Agenda

Board of Medical Licensure and Supervision

Virtual Amended Meeting
May 13, 2021 at 9:00 a.m.

Website: www.okmedicalboard.org

Public link to view meeting and access meeting materials:
https://www.okmedicalboard.org/notebook

This virtual amended meeting is being held consistent with the Administrative Procedures Act and the amendments to the Open Meeting Act, 25 O.S.2011, § 301 et seq, signed into law by Governor Stitt on February 10, 2021. The Board may discuss, vote to approve, vote to disapprove, vote to table, change the sequence of any agenda item, or vote to strike or not discuss any agenda item.

*INDIVIDUAL PROCEEDINGS: Review and action on all agenda items noted for individual proceedings. In all agenda items noted for individual proceedings, a majority of a quorum of Board members, in a recorded vote, may call for closed deliberations for the purpose of engaging in formal deliberations leading to an intermediate or final decision in an individual proceeding under the legal authority of Oklahoma state statutes, to wit: Article II of the Oklahoma Administrative Procedures Act, 75 O.S. §309 and the Oklahoma Open Meeting Act, 25 O.S. §307(B)(8).

Board members participating:

James Brinkworth, MD, via videoconference
Mr. Clayton Bullard via videoconference
Susan Chambers, MD, via videoconference
Louis Cox, MD, via videoconference
Mark Fixley, MD, via videoconference
Mr. Robert Howard via videoconference
Mr. Jeremy Hall via videoconference
Steven Katsis, MD, via videoconference
Mr. Trevor Nutt via videoconference
David Vanhooser, MD, via videoconference
Don Wilber, MD, via videoconference

9:00 A.M.

Meeting called to order
Opening remarks – Lyle Kelsey, Executive Director
Board Advisor Comments – Robert C. Margo, JD
Review, discussion and possible action – Minutes of the March 11, 2021 Meeting
Review, discussion and possible action – Request of approval from Oklahoma State University, PA Program (Amy Harrison, Program Director, MHS, PA-C)
I. NON-INDIVIDUAL PROCEEDINGS

A. INITIAL APPLICATION(S) FOR LICENSURE

___ MATTHEW COOK, applicant, full medical licensure
___ CALEB JONES, applicant, full medical licensure

II. INDIVIDUAL PROCEEDINGS

A. APPLICATION(S) FOR LICENSURE REINSTATEMENT

___ *DANIEL CLINKENBEARD, MD, applicant, reinstatement of full medical licensure after Voluntary Surrender in Lieu of Prosecution

B. PROBATIONARY MATTERS

___ *RICHARD BRANDT GREEN, MD – Staff's Motion to Terminate Agreement;
___ *KENNETH JOHN KIRK, MD – Staff's Motion to Terminate Agreement
___ *JASON MORGAN, PA – Staff's Motion to Terminate Agreement
___ *PHILLIP JOSEPH KNIGHT, MD – Staff's Motion to Terminate Indefinite Probation
___ *JAMES KENT ROBBERSON, MD – Staff's Motion to Terminate Indefinite Probation

C. DISCIPLINARY MATTERS

___ *MELISSA FLAMING FORD, PTA – Motion to Enforce Board

___ *JANITA M. ARDIS, MD – Disciplinary hearing based on allegations of indiscriminate or excessive prescribing of Controlled drugs; prescribing of Controlled substances in excess of the amount considered good medical practice or prescribing controlled substances without medical need in accordance with published standard; conduct likely to harm the public; repeated negligence in the practice of medicine; improper management of medical records; failure to provide a proper setting and assistive personnel for medical act, including but not limited to examination or other treatment. Adequate medical records to support treatment or prescribed medications must be produced or maintained; prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship and not prescribing in a safe; prescribing, dispensing or administering of controlled substances in excess of the amount considered good medical practice, or without medical need in accordance with pertinent licensing board standards; failure to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient; and violation of any provision(s) of the medical practice act or the rules and regulations of the Board or of any action, stipulation, or agreement of the Board.
**RONALD G. DUNCAN, PT** – Disciplinary hearing based on allegations of having been guilty of conduct unbecoming a person licensed as a physical therapist or physical therapist assistant or guilty of conduct detrimental to the best interests of the public or the profession; having been guilty of any act in conflict with the ethics of the profession of physical therapy; dishonorable or immoral conduct that is likely to deceive, defraud or harm the public; any conduct which potentially or actually jeopardizes a patient's life, health or safety; and improper management of medical records, inaccurate recording, falsifying or altering or failing to complete documentation of patient records.

