

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

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff)
)
v.)
)
JOHN ROY DOSSER, M.D.,)
LICENSE NO. 12685,)
)
Defendant.)

FILED

JAN 12 2012

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 11-07-4259

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, John Roy Dossier, M.D., Oklahoma license no. 12685, who appears in person and through counsel, Sarah Glick, offer 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 September 23, 2011, and further acknowledges that hearing before the Board would likely result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

Defendant, John Roy Dossier, M.D., 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 acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with him and his legal counsel.

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 physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §§ 480 *et seq.*

2. Defendant, John Roy Dossier, M.D., holds Oklahoma license no. 12685 and practices Obstetrics and Gynecology in Oklahoma City, Oklahoma.

IMPROPER SURGERY WITHOUT CONSENT **PATIENT MBL**

3. On or about April 15, 2011, Patient MBL met with her urologist, Joseph Parkhurst, M.D. and determined that she desired to schedule a Total Abdominal Hysterectomy during the summer of 2011. Since she had no Gynecologist, Dr. Parkhurst referred her to Defendant for a consultation.

4. On or about May 2, 2011, Patient MBL met with Defendant to discuss the planned hysterectomy. During this surgical consult appointment, Defendant advised Patient MBL that during the procedure, he would be removing her ovaries.

5. After the surgical consult appointment, Patient MBL determined that she did not wish to have her ovaries removed during the hysterectomy. She then called Defendant's office and advised his nurse that she did not wish for her ovaries to be removed. Defendant's nurse advised her that she would speak with Defendant and would call her back. Defendant's nurse subsequently called the patient back and advised her that Defendant had told her that keeping the ovaries would be fine.

6. On or about June 6, 2011, Patient MBL presented for the surgery to be performed at Deaconess Hospital in Oklahoma City, Oklahoma. The patient did not see Defendant prior to being anesthetized. However, on the surgical consent form signed by the patient, she described the procedure to be to "remove uterus" and she specifically noted to "**leave healthy ovaries**".

7. Defendant subsequently performed the total hysterectomy wherein he removed both the uterus **and the ovaries** of Patient MBL. On the Operative Report signed by Defendant, he noted that the "uterus, tubes, and ovaries were judged to be normal for the patient's age with the ovaries being atrophic".

8. On or about June 7, 2011, Defendant met with the patient at the hospital and advised her that he had removed her ovaries during the surgery. When she asked him why he had

done so, he explained the medical consequences of their removal and told her “Well, you won’t miss ‘em”.

9. On or about June 8, 2011, Defendant again met with the patient at the hospital and she again asked him why he had removed her ovaries. At that time, he again told her she would not miss them, then told her they did not look good. Defendant’s Operative Report does not reflect anything to support this assertion by Defendant.

10. On or about August 25, 2011, Board Investigator Jana Lane interviewed Defendant. At that time, Defendant admitted that he had made a mistake taking out the patient’s ovaries. He admitted that he did not specifically recall if a timeout occurred during the procedure. He further admitted that he did remember that the patient had called his office prior to the procedure to make her wishes known to keep her ovaries.

11. Hospital review resulted in a determination that the matter was an isolated incident.

12. 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).

B. Confessed to a crime involving violation of the laws of this state in violation of 59 O.S. §509(7).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to 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. Based on the foregoing facts, Defendant, John Roy Dosser, Oklahoma license 12685, is guilty of the unprofessional conduct set forth below:

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).

B. Confessed to a crime involving violation of the laws of this state in violation of 59 O.S. §509(7).

Order

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

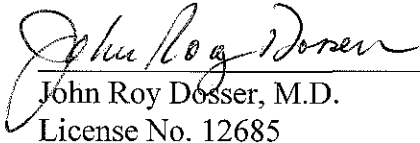
1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.
2. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, John Roy Dossler, M.D., holding Oklahoma license No. 12685, is hereby **FORMALLY REPRIMANDED**.
3. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

Dated this 12 day of January, 2012.

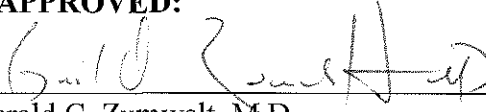


J. Andy Sullivan, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

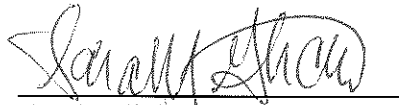
AGREED AND APPROVED:



John Roy Dossler, M.D.
License No. 12685




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



Sarah Glick, OBA #19103
Scoggins & Cross, PLLC
201 Robert S. Kerr, Suite 710
Oklahoma City, OK 73102
405/239-4300

Attorney for Defendant



Elizabeth A. Scott, OBA #12470
Assistant Attorney General
State of Oklahoma
101 N.E. 51st Street
Oklahoma City, OK 73154
405/848-6841

Attorney for the Oklahoma State Board
of Medical Licensure and Supervision

Certificate of Service

I certify that on the 13 day of January, 2012, a true and correct copy of this order was mailed, postage prepaid, to Sarah Glick, Scoggins & Cross, PLLC, 201 Robert S. Kerr, Suite 710, Oklahoma City, OK 73102 and to John R. Dosser, 3617 N.W. 58th Street, Suite 200, Oklahoma City, OK 73112-4426.



Janet Swindle