

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

**FILED**

JUL 23 2009

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

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )

v. )

Case No. 08-12-3638

JOEL ALLAN ORMSBY, P.A. )  
LICENSE NO. PA1148, )

Defendant. )

**ORDER ACCEPTING  
VOLUNTARY SUBMITTAL TO JURISDICTION**

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, Joel Allan Ormsby, P.A., Oklahoma license no. PA1148, who appears in person and pro se, 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 February 27, 2009, 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") and the Physician Assistant Act.

Defendant, Joel Allan Ormsby, P.A., 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 further acknowledges that he is entitled to have his interests represented by legal counsel and that he has elected to proceed without legal representation, thereby waiving his right to an attorney. Defendant acknowledges that he has read and understands the terms and conditions stated herein.

## ***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 physician assistants in the State of Oklahoma pursuant to 59 Okla. Stat. §519 *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, Joel Allan Ormsby, holds Oklahoma physician assistant license no. PA1148.

3. Defendant has a long history of drug abuse. Defendant admits use or abuse of Alcohol, Marijuana and Cocaine in the mid-1980s, and then Mepergan Fortis, Hydrocodone, Valium, Ambien and Dexamethorphan periodically beginning in or around 2001.

4. From 2002 through 2008, Defendant periodically ingested controlled dangerous substances not prescribed to him. He obtained Lortab and Mepergan Fortis from a neighbor, he stole Lortab, Darvocet and Restoril from his wife, and he stole controlled dangerous substances that were left unattended in the emergency room where he worked.

5. In or around January 2003, Defendant took Ambien while on call. Three (3) hours later he was called into the hospital. He had a car wreck on the way to the hospital while under the influence of Ambien and broke his neck. No charges were filed against Defendant as a result of that car wreck.

6. In early 2007, Defendant was involved in two (2) additional motor vehicle accidents while under the influence of Ambien. In both of these cases, the police were not involved and no charges were filed against Defendant.

7. In or around 2007, Defendant was involved in a motorcycle accident while he was under the influence of alcohol. No charges were filed as a result of that accident.

8. On or about May 31, 2007, Defendant was arrested by the Stillwater Police Department and charged with DUI-Drugs. At the time of the arrest, Defendant had hit a tree with his car and was trying to leave the scene of the accident. He admitted to the police officer that he had taken Darvocet, a muscle relaxant and Ambien approximately thirty (30) minutes before the arrest. The police officer noted that defendant was talking to himself, was confused and was unsteady on his feet. This DUI charge is still pending in Payne County, Oklahoma.

9. On or about March 12, 2008, Defendant submitted his Application for Renewal of

Oklahoma License. On his application, Defendant was asked the following questions:

"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?

Have you been arrested for, charged with, or convicted of a traffic violation involving the use of any drug or chemical substance including alcohol?

Have you been addicted to or abused any drug or chemical substance including alcohol?"

In response to each of these questions, Defendant answered "No."

10. On or about September 3, 2008, Defendant was arrested by the Stillwater Police Department and charged with DUI-Alcohol. At the time of the arrest, Defendant was too intoxicated to stand up. He admitted to the police officer that he had been drinking alcohol and had taken Darvocet a few hours earlier. This DUI charge is still pending in Payne County, Oklahoma.

11. Defendant has admitted that in or around 2007 and 2008, Defendant abused over-the-counter Dexamethorphan whereby he ingested 20-30 tablets a day, causing frequent blackouts.

12. Subsequent to this arrest, Defendant met with Dr. Lanny Anderson, who recommended that he get an evaluation for substance abuse. Defendant continued to consume alcohol even after meeting with Dr. Anderson.

13. On or about September 20, 2008, Defendant obtained an assessment at Bradford Health Services. Bradford recommended twelve (12) weeks of residential treatment. During his assessment, Defendant submitted a hair sample for analysis, which subsequently tested positive for Codeine, Hydrocodone, Propoxyphene and Alcohol.

14. In October 2008, Defendant met with Lyle R. Kelsey, Executive Director and Gerald C. Zumwalt, Secretary and Medical Advisor to the Board. During this meeting, Defendant did not advise Board staff of his 2007 DUI, nor did he advise staff of his previous car wrecks due to Ambien abuse and his 27 year history of substance abuse. Defendant only advised staff of his September 3, 2008 DUI arrest. Defendant did not present a copy of his Bradford assessment to Board staff at that time. Based upon Defendant's representation that the September 3, 2008 DUI was his only incident involving substance abuse, staff agreed to Defendant's request to allow him to obtain treatment at Valley Hope in Cushing for thirty (30) days. Staff advised Defendant that as a condition to allowing him to obtain treatment at Valley Hope, he had to immediately affiliate with the Oklahoma Health Professionals Recovery Program and provide copies of his assessment and discharge summaries to Board staff.

