relevant to this matter, including but not limited to, any and all contracts, employment agreements, and/or pay stubs for any CRNA or anesthesiologist employed by or contracted with Face and Body.
 - h. Dr. Atkins shall complete the Compliance Information Request Form sent by Board staff within ten (10) days of receipt. Dr. Atkins shall complete Quarterly Supervision Self-Reports provided by Board Staff by the tenth (10th) day of each month.
 - i. Dr. Atkins is assessed an ongoing monthly Administrative Maintenance fee of one hundred dollars (\$100), due by the first day of each month and continued monthly during the pendency of any active and ongoing Board Order.
 - j. Dr. Atkins may utilize his right to consult legal counsel in connection with this inquiry by the Board known as OSBOE-2024-024, this Order, or any other inquiry by the Board.

- k. Dr. Atkins shall notify the Board within fourteen (14) days of any changes to legal counsel.
 - l. Dr. Atkins shall notify the Board within fourteen (14) days of any changes to their residential, practice, or email address as well as any change to his cell phone number.
 - m. Dr. Atkins shall renew his license yearly as required by the Board's statutes and rules. Failure to renew could result in cancellation by the Board.
 - n. Dr. Atkins shall maintain compliance with continuing medical education ("CME") Credits as required by the Board's statutes and rules.
3. In the event Dr. Atkins leaves the State of Oklahoma to practice medicine in another jurisdiction, and surrenders his license here in Oklahoma, the terms and conditions of this Order shall be tolled.
 4. The Board shall have the ability, in its sole discretion, to terminate the period of probation prior to the expiration of two (2) years in the event the Board is satisfied that Dr. Atkins has the necessary education, training, and expertise to safely conduct in-office surgeries without the supervision and assistance detailed above in condition (a).
 5. Upon successful completion of the "Procedural Sedation for Adults" course offered by the American Society of Anesthesiologists (or an alternative course approved by the Board) Dr Atkins may reapply to the Board for modification of the terms and conditions of this Order.
 6. A copy of this Order shall be provided to Respondent as soon as it is processed.

Any violation of this Order may result in further discipline of Dr. Atkins' 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 pursuant to federal law, including but not limited to, 45 CFR Part 60.

IT IS SO ORDERED AND EFFECTIVE this 12th day of December, 2024.



Chelsey D. Gilbertson, D.O.
OSBOE President

R 7.
J. Patrick Quillian (Dec 13, 2024 21:10 CST)

J. PATRICK QUILLIAN, OBA #20811
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**SPECIAL PROSECUTOR FOR
PETITIONER**



Marcus N. Ratcliff, OBA #19201
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ATTORNEYS FOR RESPONDENT

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

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|--|---|--------------------------|
| STATE OF OKLAHOMA, <i>ex rel.</i> |) | |
| OKLAHOMA STATE BOARD |) | |
| OF OSTEOPATHIC EXAMINERS, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Case No. 2021-012 |
| |) | |
| |) | |
| ANDREW EPSTEIN, D.O., Medical |) | |
| License No. 7542 |) | |
| |) | |
| Respondent. |) | |

CONSENT ORDER

The State of Oklahoma, *ex rel.* Oklahoma State Board of Osteopathic Examiners (“Petitioner” or the “Board”), and Andrew Epstein, D.O., Medical License No. 7542 (“Respondent” or “Dr. Epstein”), offer this Consent Order (herein, “Order” or “Agreement”) for acceptance by the Board.

By voluntarily entering into this Order, Respondent admits to certain of the allegations herein contained and further acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Osteopathic Medicine Act (“Act”). 59 O.S. § 620 *et seq.*

Respondent, Andrew Epstein, D.O., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for an evidentiary hearing on the allegations made against him. Respondent hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Respondent acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement may be reviewed and discussed with him by legal counsel prior to execution.

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Respondent herein, if any, shall not be regarded as evidence against him in a subsequent disciplinary hearing. Respondent will be free to defend himself and no inferences will be made from his willingness to have this Order accepted by the Board. The Parties stipulate that neither the presentation of this Order nor the Board’s consideration of this Order shall be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not be grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.

