

**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

DEC 03 2019

**OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION**

Case No. 12-02-4503

THIRD ORDER MODIFYING PROBATION

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (“Board”) on November 7, 2019, 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*.

The Board, having considered representations of Mr. Ricks, testimony of Defendant, evidence 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, originally issued April 25, 1979.
2. On February 22, 2013 a Complaint and Citation were filed. Hearing was set for 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 the requirement for a polygraph test was reduced from once every six months to once per calendar year.

5. On June 28, 2017, a Second Order Modifying Probation was filed. The probation term for polygraph testing set forth in the 2013 VSJ was terminated, and Defendant was permitted to prescribe Schedule II Oxycodone. Attorney General Opinion 2047-504a dated June 26, 2017 was issued in support thereof.
6. On October 18, 2019, a letter motion was received from Defendant requesting complete Schedule II prescribing privileges. Hearing was set for November 7, 2019.
7. At the November 7, 2019 Board meeting, Mr. Ricks advised that Defendant has been tested and is attending OHPP. Mr. Ricks has been monitoring Defendant's prescribing since the 2017 Second Order Modifying that permitted prescription authority, and there haven't been any problems. Mr. Ricks stated that Board staff support Defendant's motion, and that he will continue monitoring.

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. § 480 *et seq.*, Okla. Admin. Code § 435:5-1-1 *et seq.*
9. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 504; Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.
10. The Board is authorized to suspend, revoke with or without the right to reapply, 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. §§ 503, 513(A)(1); Okla. Admin. Code § 435:5-1-3. The Board's action is authorized by 59 O.S. §§ 509.1(A)(2), (4), (F).
11. The Board concluded that Defendant presented sufficient evidence and good cause to support the requested modification 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:
 - a. Defendant is hereby permitted complete prescriptive authority for Schedule II controlled dangerous substances.
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, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.
5. A copy of this order shall be provided to Defendant as soon as it is processed.

Dated this 3rd day of December, 2019.



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 4th day of December, 2019, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail

Phillip J. Knight, M.D.
400 Fairview Avenue
Ponca City, Oklahoma 74601-1910

Defendant, pro se



Nancy Thiemann, Legal Assistant