

IN AND BEFORE THE OKLAHOMA STATE BOARD
OF MEDICAL LICENSURE AND SUPERVISION
STATE OF OKLAHOMA

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)

Plaintiff,)

v.)

Case No. 99-03-2066

← JOE BOB ALEXANDER, M.D.,)
LICENSE NO. 10682,)

Defendant.)

VOLUNTARY SUBMITTAL TO JURISDICTION AND ORDER

Plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General for the State of Oklahoma, and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Joe Bob Alexander, M.D., Oklahoma license no. 10682, who appears in person and through counsel, Charles F. Alden, III, proffer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on March 18, 1999 and acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

Defendant, Joe Bob Alexander, M.D., 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 evidentiary hearing on the allegations made against him. Defendant 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. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with him by his legal counsel.

PARTIES' AGREEMENT AND STIPULATIONS

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

Findings of Fact

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.

2. Defendant, Joe Bob Alexander, M.D., holds Oklahoma license no. 10682.

3. On or around May 16, 1998, the Texas State Board of Medical Examiners entered an Agreed Order in the case styled In the Matter of the License of Joe Bob Alexander, M.D., Case No. E-0780. That Agreed Order included the following Findings of Fact and Conclusions of Law:

6. The Board found that Respondent owns and operated the Alexander Weight Loss Clinic. At the Clinic, prospective patients are given a pamphlet providing information about the Clinic. One portion of the pamphlet offers a \$5.00 credit on the next office visit upon the referral of three additional patients, and a permanent \$5.00 decrease in office charges upon the referral of ten new patients. The Board found that this type of patient solicitation constitutes impermissible drumming of patients. Respondent asserts that he did not read Section 3.07© of the Act to prohibit the use of discounts, and he never intended to violate the Act by this practice. After being informed that the practice constituted violation of the Act, Respondent voluntarily agreed to discontinue the practice by offering discounts of any kind.

7. The Board found that Respondent represents to prospective patients that he will visit with them personally and discuss their history, results of laboratory tests done during the first visit, explain the program in detail, go over nutritional instructions, and set goals for each patient to reach. Respondent further represents to patients that he will examine and monitor them at follow-up visits. Although the literature in Respondent's office stated that he would see every patient at every visit, that practice did not always occur.

8. The Board found that Respondent does not adequately document patient records.

CONCLUSIONS OF LAW

1. Respondent has violated Section 3.08(4) of the Medical Practice Act (the "Act"), V.A.C.S., article 4495b, which authorizes the Board to take disciplinary action against Respondent based on Respondent's unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.

4. As a result of the aforesaid Findings of Fact and Conclusions of Law, the Texas State Board of Medical Examiners issued a Public Reprimand of the Defendant Joe Bob Alexander, M.D. The Texas Board also made the following additional orders regarding Defendant Joe Bob Alexander, M.D.:

2. To verify that Respondent has complied with and is in Compliance with the terms and conditions of this Agreed Order, Respondent shall fully cooperate with the Board and the Board Staff, including but not limited to, Board attorneys, investigators, compliance officers, consultants, and other such employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Agreed Order. Failure to cooperate as required by this paragraph and the terms of this Agreed Order shall constitute a basis for disciplinary action against Respondent pursuant to Sections 3.08, 4.01, and 4.11 of the Act.

3. Respondent shall give a copy of the Agreed Order to all hospitals, nursing homes, treatment facilities, and other health care entities where Respondent has privileges, has applied for privileges, or applies for privileges.

A complete copy of the Agreed Order entered by the Texas State Board of Medical Examiners is attached hereto as Exhibit "A" and incorporated herein by reference.

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant, Joe Bob Alexander, Oklahoma medical license 10682, is guilty of unprofessional conduct set forth below based on the foregoing facts:

A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(9).

B. Directly or indirectly gave or received any fee, commission, rebate or other compensation for professional services not actually and personally rendered in violation of OAC 435:10-7-4(30).

C. Disciplinary action of another state or jurisdiction against a Licensee based upon acts of conduct by the licensee similar to acts or conduct that would constitute grounds for action as defined in Oklahoma in violation of OAC 435:10-7-4(31).

Order

IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.

2. The Defendant, Joe Bob Alexander, M.D., Oklahoma license no. 10682, should be and is hereby **PUBLICLY REPRIMANDED** for the conduct set forth above.

3. Defendant shall give a copy of this Voluntary Submittal to Jurisdiction and Order to all hospitals, nursing homes, treatment facilities, and other health care entities where Defendant has privileges, has applied for privileges or applies for privileges.

4. Defendant agrees to pay the costs, including attorney's fees, for the investigation and prosecution of this action.

Dated this 23 day of July, 1999.

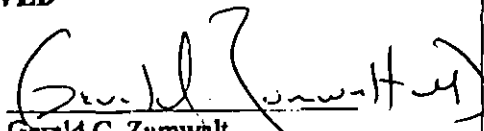


Billy Stout, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

AGREED AND APPROVED



Joe Bob Alexander, M.D.
License No. 10682

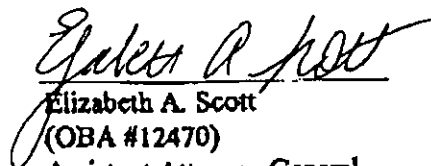


Gerald C. Zumwalt,
Secretary & Medical Advisor
Oklahoma State Board of
Licensure and Supervision



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Attorney for the Defendant



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Attorney for the Oklahoma
State Board of Medical
Licensure and Supervision

CERTIFICATE OF SERVICE

I CERTIFY THAT ON THE 28 DAY OF JULY, 1999, I MAILED, VIA
FIRST CLASS MAIL, POSTAGE PREPAID, A TRUE AND CORRECT COPY OF THIS
ORDER TO JOE BOB ALEXANDER, MD , 1025 CYPRESS, ABILENE, TX 79601 AND
CHARLES F. ALDEN, III, HUDSON AND ALDEN, 211 N. ROBINSON, OKC 73102

Janet L Owens
JANET L. OWENS