

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

FILED

JUL 23 2009

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

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

Plaintiff)

v.)

DEBORAH SUE JENNINGS, M.D.,)
LICENSE NO. 16198,)

Defendant.)

Case No. 09-04-3751

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, Deborah Sue Jennings, M.D., Oklahoma license no. 16198, who appears in person and through counsel, Linda G. Scoggins, 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 June 19, 2009, 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, Deborah Sue Jennings, M.D., states that she is of sound mind and is not under the influence of, or impaired by, any medication or drug and that she fully recognizes her right to appear before the Board for evidentiary hearing on the allegations made against her. Defendant hereby voluntarily waives her 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 she has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with her and her 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, Deborah Sue Jennings, M.D., holds Oklahoma license no. 16198 and practices as a psychiatrist in Tahlequah, Oklahoma.

PATIENT RCL-SEXUAL MISCONDUCT

3. A review of Defendant's records reveals that Defendant began treating Patient RCL, a forty-six (46) year old male, on or around January 24, 2000 for headaches, depression, post traumatic stress disorder and bipolar disorder. Defendant continued treating Patient RCL in her office until at least December 16, 2008. While the patient's office visits ended in December 2008, Defendant continued to prescribe medications, both controlled and non-controlled, to the patient until at least March 10, 2009. During this time, Patient RCL was on disability from the State of Oklahoma for his mental disorder. Pharmacy records reflect that Defendant prescribed or refilled numerous controlled and non-controlled substances to Patient RCL throughout his treatment, including Hydrocodone, Alprazolam, Promethazine, Clonazepam, Adderall, Ativan, Percocet, Trazadone, Neurontin, Zyprexa, Demerol, Roxycodone, Amitriptyline, Prozac, Lamictal, and Seroquel.

4. In or around December 2008, Defendant accepted the offer of Patient RCL and his mother, Patient CCL, who she was also treating, to stay at her house to care for her horses while she and her twelve (12) year old daughter were out of town. Defendant injured her knee while she was out of town, so when she returned, she asked Patient RCL and his mother, Patient CCL, to remain at her house to care for her horses and to take her daughter to school. Patients RCL and CCL agreed to do so. During this time, Defendant continued to treat both Patients RCL and Patient CCL and continued prescribing both controlled dangerous substances and other dangerous drugs to these patients.

5. In early 2009, Defendant and Patient RCL were watching television at her house. They began kissing and eventually engaged in unprotected sexual intercourse. After this sexual encounter, Defendant told Patient RCL that she had the Herpes virus.

6. In early to mid January 2009, Defendant advised Patient RCL's mother that Patient RCL was going to stay living with her. She told the patient's mother that she and the patient were going to try a relationship and possibly get married. Defendant advised the patient's

mother that she knew she was breaking ethical rules by doing this. After this discussion, Patient CCL, who is Patient RCL's mother, moved out of Defendant's house and returned to her home.

7. Patient RCL continued to live with Defendant in her home for approximately six (6) weeks. During this time, they slept in the same bed and continued to engage in sexual intercourse. Defendant also continued to prescribe controlled dangerous substances to Patient RCL.

8. In mid to late March 2009, Defendant's personal relationship with Patient RCL deteriorated. Later, Patient RCL became upset and suicidal, threatening to shoot himself and Defendant with one (1) of Defendant's guns.

9. In early April 2009, Defendant called Patient RCL's house around midnight. She admitted she had been with Patient RCL's twenty-three (23) year old son and his friends drinking alcohol at a club in Checotah, Oklahoma. She had attempted to drive home to Tahlequah, but could only make it to Muskogee when she called Patient RCL and Patient CCL to come get her because she had had too much to drink and could not drive any further. Patient RCL and Patient CCL drove to Tahlequah and brought Defendant back to their home.

10. During April 2009, Defendant called Patient CCL almost every day, not for issues involving these patients' treatment, but instead, to retrieve personal items and to check on Patient RCL's well-being.

11. During April 2009, Patient RCL became increasingly upset with Defendant's attempts to contact him and maintain a personal, rather than professional relationship with him. He refused to leave his mother's house, then subsequently admitted himself to inpatient treatment at Brookhaven in Tulsa for psychiatric help.

