

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

STATE OF OKLAHOMA, *ex rel.*)
 OKLAHOMA STATE BOARD)
 OF MEDICAL LICENSURE)
 AND SUPERVISION,)
)
 Plaintiff,)
)
 v.)
)
 PHILLIP J. KNIGHT, M.D.)
 LICENSE NO. MD 12150,)
)
 Defendant.)

FILED
 JUN 28 2017
 OKLAHOMA STATE BOARD OF
 MEDICAL LICENSURE & SUPERVISION

Case No. 12-02-4503

SECOND ORDER MODIFYING PROBATION

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (“Board”) on May 4, 2017, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105.

Gary Ricks, Compliance Coordinator, appeared on behalf of the Board. Phillip J. Knight, M.D. (“Defendant”) appeared in person, *pro se*. Dr. Paul Cheng, Associate Director, of the Oklahoma Health Professionals Program (“OHPP”), appeared and testified in support of Defendant.

The Board, having considered testimony presented and being fully apprised of the premises, makes the following findings of fact, conclusions of law and orders:

Findings of Fact

1. Defendant holds Oklahoma medical license number 12150, issued April 25, 1979.
2. On February 22, 2013 a Complaint and Citation were filed, setting a Board hearing date of March 7, 2013.
3. Defendant is currently practicing under terms of an Order Accepting Voluntary Submittal to Jurisdiction (“2013 VSJ”) with terms of indefinite probation, effective March 7, 2013, and filed on March 8, 2013.
4. On June 4, 2015, an Order Modifying Probation was filed, allowing Defendant to prescribe Schedule III, IV and V controlled dangerous substances (“CDS”) and reducing the requirement for a polygraph test from once every six months to once per calendar year.

5. Defendant submitted a letter dated April 27, 2017, requesting the terms of his indefinite probation be modified as follows: (1) remove of the requirement for polygraph testing, and (2) allow Defendant to prescribe Schedule II Oxycodone.
6. At the May 4, 2017 Board meeting, Gary Ricks testified that Defendant had successfully passed drug tests.
7. Dr. Cheng testified that he monitors Dr. Knight in Ponca City.

Conclusions of Law

8. The Board has jurisdiction over the subject matter and 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. 59 O.S. 2011, § 480 *et seq.* and Okla. Admin. Code §§ 435:5-1-1 *et seq.*
9. The Board is authorized to suspend, revoke or order any other appropriate sanctions against the license of any physician or surgeon holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. 59 O.S. 2011, § 513(A)(1). This authority is quasi-judicial. 59 O.S. 2011, § 503. The Board's action is authorized by 59 O.S. 2011, §§ 509.1(A)(3), (4).
10. The Board concluded that Defendant presented sufficient evidence and good cause to support the requested modifications to the terms of his indefinite probation.

Orders


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

1. Defendant's request to modify the terms of his indefinite probation is **GRANTED** as follows, effective on the date of an approved Attorney General Opinion.
 - a. The requirement for polygraph testing set forth in the 2013 VSJ is hereby terminated.
 - b. Defendant is hereby permitted to prescribe Schedule II Oxycodone.
2. All other terms of Defendant's indefinite probation shall remain unchanged and in full force and effect.
3. Failure to meet any of the terms of this Order will be grounds for the Board to initiate proceedings to suspend or revoke Defendant's medical license, after additional notice and hearing as required by law.
4. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law.

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

This Order is subject to review and approval by the Oklahoma Attorney General and this Order shall become final upon completion of the review by the Oklahoma Attorney General unless disapproved, in which case this Order shall be null and void.

Dated this 28th day of June, 2017.

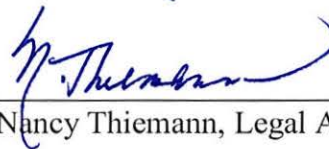


Billy H. Stout, M.D., Board Secretary
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Certificate of Service

This is to certify that on the 28th day of June, 2017, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail
Phillip Joseph Knight, M.D.
400 Fairview Avenue
Ponca City, Oklahoma 74601-1910
Defendant, pro se



Nancy Thiemann, Legal Assistant



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-504A

Billy H. Stout, M.D., Board Secretary
State Board of Medical Licensure and Supervision
101 N.E. 51st Street
Oklahoma City, OK 73105

June 26, 2017

Dear Dr. Billy H. Stout, M.D., Board Secretary:

This office has received your request for a written Attorney General Opinion regarding agency action that the State Board of Medical Licensure and Supervision intends to take pursuant to a consent agreement with respect to Medical Doctor Licensee 12150, case number 12-02-4503. The proposed action is to approve modifications to the terms of indefinite probation by terminating the requirement for polygraph testing and permitting the licensee to prescribe Schedule II Oxycodone.

