

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

FILED

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

SEP 23 2005

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 05-05-2962

JONATHAN DRAKE CHANCELLOR, M.D.,)
LICENSE NO. 11284)

Defendant.)

FINAL ORDER OF SUSPENSION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on September 22, 2005, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and through counsel David L. Sobel.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

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.*
2. 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.
3. Defendant, Jonathan Drake Chancellor, M.D., holds Oklahoma license no. 11284.

4. On February 24, 2005, Defendant approached an undercover Tulsa police officer at Turkey Mountain Park, a public park in the City of Tulsa. Defendant told the undercover officer that he liked to have oral sex but practiced safe sex. He then reached over and grabbed the officer's penis, at which time he was arrested. At the time of this incident, several other people were in the park. Defendant disputes the allegations of the Tulsa police officer, but plead no contest to the allegations in an effort to resolve the matter as set forth below.

5. On or about March 16, 2005, Defendant was charged with the crime of OUTRAGING PUBLIC DECENCY, a misdemeanor, in violation of 21 O.S. §0022, in the District Court of Tulsa County, State of Oklahoma. On or about August 10, 2005, Defendant plead no contest to the charge and received a one (1) year deferred sentence, various fines and costs, and sex offender counseling.

6. On or about May 9, 2005, Defendant submitted his Application for Renewal of Oklahoma License. On his application, Defendant was asked the following question:

"Since the last renewal or initial licensure (whichever is most recent), have you been arrested for, charged with, or convicted of a felony or misdemeanor other than a traffic violation?"

In response to this question, Defendant answered "No."

7. Title 59 O.S. §508 provides as follows:

"Whenever any license has been procured or obtained by fraud or misrepresentation...it shall be the duty of the State Board of Medical Licensure and Supervision to take appropriate disciplinary action in the same manner as is provided... for the disciplining of unprofessional conduct."

Section 508 further provides as follows:

"Use of fraudulent information to obtain a license shall be a misdemeanor offense, punishable, upon conviction, by the imposition of a fine of not less than One Thousand Dollars (\$1,000.00), or by imprisonment in the State Penitentiary for not more than one (1) year, or by both such fine and imprisonment."

8. Defendant is guilty of unprofessional conduct in that he:

A. Engaged in fraud or misrepresentation in applying for or procuring a medical license or in connection with

applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4 (8).

B. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4 (19).

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 is guilty of unprofessional conduct in that he:

A. Engaged in fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4 (8).

B. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4 (19).

3. The Board further found that the Defendant's license should be suspended based upon any or all of the violations of the unprofessional conduct provisions of OAC 435: 10-7-4 (8) and (19).

Order

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

1. The license of Defendant, Jonathan Drake Chancellor, M.D., Oklahoma license no. 11284, is hereby **SUSPENDED** as of the date of this hearing, September 22, 2005 for one (1) month.

2. Defendant shall be placed on **PROBATION** for a period of five (5) years following his suspension or completion of the requirements set forth in paragraphs C and D below, whichever occurs first, under the following terms and conditions:

A. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision 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 Defendant until clarification of interpretation is received by Defendant from the Board or its designee.

B. Defendant will furnish a copy of this order to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.

C. Defendant will obtain individual psychotherapy with a doctorate level therapist to be approved in advance by the Board Secretary. Defendant shall submit quarterly reports of his treatment from his therapist to the Board Secretary or his designee for his review. Defendant shall continue his psychotherapy until his therapist and the Board Secretary deems it no longer necessary.

D. Defendant will obtain marital counseling with a doctorate level therapist to be approved in advance by the Board Secretary. Defendant shall submit quarterly reports of his treatment from his therapist to the Board Secretary or his designee for his review. Defendant shall continue his marital counseling until his therapist and the Board Secretary deems it no longer necessary.

E. Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.

F. Defendant will not supervise allied health professionals for whom a formal supervisory arrangement is required under

Oklahoma law, e.g., physician assistants or advanced registered nurse practitioners.

G. Defendant shall promptly notify the Board of any citation or arrest for any criminal offenses, excluding traffic violations.

H. Defendant will keep the Board informed of his current address.

I. Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his case, including but not limited to a \$100.00 per month monitoring fee.

J. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

K. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.

L. Defendant shall submit any required reports and forms on a timely basis to the Compliance Coordinator or designee.

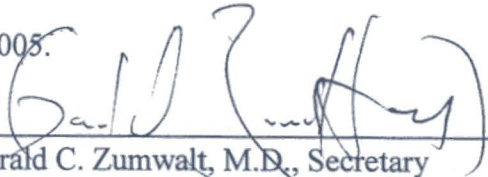
M. Failure to meet any of the terms of your Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify your license after due notice and hearing.

3. Defendant shall pay an **ADMINISTRATIVE FINE** in the amount of \$5,000.00 to be paid on or before October 22, 2005.

4. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

5. Defendant's suspension will be lifted, and his license will be reinstated only upon payment in full of all costs and expenses incurred by the State of Oklahoma prior to October 22, 2005.

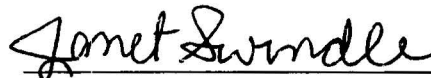
Dated this 23 day of September, 2005.



Gerald C. Zumwalt, M.D., Secretary
Oklahoma State Board of
Medical Licensure and Supervision

CERTIFICATE OF SERVICE

I certify that on the 26 day of September, 2005, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to David Sobel, 2431 E. 51st Street, Suite 601, Tulsa, OK 74105.



Janet Swindle