15. On or about December 2, 2008, Board staff was notified by the Oklahoma Health Professionals Recovery Program that Defendant had still not affiliated with the program.

16. On or about December 15, 2008, after being informed of the Board's investigation, Defendant contacted the Oklahoma Health Professionals Recovery Program and was given information necessary to set up the required drug testing.

17. On or about December 19, 2008, Board Investigator Robert DuVall interviewed Defendant. During this interview, Defendant admitted that he had not disclosed his March 2007 arrest for DUI to Mr. Kelsey or Dr. Zumwalt during his meeting with them in October 2008. Defendant additionally admitted that he had lied on his March 2008 Application for Renewal by not disclosing his March 31, 2007 DUI arrest and his history of substance abuse.

18. On or about January 16, 2009, Investigator DuVall was advised by the Oklahoma Health Professionals Recovery Program that Defendant had still not set up the required drug testing.

19. On or about January 19, 2009, Investigator DuVall contacted Valley Hope to determine if Defendant had signed a release for the Board to receive his treatment records. Defendant learned that he had not.

20. On or about January 21, 2009, Investigator DuVall obtained a urine specimen from Defendant. Defendant advised Investigator DuVall that he had drank alcoholic beverages the night before. Defendant admitted to the Board Investigator that drinking alcohol was not allowed in his recovery program.

21. On or about February 9, 2009, Investigator DuVall was advised by the Oklahoma Health Professionals Recovery Program that a urine specimen collected by the program on January 22, 2009 had tested positive for Darvocet, for which he had a prescription, and for alcohol. Mr. DuVall was advised that Defendant's use of Darvocet was prohibited by the program.

22. On or about March 6, 2009, Defendant entered into an agreement with the Board Secretary to voluntarily cease practicing as a physician assistant until the pending Complaint against him was heard by the Board.

23. Defendant returned to Valley Hope for inpatient treatment for substance abuse on March 17, 2009 and completed treatment April 15, 2009.

24. Based on the allegations stated above, Defendant is guilty of unprofessional conduct as follows:

- A. He has violated a provision of the Medical Practice Act or the rules promulgated by the Board pursuant to OAC 435:15-5-11(a)(7).

- B. He has engaged in dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).
- C. He has violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of OAC 435:10-7-4(39).
- D. He habitually uses intoxicating liquors or habit-forming drugs in violation of OAC 435:15-5-11(a)(1), 59 O.S. §509(4) and OAC 435:10-7-4(3).
- E. He is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).
- F. He has engaged in 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 in violation of 59 O.S. §509(9).
- G. He has violated or attempted to violate, directly or indirectly, any of the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, either as a principal, accessory or accomplice in violation of 59 O.S. §509(13).
- H. He 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).
- I. He is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).
- J. He has engaged in practice or other behavior that demonstrates an incapacity or incompetence to

practice medicine and surgery in violation of OAC 435:10-7-4(18).

- K. He has 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).
- L. He has failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).

### *Conclusions of Law*

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Physician Assistant Act, 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, Joel Allan Ormsby, Oklahoma physician assistant license no. PA1148, is guilty of unprofessional conduct set forth below based on the foregoing facts:

- A. He has violated a provision of the Medical Practice Act or the rules promulgated by the Board pursuant to OAC 435:15-5-11(a)(7).
- B. He has engaged in dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).
- C. He has violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of OAC 435:10-7-4(39).
- D. He habitually uses intoxicating liquors or habit-forming drugs in violation of OAC 435:15-5-11(a)(1), 59 O.S. §509(4) and OAC 435:10-7-4(3).
- E. He is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result

of any mental or physical condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).

- F. He has engaged in 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 in violation of 59 O.S. §509(9).
- G. He has violated or attempted to violate, directly or indirectly, any of the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, either as a principal, accessory or accomplice in violation of 59 O.S. §509(13).
- H. He 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).
- I. He is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).
- J. He has engaged in practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).
- K. He has 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).
- L. He has failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).

***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. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, Defendant shall be placed on **PROBATION** for a period of five (5) years 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 and the Physician Assistant Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act 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 Oklahoma State Board of Medical Licensure and Supervision.