Findings of Fact

The Parties stipulate and agree as follows:

1. January 4, 2024, Respondent was the subject of disciplinary action by another state board. Respondent entered into a Consent Order with the North Carolina Medical Board for unprofessional conduct.
2. Specifically, Respondent failed to conform to the standards of acceptable and prevailing medical practice in his treatment of patients in all aspects of his care, including diagnosis, treatment, records, and overall care, especially as it pertained to Respondent prescribing Ketamine to patients.
3. The North Carolina Medical Board ordered that Respondent is (1) reprimanded, (2) restricted and prohibited from using his North Carolina medical license to prescribe the drug Ketamine and any other drug that may contain Ketamine and (3) required to complete four hours of continuing medical education on medical record documentation.
4. On March 22, 2024, the Texas Medical Board issued a Waiver Order based on the actions of the North Carolina Medical Board action of January 2024.
5. On March 25, 2024, the Colorado Medical Board issued Letter of Admonition Order based on the action of the North Carolina Medical Board of January 2024.
6. On May 1, 2024, the Tennessee Health Related Boards issued a reprimand based on the North Carolina Medical Board action of January 2024.
7. On June 24, 2024, the Kentucky Board of Medical License denied an application for licensure based on the actions of the North Carolina Medical Board action of January 2024.
8. On August 16, 2024, the Pennsylvania State Board of Osteopathic Medicine issued a public reprimand based on the actions of the North Carolina Medical Board action of January 2024.

Conclusions of Law

1. The Board has jurisdiction over the subject matter and is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of osteopathic physicians in the State of Oklahoma. 59 O.S. § 620 *et seq.* and Okla. Admin. Code §§ 510:1-1 -1 *et seq.*

2. The Board is authorized to suspend, revoke or order any other appropriate conditions against the license of any osteopathic physician holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. 59 O.S. §§ 637.1.
3. 9 O.S. § 637 Regulation and Licensing states in pertinent part:
 - A. The State Board of Osteopathic Examiners may refuse to admit a person to an examination or may refuse to issue or reinstate or may suspend or revoke any license issued or reinstated by the Board upon proof that the applicant or holder of such a license: ... 2. Has engaged in the use or employment of dishonesty, fraud, misrepresentation, false promise, false pretense, unethical conduct or **unprofessional conduct**, as may be determined by the Board, in the performance of the functions or duties of an osteopathic physician, including but not limited to the following: ... 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. (emphasis added).
4. Based on the foregoing, Dr. Epstein, is guilty of unprofessional conduct.

Orders

IT IS THEREFORE ORDERED by the Oklahoma State Board of Osteopathic Examiners as follows:

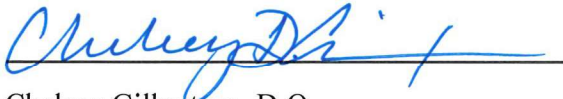
1. The Board hereby adopts the Agreement of the Parties in this Consent Order, including the Findings of fact and conclusions of law stated herein.
2. **Andrew Michael Epstein, D.O.** is hereby:
 - a. Issued a Public Reprimand.
 - b. Respondent shall hereafter comply with all terms of the agreement entered on or around January 4, 2024, with the North Carolina Medical Board.
 - c. Respondent shall conduct his practice in compliance with the Oklahoma Osteopathic Medicine Act (“Act”) as interpreted by the Board. Any question of interpretation regarding the Act or this Order shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Respondent until clarification of interpretation is received by Respondent from the Board or its authorized designee. 59 O.S. § 620, *et seq.*
 - d. Respondent will keep the Board informed of his current home, work, and email address, as well as cell phone number.

- e. Respondent shall maintain compliance with continuing medical education credits as required by the Board's statutes and rules.

Any violation of this Order may result in further discipline of Respondent'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 pursuant to federal law, including but not limited to, 45 CFR Part 60.

IT IS SO ORDERED AND EFFECTIVE this 12th day of December, 2024.



Chelsey Gilbertson, D.O.
Board President

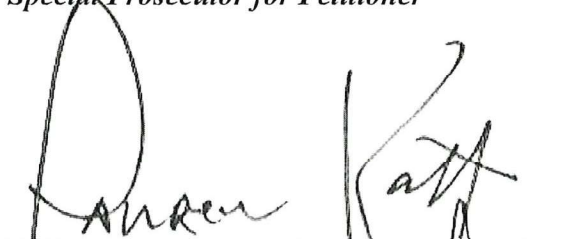


J. Patrick Quillian (Dec 16, 2024 15:46 MST)

J. Patrick Quillian, OBA #20811
Phillips, Coventon, Quillian & Banner, PLLC
1900 Northwest Expressway, Suite 601
Oklahoma City, OK 73118
Special Prosecutor for Petitioner



