

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.)
)
JERRY MAY KEEPERS M.D.,)
LICENSE NO. MD 14910,)
)
Defendant.)

FILED

NOV 22 2022

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 22-05-6213

VERIFIED COMPLAINT

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), for its Verified Complaint against Jerry May Keepers, M.D. (“Defendant”), alleges and states as follows:

I. JURISDICTION

1. 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.* and Okla. Admin. Code 435:5-1-1, *et seq.*
2. Defendant holds medical license No. 14910, issued 08/01/1984 by the Oklahoma Board of Medical Licensure and Supervision. The acts and/or omissions complained of herein were made while Defendant was licensed to practice medicine by the State of Oklahoma.

II. ALLEGATIONS OF UNPROFESSIONAL CONDUCT

3. On December 7, 2018 Defendant was charged with twenty-three (23) counts of willfully soliciting and receiving remuneration from pharmacies, via kickbacks and bribes, in return for referring individuals for whom he had written prescriptions for compounded drugs, for which payment was made in whole or in part by Federal health care programs, in violation of 42 U.S.C. § 1320a-7b(b)(1)(A). Violation of 42 U.S.C. § 1320a-7b(b)(1)(A) is a felony offense. *See* 42 U.S.C. § 1320a-7b(b)(1) (“...shall be guilty of a felony upon conviction thereof, shall be fined for not more than \$100,000 or imprisoned for not more than 10 years, or both.”). Defendant was simultaneously charged with one (1) count of willfully conspiring to execute a scheme and artifice to defraud a health care benefit program affecting commerce and in fact doing so, in violation of 42 U.S.C. § 1349.

4. On August 28, 2019 Defendant submitted his Application for Renewal of Oklahoma Licensure to the Board, in which he indicated that “since last renewal...” he had not been “arrested, charged with, or convicted of a felony or misdemeanor.” Defendant knew or should have known at the time of submitting his application for licensure renewal that he had been charged with a felony, as detailed above.
5. On February 16, 2022, Defendant pled guilty to one count of Soliciting or Receiving a Health Care Kickback, in violation of 42 U.S.C. § 1320a-7b(b)(1)(A), in the United States District Court for the Northern District of Oklahoma, Case No. 4:18-CR-00251-003-GFK. Defendant was subsequently sentenced October 14, 2022 to three (3) years of probation and ordered to pay restitution in an amount to be determined, but not in excess of \$1,500,615.83.
6. On August 25, 2022 Defendant submitted his Application for Renewal of Oklahoma Licensure to the Board, in which he indicated that “since last renewal...” he had not been “arrested, charged with, or convicted of a felony or misdemeanor.” Defendant knew or should have known at the time of submitting his application for licensure renewal that he had been convicted of a felony, as detailed above.

III. VIOLATIONS

7. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
 - a. Procuring, aiding or abetting a criminal operation, in violation of 59 O.S. § 509(1).
 - b. Conviction or confession of, or plea of guilty, nolo contendere, no contest or Alford plea to a felony or any offense involving moral turpitude, in violation of 59 O.S. § 509(5) and Okla. Admin. Code § 435:10-7-4(10).
 - c. Dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public, in violation of 59 O.S. § 509(8) and Okla. Admin. Code § 435:10-7-4(11).
 - d. The violation, or attempted violation, direct or indirect, of any of the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, either as a principal, accessory or accomplice, in violation of 59 O.S. § 509(13).
 - e. Obtaining any fee by fraud, deceit, or misrepresentation, including fees from Medicare, Medicaid, or insurance, in violation of Okla. Admin. Code § 435:10-7-4(28).
 - f. Directly or indirectly giving or receiving any fee, commission, rebate, or other compensation for professional services not actually and personally rendered, in violation of Okla. Admin. Code § 435:10-7-4(30).
 - g. Failure to report to the Board any adverse action taken against him or her by another licensing jurisdiction (United States or foreign), by any governmental agency, by any law enforcement agency, or by any court for acts or conduct similar to acts or

conduct that would constitute grounds for action as defined in this section, in violation of Okla. Admin. Code § 435:10-7-4(32).

- h. Violation of any provision(s) of the medical practice act or the rules and regulations of the Board or of any action, stipulation, or agreement of the Board in violation of Okla. Admin. Code § 435:10-7-4(39).
 - i. Failure to report to the Board the unprofessional conduct committed by another physician in violation of Okla. Admin. Code § 435:10-7-4(43).
8. Additionally, while the Board is entitled to take disciplinary action at its discretion for the above described unprofessional conduct, the Board is obligated to revoke Defendant's license to practice medicine for Defendant's felony conviction, pursuant to 59 O.S. § 513(A)(3) and Okla. Admin. Code § 435:5-1-5.2.(b).

IV. CONCLUSION

Given the foregoing, the undersigned respectfully requests 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 professional license, including an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



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VERIFICATION

I, Jim Stokes, under penalty of perjury, under the laws of the State of Oklahoma, state as follows:

1. I have read the above Complaint regarding Jerry May Keepers, M.D.; and
2. The factual statements contained therein are true and correct to the best of my knowledge and belief.



Jim Stokes, Investigator
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Date: 11/22/2022

County, State of Execution