B. Upon request of the Board Secretary, Defendant will request all hospitals in which he anticipates practicing to furnish to the Board Secretary of the Oklahoma State Board of Medical Licensure and Supervision a written statement regarding monitoring of his practice while performing services in or to that hospital.

C. Defendant will furnish to each and every state in which he holds licensure or applies for licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.

D. Defendant will not prescribe, administer, dispense or possess any drugs in Schedules II through V.

E. Defendant will submit for analysis biological fluid specimens to include, but not limited to, blood and urine, upon request of the Board or its designee, and Defendant will pay for the costs attendant thereto.

F. Defendant will not prescribe, administer, or dispense any medications for personal use or for that of any family member.

G. Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Defendant has the affirmative duty to inform any and every



doctor treating him of the Board Order immediately upon initiation, or continuation of treatment.

H. Defendant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances, including but not limited to alcohol.

I. Defendant will attend four (4) meetings per week of a local 12-step program.

J. Defendant will execute a contract with and will attend one (1) meeting per week of the Health Professionals Recovery Program for a total minimum of at least five (5) 12-step meetings per week.

K. Defendant shall enter and continue individual counseling with Whitney Warren, LMFT or another counselor approved in advance in writing by the Board Secretary, and will authorize in writing the release of any and all records of that treatment to the Board or its designee. Defendant shall additionally submit quarterly reports from his counselor to the Board Secretary for his review. Defendant will remain in treatment until both the counselor and the Board Secretary authorize his release from counseling.

L. 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.

M. Defendant shall promptly notify the Board of any entry into a treatment program for substance abuse.

N. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance use or abuse.

O. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of his current address.

P. Defendant will keep current payment of all assessments by the Oklahoma State Board of Medical Licensure and Supervision

for prosecution, investigation and monitoring of his case, including but not limited to a \$100.00 per month probation monitoring fee.

Q. Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

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

S. Defendant shall submit any required reports and forms on a timely, accurate and prompt basis to the Compliance Coordinator or designee.

T. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

U. Defendant shall continue to live at the Oxford House or another sober living environment until both Lanny Anderson, M.D. and the Board Secretary agree that that is no longer necessary.

V. Defendant shall practice in a controlled environment approved in advance in writing by the Board Secretary and shall limit his practice to no more than forty (40) hours per week.

3. 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.

4. A copy of this written order shall be sent to Defendant as soon as it is processed.

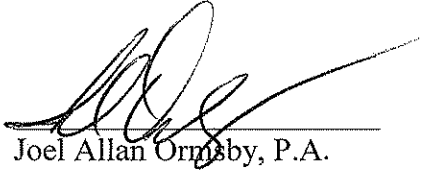
Dated this 23 day of July, 2009.

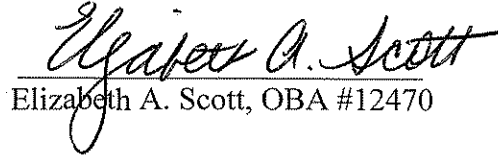


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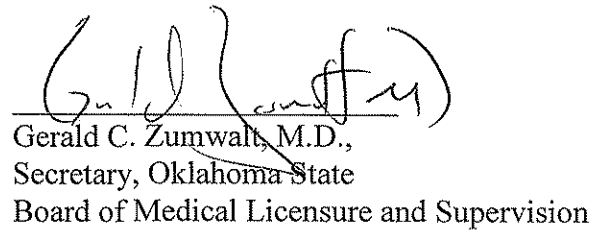
Curtis E. Harris, M.D., President  
Oklahoma State Board of  
Medical Licensure and Supervision

**AGREED AND APPROVED**

  
Joel Allan Ormsby, P.A.

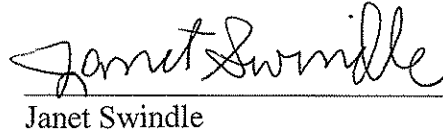
  
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Gerald C. Zumwalt, M.D.,  
Secretary, Oklahoma State  
Board of Medical Licensure and Supervision

**CERTIFICATE OF MAILING**

I certify that on the 28 day of July, 2009, a mailed a true and correct copy of the Order Accepting Voluntary Submittal to Jurisdiction to Joel Allan Ormsby, 3809 W. 15<sup>th</sup> Avenue, Stillwater, OK 74074.

  
Janet Swindle