

Agenda

Board of Medical Licensure and Supervision

Regular Meeting

101 NE 51st Street, Oklahoma City, OK 73105

September 16, 2021 at 9:00 a.m.

Public link to access meeting materials: <https://www.okmedicalboard.org/notebook>

This meeting is being held consistent with the Administrative Procedures Act and the Oklahoma Open Meeting Act. 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).*

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 July 29, 2021 Meeting**
- ___ Review, discussion and possible action – **Minutes of the August 20, 2021 Special Meeting**
- ___ Review, discussion and possible action – **Physical Therapy Advisory Committee recommendations**
- ___ Review, discussion and possible action – Request for approval, pursuant to Okla. Admin. Code 435:10-5-1, of all ACGME accredited residency programs affiliated with **Oklahoma State University Center for Health Sciences**

NON-INDIVIDUAL PROCEEDINGS

A. INITIAL APPLICATION(S) FOR LICENSURE

- ___ **DESIREE' LYON**, applicant, training license
- ___ **TANVIR SALAM**, applicant, full medical licensure
- ___ **MARK WILSON**, applicant, full medical licensure

II. INDIVIDUAL PROCEEDINGS

A. DISCIPLINARY MATTERS

- ___ ***JUSTIN BRENT SMITH, PTA** – Second Immediate Suspension of Physical Therapist Assistant license
- ___ ***RACHEL DIANE HENNESSEE, RC** – Immediate Suspension of Respiratory Care Practitioner license
- ___ ***DONALD A. GUTHRIE, PA** – Disciplinary hearing based on allegations of prescribing any drug legally classified as a controlled substance to a family member; violating any provision of the Medical Practice Act or the rules promulgated by the Board; engaging in unprofessional conduct.
- ___ ***MEDHAT MICHAEL, MD** –
- (Oral) Motion to Strike to be Reset at a Later Date; *and possibly*
 - State's Motion to Enforce Board Order; *and possibly*
 - Defendant's Motion in Limine; *and possibly*
 - Defendant's Motion to Review Application for Licensure for Reinstatement
- ___ ***STEVEN F. RICHARDSON, PA** – Disciplinary hearing based on allegations of having been convicted of a felony; fraudulent use of license; engaging in unprofessional conduct; prescribing or distributing a controlled substance for other than a medically accepted therapeutic purpose; has been disciplined by another state or jurisdiction based upon acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action; and representing oneself as a physician.
- ___ ***DENNIS LEE ROBERTS, MD** – Disciplinary hearing based on allegations of conviction or confession of, or plea of guilty, nolo contendere, no contest or Alford plea to a crime involving violation of: (a) the antinarcotic or prohibition laws and regulations of the federal government, (b) the laws of this state, (c) State Board of Health Rules, or (d) a determination by a judge or jury; the commission of any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine. A complaint, indictment or confession of a criminal violation shall not be necessary for the enforcement of this provision. Proof of the commission of the act while in the practice of medicine or under the guise of the practice of medicine shall be unprofessional conduct; and violating any state or federal law or regulation relating to controlled substances.
- ___ ***DARLENE MARIE SNYDER, 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; and violation of any

provision(s) of the Occupational Therapy Practice Act or the rules and regulations of the board.

___ ***HAZEM HUSSEIN SOKKAR, 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, failure to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient, or failure to maintain adequate medical records to support treatment or prescribed medications; 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.

___ ***MICHAEL HUYNH VU, MD** – Disciplinary hearing based on allegations of all advertising of medical business in which statements are made which are grossly untrue or improbable and calculated to mislead the public; prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship; failure to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient; dispensing, prescribing or administering a controlled substance or narcotic drug without medical need; conduct likely to deceive, defraud, or harm the public; failure to provide a proper setting and assistive personnel for medical act, including but not limited to examination, surgery, or other treatment. Adequate medical records to support treatment or prescribed medications must be produced and maintained; failing to obtain informed consent, based on full and accurate disclosure of risks, before prescribing, dispensing, or administering medical treatment for the therapeutic purpose of relieving pain where use may substantially increase the risk of death; and failure to establish a physician/patient relationship prior to providing patient-specific medical services, care or treatment, except in a clearly emergent, life threatening situation. *[Joe Ashbaker, Assistant Attorney General, Attorney for the State]*

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 on the following **Committee Recommendations**:

- **Registered Electrologist Advisory Committee**

- **Athletic Trainers Advisory Committee**
- **Respiratory Care Advisory Committee**

___ Status updates on the following Oklahoma Administrative Rules:

- **Emergency Okla. Admin. Code 435:11-1-1 through 435:11-1-11 COVID-19 Pandemic Emergency Rules**
- **Emergency Okla. Admin. Code 435:11-1-7 Disciplinary Actions**
- **Emergency Okla. Admin. Code 435:11-1-12 Temporary License Following Expiration of COVID-19 Declared Emergency**
- **Emergency Okla. Admin. Code 435:11-1-13 through 11-1-23 Temporary Critical Need Licensure Flexibility Emergency Rules**
- **Permanent Okla. Admin. Code 435:7-1-1 through 7-1-8 Administrative Remedies**

___ **Executive Director's Report to the Board:**

- Update on **Agency I.T. Audit**
- Update on **Agency Financial Audit**
- Review, discussion and possible action – **FY 2021-2022 Board Financials**

___ New Business – any matter not known about or which reasonably could not have been foreseen prior to the required time of posting

___ Adjournment

September 17, 2021: *If needed to complete items on Agenda*