Andrew Epstein, D.O.
License No. 7542
Respondent



Lawrence Katz, Esq.
Lento Law Group
1814 RT 70 Ste 321
Cherry Hill, NJ 08003
Attorney for Respondent

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

IN THE MATTER OF OCHIJE)
OKONYA, D.O., APPLICANT FOR) Case No. 2024-L009
FULL LICENSE (Osteopathic)
Medical License No. 8794)

**AGREED MODIFICATION OF ORDER GRANTING APPLICATION FOR FULL
LICENSURE IN PART, AND PLACING CONDITIONS ON THE LICENSE**

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners ("Board") at a special meeting of the Board on September 26, 2024. Ochiye Okonya, D.O. ("Dr. Okonya"), appeared in person at the hearing on this date represented by legal counsel M. Todd Konsure, J.D.

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. Okonya's application for licensure and hearing testimony and evidence enters this Order Granting the Application for Licensure In Part, and Placing Conditions on the License.


IT IS HEREBY ORDERED by the Board that Dr. Okonya's application for full license is granted in part and Dr. Okonya is subject to the following terms and conditions:

1. Dr. Okonya's License to practice medicine shall be conditioned by the limitation to use such license to practice medicine only during his resident training under the supervision of the McAlester Regional Family Medicine residency program.
2. Further, Dr. Okonya's license to practice medicine shall not be valid for use in any location or practice that is not an integral part of the McAlester Regional Family Medicine residency program
3. Further, if Dr. Okonya is terminated from the McAlester Regional Family Medicine residency program, either voluntarily or involuntarily, this conditional license to practice medicine is automatically suspended and may not be reinstated without written application and appearance before the Board.

4. This Order is a final determination of this Board and is therefore appealable as a final order. However, the Order is not an adverse determination since it grants the application for a license and allows full unrestricted participation in the Respondent's residency program.
5. The Board has not reached any final determination on the granting of a full license to practice medicine should Dr. Okonya successfully complete his residency program. Upon satisfactory completion of the McAlester Regional Family Medicine residency program, Dr. Okonya shall make written application for an unrestricted license and appear before the Board. Nothing in this Order shall guarantee further licensure of Dr. Okonya.

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

IT IS HEREBY ORDERED AND EFFECTIVE this 12th day of December, 2024.



Chelsey Gilbertson, 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. OSBOE-2023-153 |
| v. |) | |
| |) | |
| BRADLEY CROSS, D.O. |) | |
| Osteopathic Medicine License No. |) | |
| 6387, |) | |
| Respondent. |) | |

ORDER MODIFYING BOARD ORDER DATED MARCH 26, 2024

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners (“Board”) at a special meeting of the Board on December 12, 2024. Bradley Cross, D.O. (“Dr. Cross”), appeared in person at the hearing on this date. He was not represented by legal counsel.

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

Dr. Cross requests modification of his Board Order dated March 26, 2024. Specifically, Dr. Cross requests Paragraph 2.s. of the Order portion of the March 26, 2024 Board Order be modified, which currently provides Dr. Cross “will not supervise allied health professionals, physician assistants, or advanced nurse practitioners, that require surveillance of a licensed medical practitioner”. Dr. Cross requests that this paragraph be modified to allow him to supervise mid-level practitioners in accordance with already established Osteopathic Physician regulations in the state of Oklahoma found in the Oklahoma Administrative Code (“OAC”) 510:10-4-1 et.seq.

The Board Herby Orders, Paragraph 2.s. of the March 26, 2024 Board Order shall hereby be modified to reflect:

2.s. Respondent will be allowed to supervise a maximum of four (4) mid-level

practitioners in accordance with established regulations for Osteopathic Physician supervision located in the OAC 510:10-4-1 et.seq.

All other provisions of the March 26, 2024 Order shall remain in effect.

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

This Order constitutes final action by the Board on the date it was announced.

IT IS HEREBY ORDERED AND EFFECTIVE this 12th day of DECEMBER 2024.

Chelsey Gilbertson, D.O.

[Chelsey Gilbertson, D.O. \(Dec 16, 2024 15:18 CST\)](#)

Chelsey Gilbertson, 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 JODI WILEY,) **MID-LEVEL EXCEPTION
D.O.,) **REQUEST**
Osteopathic Medical License No.)
7654**

ORDER DENYING ADDITIONAL SUPERVISION

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners (“Board”) at a special meeting of the Board on December 12, 2024. Jodi Wiley, D.O. (“Dr. Wiley”), appeared in person at the hearing on this date. She was not represented by legal counsel.

