

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, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
DAVID PAUL JUBELIRER, M.D., )  
MEDICAL LICENSE NO. 11710, )  
 )  
Defendant. )

OCT 01 2007

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 07-08-3359

COMPLAINT

COMES NOW the 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, and for its Complaint against the Defendant, David Paul Jubelirer, M.D., alleges and states as follows:

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. Defendant, David Paul Jubelirer, M.D, holds Oklahoma medical license no. 11710 and is a practicing pediatrician in Tulsa, Oklahoma.

3. Beginning on or around September 16, 2006 and continuing through approximately September 2007, Defendant was the medical director for the American Laser Centers in Tulsa, Oklahoma. During this time, Defendant allowed unlicensed individuals to operate at least two (2) different laser machines and to treat patients at the American Laser Center. Defendant admits that he was never present before or during any of the treatments, nor did he ever review any charts or records or perform physical examinations of patients receiving laser treatments prior to the procedures. Defendant admits that he examined only one (1) patient after a laser procedure for a minor burn on the skin.

4. In consideration for agreeing to act as the "medical director", Defendant was paid two thousand dollars (\$2,000.00) per month from American Laser Centers.

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

- A. Violated, directly or indirectly, the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, and the rules and regulations of the Board, either as a principal, accessory or accomplice in violation of 59 Okla. Stat. §509(13) and OAC 435:10-7-4(39).
- B. Aided or abetted the practice of medicine and surgery by an unlicensed, incompetent, or impaired person in violation of OAC 435:10-7-4(21).
- C. Aided or abetted, directly or indirectly, the practice of medicine by any person not duly authorized under the laws of this state in violation of 59 O.S. §509(14).
- D. Engaged in 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).
- E. Failed to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient in violation of 59 O.S. §509(18).
- F. 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).

WHEREFORE, plaintiff requests that the Board conduct a hearing, and upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a physician and surgeon in the State of Oklahoma.

Dated this 27th day of September, 2007 at 9:00 a.m.

Respectfully submitted,

*Elizabeth A. Scott*

Elizabeth A. Scott (OBA #12470)

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Attorney for State ex rel.

Oklahoma State Board of Medical Licensure  
and Supervision