

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

IN THE MATTER OF THE)
APPLICATION OF)
RICHARD CLAY TESSMER, P.A.) Application No. PA 1285
FOR REINSTATEMENT OF)
OKLAHOMA PHYSICIAN ASSISTANT)
LICENSE NO. PA1285)

FINAL ORDER OF INDEFINITE PROBATION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on September 13, 2012 at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Applicant and Dr. Martin Kilbury appeared in person and offered testimony in support of his application for reinstatement of Physician Assistant licensure after revocation in 2010.

The Board *en banc* after hearing testimony of Applicant and witness Kilbury, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

Findings of Fact

1. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with the law and the rules of the Board.
2. On March 26, 2010, Applicant, Richard Clay Tessmer, P.A., Oklahoma license no. PA1285 was revoked.
3. Since the date of revocation, Applicant has been actively involved in professional treatment for issues relating to substance abuse and sexual boundary issues. Applicant is actively enrolled and participating in the Oklahoma Physicians' Health Program.

3. Applicant requests to return to practice as a physician assistant.

4. Applicant was evaluated at Acumen and a Longitudinal Clinical Follow-up Report was issued on September 7, 2011, to include a current clinical disposition and summary of treatment regarding Applicant, concluding Applicant is fit to return to practice as a physician assistant with certain outlined stipulations, restrictions and recommendations.

Order

1. The license of Applicant, Richard Clay Tessmer, P.A., Oklahoma license no. PA1285 hereby placed on **INDEFINITE PROBATION** as of the date of this hearing, September 13, 2012 under the following terms and conditions:

a. Applicant will practice in a controlled environment approved by the Board Secretary and must obtain approval from the Board Secretary prior to making any change in his practice or practice location.

b. Applicant will conduct his practice in compliance with the Oklahoma Physician Assistant Act as interpreted by the Board. Any question of interpretation regarding the Act or this Order shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Applicant until clarification of interpretation is received by Applicant from the Board.

c. Applicant will request all facilities or employers approved by the Board Secretary to furnish to the Board a written quarterly statement monitoring Applicant's practice.

d. Applicant will furnish to each and every state in which he holds licensure or applies for licensure and to each and every hospital, clinic or other institution in which he holds or anticipates holding any form of staff privileges or employment a copy of this Order stipulating sanctions imposed by the Board.

e. Applicant will submit for analysis biological fluid specimens, including but not limited to, blood and urine, upon request of the Board or its designee, and Applicant will pay the costs attendant thereto.

g. Applicant will not prescribe, administer or dispense any medications for personal use.

i. Applicant will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Applicant will have the affirmative duty to inform any and every doctor treating him of this Order prior to

the commencement of, or continuation of presently ongoing, treatment.

j. Applicant will have the affirmative duty not to ingest any other substance which will cause a body fluid sample to test positive for prohibited substances.

k. Applicant will continue to affiliate with the Oklahoma Physicians' Health Program ("PHP") and AA and will ask those support groups to submit quarterly reports on his progress to the Board. Applicant will attend one (1) Caduceus meeting per week and two (2) AA meetings per week. Additionally, Applicant will submit monthly self-reports on his attendance at AA meetings to the Board. Applicant will comply with any and all recommendations made by, or contracts entered into with, either of these programs. Applicant shall continue to comply 100% with the obligations of his contract with the Oklahoma PHP and to continue his attendance meetings and participate in random drug urinalysis or hair sampling.

l. Applicant will obtain an individual psychotherapist approved by the Board or its designee who can support his 12-step recovery program and help him work on sexualization of women, foster more adaptive interpersonal relating and support his efforts at returning to work. Applicant shall authorize said psychotherapist and any other individual treating him to submit written reports to the Board at such times as the Board deems necessary. Applicant will comply with all treatment recommendations made by the psychotherapist or any other Board Certified psychiatrist who has been approved by the Board or its designee to treat Applicant.

m. Applicant will attend Sex Anonymous meetings on a weekly basis.

n. Prior to returning to practice, Applicant will finalize his Boundary Protection Plan and personal relapse recovery plan as it relates to professional boundaries and the ethical practice of medicine. Applicant's practice will be restricted to working solely with men in a prison system.

o. Applicant will keep the Board informed of his current address.

p. Applicant will keep current payment of all assessments made by the Board for costs incurred in monitoring his case.

q. Until such time as all indebtedness to the Board has been satisfied, Applicant will reaffirm such indebtedness in any and all bankruptcy proceedings.

r. Applicant will execute releases of medical, counseling and psychiatric records for use by the Compliance Consultant or other agents of the Board and will authorize the Compliance Consultant or other agents of the Board to discuss

Applicant's case with Applicant's treating physicians, counselors and/or other custodians of Applicant's records.

q. Applicant will notify the Board or its designee of any entry, or re-entry, into an inpatient rehabilitation, assessment, or evaluation program and shall provide to the Board or its designee written authorization for any and all records associated with said treatment, assessment or evaluation.

r. Applicant will present himself for one or more personal appearances before the Board or its designee when requested to do so.

s. Applicant shall follow all recommendations of Acumen Institute, including, but not limited to, the following:

i. Applicant shall continue with the monitoring contract with PHP as set out in paragraph k for a period of time deemed appropriate by the PHP.

ii. Applicant must never engage in any form of sexual conduct with a patient, former patient or patient surrogate.

iii. Applicant will submit to verification via urine, blood, and/or hair testing and polygraph testing at a frequencies desired by the PHP.

iv. Applicant will voluntarily surrender his license to practice as a physician assistant if he violates any term of this Order.

v. Prior to the reinstatement to practice, Applicant must provide proof to the Board Secretary of successful completion of a skills assessment as more particularly set forth at paragraph 4 herein.

vi. Applicant will execute any and all releases necessary to authorize the PHP and the Board to obtain and exchange information regarding his history, compliance with treatment recommendations, compliance with the PHP monitoring contract and any concerns about Applicant's vulnerability to recurrence of past problematic behavior from/with the following organizations:

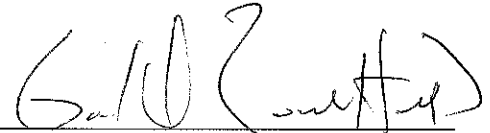
- a. Acumen Institute, LLC
- b. Acumen Assessments, LLC
- c. Bradford Health Services
- d. Behavioral Medicine Institute (BMI)

2. Applicant's license shall be **RESTRICTED** in that he shall only be allowed practice with men in a prison setting until the Board issues an Order lifting said restriction.

3. Applicant's license will not be re-instated until he provides proof to the Board Secretary of successful completion of the Skills Assessment Program through Clinical Testing Services, LLC, 10 N.E. 10th Street, Suite 200, Oklahoma City, Oklahoma, 405-204-8726.

4. Failure to meet any of the terms of this Order will be grounds for the Board to initiate proceedings to suspend or revoke Applicant's medical license, after additional notice and hearing as required by law.


Dated this 12 day of October, 2012.



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

CERTIFICATE OF SERVICE

I certify that on the 24 day of October, 2012, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Richard Clay Tessmer, P.A., #2 Stratton Lane, Bella Vista, AR 72714.


Shelley Crowder