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

Dr. Wiley currently supervises six (6) independent mid-level practitioners and requests the Board allow supervision on one (1) additional mid-level practitioner. Dr. Wiley requests the additional supervision of a mid-level practitioner in accordance with Oklahoma Administrative Code (“OAC”) 510:10-4-3.

After reviewing Dr. Wiley’s exception request and hearing testimony from Dr. Wiley, the Board enters this Order Denying Additional Supervision (“Order”).

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

This Order constitutes final action by the Board on the date it was announced.

IT IS HEREBY ORDERED AND EFFECTIVE this 12th day of DECEMBER 2024.

Chelsey Gilbertson, D.O.

Chelsey Gilbertson, D.O. (Dec 16, 2024 15:18 CST)

Chelsey Gilbertson, 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. OSBOE-2023-228 |
| v. |) | |
| |) | |
| JOSHUA JAMES LIVINGSTON, D.O. |) | |
| Osteopathic Medicine License No. |) | |
| 4209. |) | |
| Respondent. |) | |

ORDER OF REVOCATION OF LICENSE

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners (“Board”) at a special meeting of the Board on December 12, 2024. The State of Oklahoma, ex rel. Oklahoma State Board of Osteopathic Examiners (“Petitioner” or the “Board”), presented the facts surrounding the lack of compliance with Board Orders by and through Steven K. Mullins, Executive Director. Joshua James Livingston, D.O. (“Dr. Livingston”), did not appear in person at the hearing on this date. Dr. Livingston was provided notice of this appearance as required in the Oklahoma Osteopathic Medicine Act, 59 O.S. § 637 (B).

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 matter was called for hearing. All exhibits were admitted, and witnesses were presented on behalf of all the parties.

FINDINGS OF FACT

The Board makes the following findings of fact:

1. The Board finds that Dr. Livingston received proper and legal notice of the hearing and had the opportunity to present testimony, and be represented by counsel.
2. Dr. Livingston, D.O., is the holder of a license to practice as an osteopathic

physician in the State of Oklahoma, license number 4209, and the license is currently **suspended**.

September Findings

3. The Board found that Dr. Livingston had previously violated the Act when on July 1, 2024, Board investigators interviewed Dr. Livingston after the Board received multiple complaints regarding his practices. During this interview, Dr. Livingston indicated that he had used cocaine the previous Friday, June 28, 2024.
4. At the September 2024 hearing Dr. Livingston again admitted that he used cocaine on June 28, 2024 and additionally stated that he has used cocaine every two weeks since July 2024, and intends to continue to use cocaine every two weeks unless ordered to stop by the Board.
5. Dr. Livingston admitted that he had signed a contract with the Oklahoma Health Professionals Program on July 3, 2024, to address Board staff's substance abuse concerns, but he was terminated from the program on August 5, 2024, for failing to arrange an evaluation within thirty (30) days of signing the contract. Dr. Livingston admitted this fact in the September 2024 hearing, but offered explanation that he could not afford the OHPP costs.
6. During the Board Hearing in September 2024, Dr. Livingston requested another chance to work with OHPP in an attempt to begin a rehabilitation program. The Board ordered Dr. Livingston to immediately enter into a new agreement with OHPP and ordered other requirements to provide Dr. Livingston a chance to begin a rehabilitation program. The Board suspended his license until such time as there was demonstrated progress toward rehabilitation.

Past Violations

7. In the past, the Board addressed multiple complaints and allegations related to Dr. Livingston since he was licensed in 2004.
8. In 2012, a Board investigation revealed that 6,147 prescriptions of controlled

dangerous substances (CDS, Schedules II-V) were issued or refilled over a three-month period in which Dr. Livingston worked an average of 11 days per month.