12. Defendant is guilty of unprofessional conduct in that she:
- A. Engaged in physical conduct with a patient which is sexual in nature, ... in violation of 59 O.S. §509 (17).
 - B. Committed an act of sexual ... misconduct or exploitation related or unrelated to the licensee's practice of medicine and surgery in violation of OAC 435:10-7-4 (23).
 - C. Abused the physician's position of trust by coercion [or] manipulation ... in the doctor-patient relationship in violation of OAC 435:10-7-4(44).
 - D. 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).

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, Deborah Sue Jennings, Oklahoma license 16198, is guilty of the unprofessional conduct set forth below:

- A. Engaged in physical conduct with a patient which is sexual in nature, ... in violation of 59 O.S. §509 (17).
- B. Committed an act of sexual ... misconduct or exploitation related or unrelated to the licensee's practice of medicine and surgery in violation of OAC 435:10-7-4 (23).
- C. Abused the physician's position of trust by coercion [or] manipulation ... in the doctor-patient relationship in violation of OAC 435:10-7-4(44).
- D. 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).

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, Deborah Sue Jennings, M.D., Oklahoma license no. 16198, is hereby **SUSPENDED** for a period of **ONE (1) MONTH**, beginning July 23, 2009 and continuing until August 22, 2009.

3. At the conclusion of the term of **SUSPENSION**, Defendant shall be placed on **PROBATION** for a period of **FIVE (5) YEARS** under the following terms and conditions:

- A. Defendant will conduct her practice in compliance with the

Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act shall be submitted in writing to the Board and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Oklahoma State Board of Medical Licensure and Supervision.

B. Upon request of the Board Secretary, Defendant will request all hospitals in which she anticipates practicing to furnish to the Board Secretary of the Oklahoma State Board of Medical Licensure and Supervision a written statement regarding monitoring of her practice while performing services in or to that hospital.

C. Defendant will furnish to each and every state in which she holds licensure or applies for licensure and hospitals, clinics or other institutions in which she holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.

D. Defendant will not supervise allied health professionals that require surveillance of a licensed physician.

E. Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or physicians holding Defendant's records.

F. Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of the Oklahoma State Board of Medical Licensure and Supervision or its designee, and Defendant will pay for the analysis thereof.

G. Defendant will not prescribe, administer or dispense any medications for personal use or for that of any family member.

H. Defendant will take no medication except that which is authorized by a physician treating her for a legitimate medical

need. Defendant has the affirmative duty to inform any and every doctor treating her of the Board Order immediately upon initiation, or continuation of treatment.

I. Defendant will have the affirmative duty not to ingest any substance, including but not limited to alcohol, which will cause a body fluid sample to test positive for prohibited substances.

J. Defendant will authorize in writing the release of any and all information regarding her treatment at Santé and any other records of her medical, emotional or psychiatric treatment to the Oklahoma State Board of Medical Licensure and Supervision.

K. Defendant will abide by the terms and recommendations of Santé and with all terms of her postcare contracts with Santé and the Oklahoma Health Professionals Recovery Program.

L. Defendant will sign and comply with her contract with the Oklahoma Health Professionals Recovery Program.

M. Defendant shall continue her outpatient treatment as recommended by Santé through her Home Treatment Team, consisting of Mary Nurrie-Stearns, ACSW and Lanny Anderson, M.D. or another representative of the Oklahoma Health Professionals Recovery Program. Defendant shall not resume the practice of medicine until specifically approved to do so by her Home Treatment Team and the Oklahoma Health Professionals Recovery Program.

N. Defendant shall refrain from practicing medicine for at least thirty (30) days after her discharge from Santé and shall not return to the practice of medicine until authorized to do so by her Home Treatment Team and the Oklahoma Health Professionals Recovery Program. During the first thirty (30) days of Defendant's return to practicing medicine, Defendant shall work no more than thirty (30) hours on-site during each seven (7) day period and shall not work off-site. Thereafter, Defendant shall practice no more than fifty (50) hours during any seven (7) day period during the first year after completing treatment unless specifically approved to do so by her Home Treatment Team.

O. Defendant shall complete the Maintaining Proper Boundaries Course August 12-14, 2009 at Santé prior to returning to the practice of medicine.