**JOSHUA W. JOHNSON, PT** – Disciplinary hearing based on allegations of having been guilty of conduct unbecoming a person licensed as a physical therapist or physical therapist assistant or guilty of conduct detrimental to the best interests of the public or the profession; dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public; engaging in physical conduct with a patient that is sexual in nature, or in any verbal behavior that is seductive or sexually demeaning to a patient; and violating the "Standards of Ethics and Professional Conduct" adopted by the Board or being guilty of any act in conflict with the standards of the profession of physical therapy.

**BRIAN CHRISTOPHER LEE, OTA** – Disciplinary hearing based on allegations of dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public; fraudulent billing practices and/or violation of Medicare and Medicaid laws; violation of any provision(s) of the Occupational Therapy Practice Act or the rules and regulations of the board.

**JOHN JULES SCHIPUL, MD** –

- Defendant's Motion to Continue; and 
- Defendant's Motion to Postpone Deadlines; and 

*dependent upon the Board's ruling on the motions listed above*

- Possible disciplinary hearing based on allegations of prescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribing, dispensing or administering controlled substances or narcotic drugs without medical need in accordance with published standards; failure to maintain an office record for each patient which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient failure to provide a proper and safe medical facility setting and qualified assistive personnel for a recognized medical act, including but not limited to an initial in-person patient examination, office surgery, diagnostic service or any other medical procedure or treatment. Adequate medical records to support diagnosis, procedure, treatment or prescribed medications must be produced and maintained; indiscriminate or excessive prescribing, dispensing or administering of
Controlled or Narcotic Drugs; prescribing, dispensing or administering of Controlled substances or Narcotic drugs in excess of the amount considered good medical practice or prescribing, dispensing or administering controlled substances or narcotic drugs without medical need in accordance with published standards; dispensing, prescribing or administering a Controlled substance or Narcotic drug without medical need; conduct likely to deceive, defraud, or harm the public; gross or repeated negligence in the practice of medicine and surgery; being physically or mentally unable to practice medicine and surgery with reasonable skill and safety; practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery; except as otherwise permitted by law, prescribing, selling, administering, distributing, ordering, or giving to a habitue or addict or any person previously drug dependent, any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug; and improper management of medical records.

**SHMUEL SHAPIRA, MD** – Disciplinary hearing based on allegations of disciplinary action of another state or jurisdiction against a license or other authorization to practice medicine and surgery based upon acts of conduct by the licensee similar to acts or conduct that would constitute grounds for action as defined in this section, a certified copy of the record of the action taken by the other state or jurisdiction being conclusive evidence thereof; conduct likely to harm the public; and being physically or mentally unable to practice medicine and surgery with reasonable skill and safety.

**COLLEEN ANN SHEETS, RC** – Disciplinary hearing based on allegations of dishonest or unethical conduct; engaging in fraudulent billing practices and/or violation of federal Medicare and Medicaid laws or state medical assistance laws; inaccurate recording, falsifying or altering of patient records; and violation of any provision(s) of the medical practice act or the rules and regulations of the Board.

### III. UNSCHEDULED ITEMS

- Review, discussion and possible action – **Licensure applications** approved via Board Secretary/circularization (Attachment #1 to agenda)
- Review, discussion and possible action – **Re-registration applications** previously approved pursuant to 59 O.S. § 495a.1 (Attachment #2 to agenda)
- Review, discussion and possible action – **Recommendation(s) of Board Secretary** regarding re-registration applications pursuant to 59 O.S. § 495a.1 (Attachment #3 to agenda)
- Review, discussion and possible action on the following **Committee Recommendations**:
  - Physical Therapy Advisory Committee
  - Music Therapy Committee
• Occupational Therapy Advisory Committee
• Physician Assistant Advisory Committee

Review, discussion and possible action – Appointment of SHELLY WELSH, MS, CCC-SLP, as the Healthcare Professional Member to the Music Therapy Committee to fill the seat previously held by Linda McCoy, MS, CCC-SLP, with said term to expire on July 1, 2024.

Executive Director’s Report to the Board:
• Update: SB516 (PA Supervision)
• Update: 2021 Legislation
• Update: Agency Database Upgrade
• Review, discussion and possible action – MD Anderson: 1,014 MD licenses (critical need licenses issued initially)

Report on legal action(s) involving the Oklahoma Medical Board but not against the Oklahoma Medical Board

Report on Federation of State Medical Boards – Annual Meeting

Possible vote to enter into Executive Session as authorized by 25 O.S. § 307(B)(1) for the discussion of the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee (Deputy Director)

Adjournment

May 14, 2021: If needed to complete items on Agenda