

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

FILED

JUL 23 2009

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff)

v.)

Case No. 08-05-3512

GREGORY REECE HOLT, M.D.,)
LICENSE NO. 16114,)

Defendant.)

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, Gregory Reece Holt, M.D., Oklahoma license no. 16114, who appears in person and through counsel, Scott A. Law, offer this Agreement effective May 21, 2009 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 only to the allegations set forth below, and further acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act"). Defendant additionally acknowledges that by pleading guilty to the subject allegations, he is pleading guilty only for the purposes of the proceedings before this Board related to the subject Complaint, and that his admissions in this proceeding shall not be taken as admissions in any other proceedings.

Defendant, Gregory Reece Holt, 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, Gregory Reece Holt, M.D., holds Oklahoma license no. 16114 and is a practicing orthopedic surgeon in Tulsa, Oklahoma.
3. On or about March 26, 2007, Patient JGM executed a surgical consent form authorizing Defendant to perform a **Left Knee** Arthroscopy Meniscectomy and Chondroplasty. On or about March 29, 2007, after establishing satisfactory general anesthetic and prepping and draping the surgical site in sterile fashion, Defendant began the surgical procedure on Patient JGM by establishing anteromedial and anterolateral portals by incision on the **right knee**. Although it is not reflected in the Operative Note, Defendant claims that before any surgical instruments were inserted or additional treatments performed, the mistake became apparent. Defendant claims that the **right knee** was then irrigated, the portal wounds were closed using Steri-Strips and sterile dressings were placed. Surgery then proceeded on the **left knee** as originally planned.
4. A review of the Operative Note reveals that Defendant made no reference in the Description of Procedure to the fact that the surgery was begun on the wrong knee. The Operative Note originally referenced right knee in the Preoperative Diagnosis and Postoperative Diagnosis, but was corrected by striking through the type-written words "**right knee**" and the word "**Left**" is hand-written to the side. The **only** other mention or indication of this mistake in any of the records obtained from the hospital is found in the anesthesia record where it is noted by the anesthesiologist that the "Right knee entered wrong site Left knee arthroscopy". Defendant claims that after reviewing the Operative Note, he prepared an addendum acknowledging the mistake and the corrective measures taken. However, the addendum allegedly prepared by Defendant was not found in the hospital medical records and has not been produced by Defendant.
5. On or about April 24, 2008, Patient DMM executed a surgical consent form authorizing Defendant to perform a **Right Knee** Arthroscopy, Partial Meniscectomy. On or about April 24, 2008, after establishing satisfactory general anesthetic and prepping and draping the surgical site in sterile fashion, Defendant began the surgical procedure on Patient DMM by establishing anteromedial and anterolateral portals by incision on the **left knee**. The Operative Note reflects the mistake as follows:

...the **left leg** was prepped and draped in sterile fashion. An anteromedial and anterior portal were established after infiltration with local anesthetic. The arthroscope was placed laterally and effusion was evacuated. No gross meniscal tearing was present at this moment. **We realized that the consent was for the right leg.** The knee was irrigated and no shaving or treatments were performed. The portal wounds were closed using Steri-Strips and sterile dressings placed. **I spoke to the patient's father, informed him that we had not done an operative procedure on the left knee...** We had started to and asked if he wanted us to continue and perform the **right knee**. He had absolutely no reservation and asked that we proceed with the **right knee...**

Surgery then proceeded on the **right knee** as originally planned under the consent given by the patient.

6. Based on the allegations stated above, Defendant is guilty of unprofessional conduct as follows:

A. Engaged in conduct which is likely to ... harm the public in violation of OAC 435:10-7-4(11).

B. 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).

C. Failed to maintain an office record for each patient which accurately reflects the evaluation, treatment and medical necessity of treatment in violation of 59 O.S. §509(18) and of OAC 435:10-7-4(41).

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, Gregory Reece Holt, Oklahoma license 16114, is guilty of the unprofessional conduct set forth below:

A. Engaged in conduct which is likely to ... harm the public in violation of OAC 435:10-7-4(11).

B. 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).

C. Failed to maintain an office record for each patient which accurately reflects the evaluation, treatment and medical necessity of treatment in violation of 59 O.S. §509(18) and of OAC 435:10-7-4(41).

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. The license of Defendant, Gregory Reece Holt, M.D., Oklahoma license no. 16114, is hereby **PUBLICALLY REPRIMANDED**.


3. Defendant shall pay an **ADMINISTRATIVE FINE** in the amount of **\$10,000.00**, to be paid on or before September 23, 2009.

4. 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.

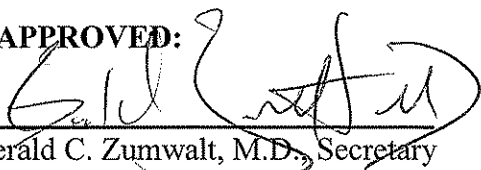
Dated this 23 day of July, 2009.




Curtis E. Harris, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision



Gregory Reece Holt, M.D.
License No. 16114

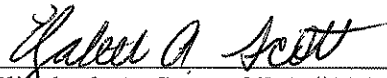
AGREED AND APPROVED:


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



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Attorney for the Oklahoma State Board
of Medical Licensure and Supervision

CERTIFICATE OF MAILING

I certify that on the 28th day of July, 2009, I mailed a true and correct copy of the order accepting Voluntary Submittal to Jurisdiction to Gregory Holt, MD, 1809 E. 13th #100, Tulsa, Ok 74104, and Scott Law, One Leadership Square 211 North Robinson Suite 1700, OKC 73102.



Janet Swindle, Secretary