P. Defendant shall obtain and continue therapy for boundary issues with a therapist approved in advance in writing by the Board Secretary. Defendant shall submit quarterly reports of her treatment from her therapist to the Board Secretary or his designee

for his review. Defendant shall continue her treatment until her therapist and the Board Secretary deem it no longer necessary.

Q. Defendant shall complete the Grief Work Retreat at Golden Willow Retreat prior to November 10, 2009.

R. Defendant shall submit to clinical supervision with a mentor who shall be a psychiatrist approved in advance in writing by the Board Secretary. This psychiatrist shall review Defendant's outpatient caseload for a minimum of one (1) hour per month for the first six (6) months of her return to the practice of medicine

S. Defendant shall establish and continue treatment a minimum of one (1) time per year with a primary care physician approved in advance in writing by the Board Secretary. Defendant's primary care physician shall manage all of Defendant's medications and shall be made aware of any medications prescribed by Defendant's psychiatrist. All medications prescribed by Defendant's primary care physician and her psychiatrist shall be filled at a single pharmacy. Defendant shall provide the name of this pharmacy to the Compliance Consultant. Defendant shall provide authorization for her Outpatient Treatment Team to communicate with and obtain records from the pharmacy as needed.

T. Defendant shall designate a specific dentist as her dental care provider and shall provide this name to the Compliance Consultant. Defendant shall provide authorization for her Outpatient Treatment Team to communicate with her dentist regarding her treatment as needed.

U. Defendant shall attend ninety (90) recovery support meetings as approved by the Oklahoma Health Professionals Recovery Program in ninety (90) days following her release from Santé. Thereafter, Defendant shall attend a minimum of three (3) 12-Step meetings per week, one (1) of which shall be the Health Professionals Recovery Program meeting.

V. Defendant shall return to Santé for any recommended follow-up visits, including but not limited to the Santé Alumni Retreat in fall 2009.

W. Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.

X. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse.

Y. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of her current address.

Z. Defendant will keep current payment of all assessments by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of her case, which shall include but is not limited to a one hundred dollar (\$100.00) per month fee during the term of probation.

AA. Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

BB. Defendant shall make herself available for one or more personal appearances before the Board or its designee upon request.

CC. Defendant shall submit any required reports and forms on a timely, accurate and prompt basis to the Compliance Coordinator or designee.

DD. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

4. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

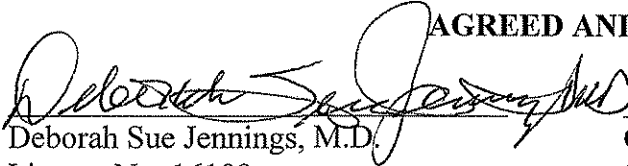
5. Defendant's suspended license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs and expenses incurred by the State of Oklahoma.

Dated this 23 day of July, 2009.

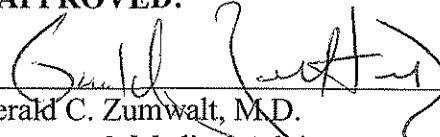


Curtis E. Harris, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

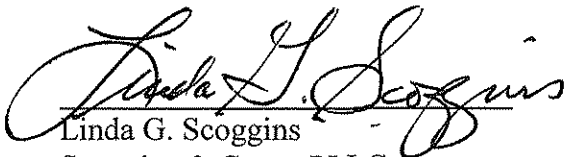
AGREED AND APPROVED:



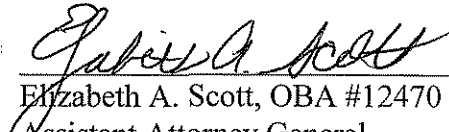
Deborah Sue Jennings, M.D.
License No. 16198



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



Linda G. Scoggins
Scoggins & Cross, PLLC
204 N. Robinson, Suite 3100
Oklahoma City, OK 73012
Attorney for Defendant

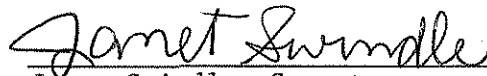


Elizabeth A. Scott, OBA #12470
Assistant Attorney General
State of Oklahoma
5104 N. Francis, Suite C
Oklahoma City, OK 73118
405/848-6841

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 Deborah Sue Jennings, MD, PO Box 1216, Tahlequah, OK 74465 and Linda Scoggins, Attorney 204 N. Robinson, Suite 3100, Oklahoma City, OK 73102.



Janet Swindle, Secretary