

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

FILED

MAR 26 2010

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

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)
)

v.)

Case No. 07-08-3359

DAVID PAUL JUBELIRER, M.D.,)
OKLAHOMA MEDICAL LICENSE NO. 11710,)

Defendant.)

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 physician 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. On or about October 2, 2007, the State filed a Complaint against Defendant whereby the State alleged that Defendant had conducted numerous instances of unprofessional conduct. Specifically, the State alleged that Defendant had allowed unlicensed individuals to operate laser machines under his direction as medical director. Defendant admitted that he was never present before, during or after the procedures, nor did he ever review any charts or records or perform any physical examinations on patients prior to the procedures.

4. On or about January 17, 2008, the Board approved an Order Accepting Voluntary Submittal to Jurisdiction whereby Defendant was **PUBLICLY REPRIMANDED**, he was ordered to complete **100 HOURS OF COMMUNITY SERVICE** within **ONE (1) YEAR**, and he was ordered to pay an **ADMINISTRATIVE FINE** in the amount of **\$20,000.00** within **TWO (2) YEARS**.

5. One (1) year after the Board approved the Order Accepting Voluntary Submittal to Jurisdiction, Tom Sosbee, the Board's Compliance and Education Coordinator, contacted Defendant to determine his compliance with the Board Order. Defendant admitted that he had not completed any of the community service ordered to be completed within one (1) year. He claimed that he thought he had two (2) years to complete the community service.

6. Over two (2) years after the Board approved the Order Accepting Voluntary Submittal to Jurisdiction, Mr. Sosbee determined that Defendant still had not completed the required 100 hours of community service. As of March 2, 2010, Defendant had completed only seventy-two (72) hours of community service.

7. Over two (2) years after the Board approved the Order Accepting Voluntary Submittal to Jurisdiction, Mr. Sosbee determined that Defendant still owed \$13,500.00 of the original \$20,000.00 administrative fine.

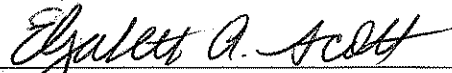
8. Defendant is guilty of unprofessional conduct in that he:

A. 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 59 O.S. §509(13) and OAC 435:10-7-4(39).

Conclusion

WHEREFORE, the Plaintiff respectfully 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 and any other appropriate action with respect to Defendant's medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



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