On February 29, 2012, the licensee entered into a consent agreement not to practice. On February 22, 2013, a complaint was filed alleging the licensee was prescribing large amounts of Controlled Dangerous Substance ("CDS") medications, specifically Hydrocodone, Soma, and Diazepam, to a patient. An investigation revealed, and the licensee admitted, that the licensee had prescribed three patients more Hydrocodone than needed so that the patient could give some of the medication back to the licensee for personal use, added information to those patients' medical records to make them more complete when informed of the investigation, and relapsed into substance abuse again after suffering pain from chronic hip problems and heart disease. On March 7, 2013, the licensee entered into a consent agreement imposing indefinite probation and certain terms and conditions requiring the licensee to: (1) comply with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act; (2) furnish the Board with a written statement from a hospital regarding monitoring of the licensee's practice while performing services; (3) furnish a copy of the agreement to all states in which the licensee is licensed or applies for licensure, and any facility employing or offering staff privileges to the licensee; (4) refrain from supervising allied health professionals that require surveillance of a licensed physician; (5) authorize release of medical and psychiatric records and authority to discuss the licensee's case with treating physicians; (6) keep the Board informed of current address; (7) pay all associated costs; (8) be available for personal appearances before the Board; (9) timely submit any required reports and forms; (10) refrain from prescribing, administering, or dispensing any medications for personal use; (11) refrain from taking any medication not authorized by a treating physician treating the licensee for a legitimate medical need; (12) submit to random hair follicle and bodily fluid testing; (13) not ingest any prohibited substances including alcohol; (14) not prescribe, administer, dispense or possess any scheduled CDS medications, other than Phentermine and Bontril; (15) abide by the terms and recommendations of the treatment center and post care contracts with the treatment center and

Oklahoma Health Professionals Recovery Program (the "Program"); (16) sign a lifetime contract with the Program and attend a minimum of one meeting per week; (17) promptly notify the Board of any relapse, entry or re-entry into a treatment facility, citation or arrest for traffic or criminal offenses involving substance abuse; (18) execute all medical and psychiatric releases for records and information as needed; (19) obtain therapy and assist in coordinating services with primary physician; (20) attend meetings of Narcotics Anonymous or Alcoholics Anonymous on a daily basis for first year, no less than five meetings per week for the second year, and no less than three meetings thereafter; (21) attend Caduceus meetings on a weekly basis; (22) submit to random Polygraph tests twice per year for the first five years; (23) attend annual alumni retreat of treatment center; and (24) work no more than fifty hours per week in practice setting approved by Board. On June 4, 2015, the terms of the indefinite probation were modified to allow the licensee to prescribe Schedule III, IV, and V CDS medications and to reduce the requirement for polygraph testing from once every six months to once per calendar year.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S.2011 & Supp.2016, §§ 480–518.1, authorizes the Board to promulgate rules to enforce the provisions of the Act. 59 O.S.2011, § 489. The Board has the authority to approve applicants who "ha[ve] fully complied with all applicable licensure requirements of this act, [are] of good moral character, and [have] produced satisfactory evidence to the Board of the ability of the applicant to practice medicine and surgery with reasonable skill and safety" and to "establish rules authorizing the . . . issuance of licenses under terms of agreement." 59 O.S.2011, §§ 492.1; 493.3(D). The Board may enter into such an agreement when circumstances or conditions of an applicant raise questions as to the fitness or ability of the applicant to practice medicine and surgery with reasonable skill and safety or questions as to prior actions of the applicant in this or any other jurisdiction which would constitute a violation of the Act. OAC 435:10-4-11(2). Under Board rules, a consent agreement is not considered disciplinary action. OAC 435:10-4-11(b)(6). The action enforces requirements to ensure the highest level of professional conduct from medical doctors. The Board may reasonably believe that the agreed terms are adequate to protect patient safety.

It is, therefore, the official opinion of the Attorney General that the State Board of Medical Licensure and Supervision has adequate support for the conclusion that this action advances the State of Oklahoma's policy to protect public health and ensure patient welfare by upholding minimum standards of professionalism among physicians.



MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA



SHELLY PERKINS
ASSISTANT ATTORNEY GENERAL

RECEIVED

JUN 27 2017
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION