

**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.)
)
STEPHEN L. GREER, M.D.,)
LICENSE NO. MD 17372,)
)
Defendant.)

FILED

FEB 25 2020

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 16-07-5344

**ORDER OF REVOCATION OF MEDICAL LICENSE
WITHOUT THE RIGHT TO REAPPLY**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (“Board”) on January 16, 2020, 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.

Joseph L. Ashbaker, Assistant Attorney General (“AAG Ashbaker”) appeared on behalf of Plaintiff. Defendant appeared through counsel, Linda Scoggins of Doerner Saunders Daniel & Anderson, L.L.P. AAG Ashbaker and Ms. Scoggins for Defendant are herein after referred to as the Parties.

The following exhibits were admitted into evidence, and stipulated to by the Parties:

Plaintiff’s Exhibit 1: Plea Agreement, filed August 23, 2017 (certified copy)
United States of America v. Stephen Lester Greer
United States District Court, Eastern District of Oklahoma
Case No. CR-17-052-JHP.

Plaintiff’s Exhibit 2: Judgment in a Criminal Case, filed October 25, 2018
(certified copy)
United States of America v. Stephen Lester Greer
United States District Court, Eastern District of Oklahoma
Case No. CR-17-00052-001-RAW.

Plaintiff's Exhibit 3: Amended Judgment in a Criminal Case, filed October 29, 2018 (certified copy)
United States of America v. Stephen Lester Greer
United States District Court, Eastern District of Oklahoma
Case No. CR-17-00052-001-RAW.

Mr. Robert Margo, Board Advisor, stated for the record that the two letters of recommendation referenced by counsel for Defendant are part of the record by virtue of the fact they were filed with the Board.

The following witness was sworn and testified: Robbin Roberts, Board Investigator ("IV Roberts").

The Board, having considered representations of counsel, testimony of the witness, exhibits admitted into evidence, and being fully apprised of the premises, makes the following findings of fact, conclusions of law and orders:

Findings of Fact

1. In Oklahoma, Defendant holds medical license MD 17372, originally issued July 6, 1990.

Prior Oklahoma Board Case 04-02-2769

2. On June 3, 2004, a Complaint ("2004 Complaint") and Citation, were each filed by the Board.
3. A Revised Final Order of Suspension was filed March 24, 2005, for violations including but not limited to, abuse of physician's position of trust by coercion, manipulation or fraudulent representation in the doctor patient relationship. Defendant was SUSPENDED INDEFINITELY, beginning January 27, 2005 and continuing until a reinstatement application is considered by the Board, along with a psychiatric report that he is safe to practice.
4. April 26, 2005 Defendant filed an Application for Reinstatement of License, and on May 2, 2005 Defendant filed a Supplement to Application for Reinstatement of License. Hearing was set for May 5, 2005.
5. On May 12, 2005, an Order Granting Reinstatement of License Under Terms of Probation, was filed, placing Defendant on ONE YEAR PROBATION under certain terms and conditions.
6. Defendant's probation terminated on July 20, 2006. An Order Terminating Probation was filed July 27, 2006.

Current Oklahoma Board Case 16-07-5344

7. An investigation in Case No. 16-07-5344 was opened as to the Defendant in 2016.

8. On October 7, 2016, Defendant agreed not to practice within the State of Oklahoma.
9. On August 23, 2017, a Plea Agreement was entered in the United States District Court, Eastern District of Oklahoma, Case No. CR-17-052-JHP. Defendant admitted to Count 1, Tampering with a Witness, Victim, or Informant.
10. On October 25, 2018, Judgment in a Criminal Case was entered in the United States District Court, Eastern District of Oklahoma, Case No. CR-17-052-001-RAW. Defendant was found guilty of Tampering with a Witness, Victim, or Informant.
11. On October 29, 2018, Amended Judgment in a Criminal Case was entered in the United States District Court, Eastern District of Oklahoma, Case No. CR-17-052-001-RAW. Defendant was found guilty of Tampering with a Witness, Victim, or Informant.
12. The parties stipulated that this is a felony conviction.
13. On March 13, 2019, a Verified Complaint for Professional Misconduct (“2019 Complaint”) and Citation, were each filed by the Board. Defendant was served on April 23, 2019, in Federal Correctional Institution (FCI), Texarkana, Texas. A Sheriff Return of Service was prepared by Bowie County Sheriff Office, Deputy/private process server 549/0933, and filed by the Board on April 12, 2019.
14. A letter Answer with request for reservation of time was received from Defendant, and filed April 11, 2019. Reservation of time was GRANTED by Billy Stout, M.D., Board Secretary.
15. On April 18, 2019 a letter supplement Answer was received from Defendant, and filed October 22, 2019.
16. An Order of Continuance with Notice of Hearing was filed November 5, 2019. Hearing on the 2019 Complaint, and all deadlines, were reset to the January 16, 2020 Board meeting.
17. At the January 16, 2020 Board meeting, IV Roberts testified regarding her history with the Board and her duties, as well as regarding the current case against Defendant. IV Robert’s testimony was preserved in accordance with applicable law and rules.
18. AAG Ashbaker presented argument and evidence to support revocation of Defendant’s medical license without the right to reapply.
19. Ms. Scoggins presented arguments for Defendant supporting a non-permanent revocation.
20. Mr. Margo reviewed the alleged violations in the 2019 Complaint with Ms. Scoggins. Ms. Scoggins admitted on behalf of Defendant to violations of subparts a, b. c. d, e, f, h, and denied violations of subparts g and i.

Conclusions of Law

21. 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.*
22. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 504; Okla. Admin. Code §§ 435:3-3-5, 3-3-6.
23. The Board is authorized to suspend, revoke with or without the right to reapply, or order any other appropriate sanctions against the license of any physician or surgeon holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. 59 O.S. §503 and §513(A). The Board's action is authorized by 59 O.S. §§ 509.1(A)(1); Okla. Admin. Code § 435:10-7-4(10), (11), (23), (44), (45); and Okla. Admin. Code § 435: 5-1-5.2(b).
24. The Board found that the state has proven by clear and convincing evidence that Defendant is guilty of each of the violations described in the 2019 Complaint, Paragraph 11 (a-i), as follows:
 - a. Conviction of a felony or of any offense involving moral turpitude, in violation of 59 O.S. § 509(5). Admitted by counsel for Defendant.
 - b. Dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public, in violation of 59 O.S. § 509(8). Admitted by counsel for Defendant.
 - c. The commission of any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine. A complaint, indictment or confession of a criminal violation shall not be necessary for the enforcement of this provision. Proof of the commission of the act while in the practice of medicine or under the guise of the practice of medicine shall be unprofessional conduct, in violation of 59 O.S. § 509(9). Admitted by counsel for Defendant.
 - d. Engaging in physical conduct with a patient which is sexual in nature, or in any verbal behavior which is seductive or sexually demeaning to a patient, in violation of 59 O.S. § 509(17). Admitted by counsel for Defendant.
 - e. The conviction of a felony or any offense involving moral turpitude whether or not related to the practice of medicine and surgery, in violation of Okla. Admin. Code 435:10-7-4(10). Admitted by counsel for Defendant.
 - f. Conduct likely to deceive, defraud, or harm the public, in violation of Okla. Admin. Code 435:10-7-4(11). Admitted by counsel for Defendant.

- g. Commission of any act of sexual abuse, misconduct, or exploitation related or unrelated to the licensee's practice of medicine and surgery, in violation of Okla. Admin. Code § 435:10-7-4(23). Established by testimony of IV Roberts.
 - h. Abuse of physician's position of trust by coercion, manipulation or fraudulent representation in the doctor-patient relationship, in violation of Okla. Admin. Code § 435:10-7-4(44). Admitted by counsel for Defendant.
 - i. Engaging in predatory sexual behavior, in violation of Okla. Admin. Code § 435:10-7-4(45). Established by testimony of IV Roberts.
25. The Board further found that Defendant's license should be revoked without the right the reapply.

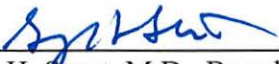
Orders

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

1. The Oklahoma medical license of **STEPHEN L. GREER, M.D.**, license no. MD 17372 is **REVOKED WITHOUT THE RIGHT TO REAPPLY**, effective from date of an approved Attorney General Opinion.
2. 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.
3. A copy of this order shall be provided to Defendant as soon as it is processed.

This Order is subject to review and approval by the Oklahoma Attorney General, and this Order shall become final upon completion of the review by the Oklahoma Attorney General unless disapproved, in which case this Order shall be null and void.

Dated this 25th day of February, 2020.



Billy H. Stout, M.D., Board Secretary
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Certificate of Service

This is to certify that on the 26th day of February, 2020, the foregoing instrument was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail


Stephen L. Greer
08220-063 Unit D1
Federal Correctional Institution
P.O. Box 7000
Texarkana, Texas 75505-7000

Defendant

U.S. First Class Mail, and Email

Linda G. Scoggins
Kaylee P. Davis-Maddy
DOERNER, SAUNDERS, DANIEL
& ANDERSON, L.L.P.
210 Park Avenue, Suite 1200
Oklahoma City, Oklahoma 73102-5603
lscoggins@dsla.com
kmaddy@dsla.com

Attorneys for Defendant,



Nancy Thiemann, Legal Assistant



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

February 25, 2020

Billy H. Stout, M.D., Board Secretary
State Board of Medical Licensure and Supervision
101 N.E. 51st Street
Oklahoma City, OK 73105

Dear Dr. Billy H. Stout, M.D., Board Secretary:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Medical Licensure and Supervision intends to take with respect to License MD 17372 in case 16-07-5344. In October of 2018, the Licensee was found guilty in federal court of Tampering with a Witness, Victim, or Informant, a felony. In 2019, the Board filed a Complaint and Citation against the licensee for allegations of sexual misconduct and prescribing CDS for a patient. The licensee did not appear personally at the Board's hearing as he is currently incarcerated in federal prison, but his attorney appeared on his behalf. The Board proposes revoke the license without the right to reapply.

Pursuant to Executive Order 2019-17, Qualifying Boards need not submit for Attorney General review "(ii) actions resulting from a criminal conviction in a court of competent jurisdiction[.]" There is no dispute that the Licensee was convicted of a felony in federal court and is now serving a sentence in federal prison. Accordingly, no review by our office is necessary in this matter.

A handwritten signature in blue ink, appearing to read "Ethan Shaner", is written over a horizontal line.

ETHAN SHANER
DEPUTY GENERAL COUNSEL