9. In 2012 a Board Investigation the office of the Chief Medical Examiner for the State of Oklahoma linked four (4) Probable Cause of Deaths to the same CDS prescribed by Dr. Livingston. For each of these patients, Dr. Livingston did not have a psychological function assessment, any previous medical records, no hospital records from recent admissions, results of any MRI examination, no imaging, no alternative treatment plan, no discussion of risks or benefits of CDS and no discussion about any drug abuse, alcohol consumption, suicide or the use of tobacco. For each of these patients, the office of the Chief Medical Examiner reported the probable cause of death was an Acute Combined Drug Toxicity or Combined Drug Toxicity due to enumerated drugs for each patient.
10. In 2012, a Board Investigation revealed that Dr. Livingston was the Medical Director for the South Pointe Pain Management Clinic ("Pain Clinic"). Concurrently, Dr. Livingston was the Medical Director for the Transformation Weight Loss Clinic. The Transformation Clinic was giving HCG, Herbal Treatments and Phentermine. The Transformation Clinic was using Dr. Livingston's DEA number to purchase drugs. Dr. Livingston did not review what the Transformation Clinic was purchasing with his DEA number and did not maintain a dispensing log with the Transformation Clinic. Dr. Livingston permitted staff at Transformation Weight Loss Clinic to use his DEA number to order and purchase drugs. Dr. Livingston did not know what drugs were ordered and did not keep a log of those dispensed.
11. Due to these 2012 issues, the Board restricted Dr. Livingston's license. The Board's order specifically prohibited Dr. Livingston from administering, prescribing, or dispensing any CDS and required him to take various educational courses.
12. In September 2016, the Board denied a request from Dr. Livingston to administer Suboxone and required him to take the COMVEX Exam.
13. In 2017, the Board prohibited Dr. Livingston from supervising mid-level

practitioners.

14. The Board lifted all restrictions on Dr. Livingston's license in March 2018.
15. The Board has at least four (4) pending investigations regarding Dr. Livingston's practice of medicine and personal conduct.

Current Findings

16. The Board finds that Dr. Livingston has demonstrated no intent to begin a program of rehabilitation and refuses to comply with the orders of this Board. Specifically, the Board finds that Dr. Livingston has not complied with the September 26, 2024 Orders of this Board in the following respects:
 - a. Dr. Livingston did not "immediately enter into an agreement with Oklahoma Health Practitioner Program ("OHPP") to monitor drug use."
 - b. Dr. Livingston did not provide quarterly reports to the Board regarding his OHPP progress and participation in the OHPP program.
 - c. Dr. Livingston did not provide Quarterly Supervision Self-Reports to the Board.
 - d. Dr. Livingston did not maintain monthly contact with his assigned Board investigator.
 - e. Dr. Livingston did not comply with Board Orders to provide license information to the Board.
 - f. Dr. Livingston did not comply with Board Orders to attend the prehearing conference.
 - g. Dr. Livingston has made no attempt to schedule attendance at a multi-disciplinary program as ordered by the Board.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the subject matter and is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of

osteopathic physicians in the State of Oklahoma. 59 O.S. § 620 et seq. and Okla. Admin. Code § 510: 1-1 -1 et seq.

2. The Board is authorized to suspend, revoke or order any other appropriate conditions against the license of any osteopathic physician holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. 59 O.S. § 637.1.
3. The Board concludes that the Dr. Livingston has made no good faith attempt at rehabilitation despite his current **suspension** of license to practice medicine as an osteopathic physician in Oklahoma and strict orders for Board monitoring.
4. The Board finds that Dr. Livingston has repeatedly violated the following provisions of the Act since September 2024:

59 O.S. § 637 A. The State Board of Osteopathic Examiners may refuse to admit a person to an examination or may refuse to issue or reinstate or may suspend or revoke any license issued or reinstated by the Board upon proof that the applicant or holder of such a license:...

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

k. failing to comply with any subpoena issued by the Board,

l. violating a probation agreement or order with this Board or any other agency,

11. Has violated or refused to comply with a lawful order of the Board;

12. Has been guilty of habitual drunkenness, or habitual addiction to the use of morphine, cocaine or other habit-forming drugs.


ORDER

IT IS THEREFORE ORDERED by the Oklahoma State Board of Osteopathic Examiners as follows: Respondent's license shall hereby and immediately be **REVOKED**.

This Order constitutes final action by the Board on the date it was announced at the Board hearing. This Order is a public record and therefore subject to the Oklahoma Open Records Act. Further, This Order is reportable to the National Practitioner Data Bank ("NPDB") pursuant to federal law, including but not limited to, 45 CFR Part 60. The Order is subject to Executive Order 2019-17 and shall be submitted to the Office of the Oklahoma Attorney General for a written "review and confirmation that the action is enforcing a clearly articulated and affirmatively expressed state policy." However, such review does not impact the ability of this action to be immediately reviewed pursuant the provisions of the Oklahoma Administrative Code.

As facts may indicate any violation of this Order, or evidence given in the hearing may result in action by the Oklahoma Attorney General.

IT IS HEREBY ORDERED AND EFFECTIVE this 12th day of DECEMBER 2024.


Chelsey Gilbertson, D.O.
Board President
State Board of Osteopathic Examiners