

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

FILED

MAY 12 2022

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.*)
 OKLAHOMA STATE BOARD)
 OF MEDICAL LICENSURE)
 AND SUPERVISION,)
)
 Plaintiff,)
)
 v.)
)
 SHAWN C. SCHLINKE, M.D.,)
 LICENSE NO. MD 17864,)
)
 Defendant.)

Case No. 19-02-5705

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), by and through the undersigned counsel for the Plaintiff, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, along with Shawn C. Schlinke, M.D. (“Defendant”), Oklahoma medical license no. 17864, who appears in person, and through counsel Ryan Wilson (collectively, the “Parties”), and offer this Order Accepting Voluntary Submittal to Jurisdiction (herein, “Order” or “Agreement”) for acceptance by the Board. Okla. Admin. Code § 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (“Act”). 59 O.S. § 480, *et seq.*

Defendant, Shawn C. Schlinke, 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 an 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 may be reviewed and discussed with him by legal counsel prior to execution.

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Defendant herein, if any, shall not be regarded as evidence against him in a subsequent disciplinary hearing. Defendant will be free to defend himself and no inferences will be made from his willingness to have this Order accepted by the Board. The Parties stipulate that neither the presentation of this Order nor the Board’s consideration of this Order shall be

BOARD 

SCS 

deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not be grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.

Findings of Fact and Recognition of Allegations

The Plaintiff, Defendant, and the Board staff each stipulate and agree as follows:

1. In Oklahoma, Defendant holds medical license no. 17864, originally issued October 5, 1991.
2. Patient records from eight (8) patients were reviewed by a medical expert, whose opinion is as follows:
 - a. Defendant's treatment of these patients "fell below the standard of care for primary care services."
3. Defendant acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("Act"). 59 O.S. § 480, *et seq.*

Conclusions of Law

4. 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.*
5. 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, 435:3-3-6.
6. The Board is authorized to suspend, revoke or order any other appropriate conditions 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, 513(A)(1). The Board's action is authorized by 59 O.S. § 509.1.
7. The Board is authorized to accept voluntary submittals to jurisdiction mutually agreed to by parties to a disciplinary action to resolve the action without need for a hearing. 75 O.S. § 309(E); Okla. Admin. Code § 435:5-1-5.1.

BOARD 

SCS 

Orders

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

1. The Board hereby adopts the Agreement of the Parties in this Order Accepting Voluntary Submittal to Jurisdiction, including the findings of fact and conclusions of law stated herein.
2. **SHAWN C. SCHLINKE, M.D.** shall comply with the following terms and conditions:

Specific Terms:

- a. Defendant shall not practice chronic pain medicine.
- b. For 12 months after the entry of this Order, Defendant shall participate in a structured individualized educational intervention program to address identified areas of need.
 - i. Defendant shall establish a relationship with an experienced medical doctor who will serve as an educational Preceptor (“Preceptor”) and who is knowledgeable about treatment planning, appropriate prescribing of controlled substances, as well as the disease of addiction.

1. This includes but is not limited to the following:

Controlled Substances (opioids, benzodiazepines, stimulants)
Intensive Chart Review: Defendant should engage in a structured review of the profile of each patient taking controlled substances or prescribed controlled substances after the date of this agreement, create a written inventory, and present all patients to the Preceptor to discuss confirmation of diagnosis, risk of abuse and addiction, informed consent, and monitoring.

2. The Preceptor shall serve as a mentor. The Preceptor and educational intervention plan shall be approved of in advance by the Board Secretary.
3. For 12 months after entry of this Order, upon request, the Preceptor will make himself or herself available to Board staff and will cooperate with Board staff in their monitoring of the Defendant and his practice.
4. For 12 months after entry of this Order, Defendant shall ensure that quarterly reports from the Preceptor are provided to the Board Secretary and Compliance Coordinator.

BOARD 

SCS 

5. If the Parties are unable to agree to a Preceptor within ten (10) days from the effective date of this Order, then either party may make application with the Board for the approval of a Preceptor for the purposes stated herein.
 6. **The Defendant shall be responsible for any costs of mentoring by the Preceptor #1.**
 7. The relationship between the Preceptor, including his or her recommendations for the Defendant, shall be reviewed by the Board Secretary at one year from the effective date of this order for consideration of modifications to the terms of this Order.
 8. If the Parties are unable to agree to an interventional Preceptor within thirty (30) days, then either party may make application before the Board for the approval of a replacement Preceptor for the purposes stated herein.
- c. Within one (1) year of the date of this Order, Defendant shall complete a minimum eight (8) hour review course in internal medicine, approved of in advance by the Board Secretary. Proof of completion shall be provided by Defendant to the Board Secretary within six (6) months of course completion. This course is in addition to Defendant's regularly required CME courses.

Standard Terms:

- d. Defendant shall conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("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 Defendant until clarification of interpretation is received by Defendant from the Board or its authorized designee. 59 O.S. § 480, et seq.
- e. Defendant shall keep the Board informed of his current address.
- f. Until such time as all indebtedness to the Board has been satisfied, Defendant shall reaffirm said indebtedness in any bankruptcy proceeding.
- g. Upon request, Defendant shall make himself available for one or more personal appearances before the Board or its authorized designee.
- h. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or authorized designee.
- i. If Defendant moves his residence or practice location out of the State of Oklahoma during this Order, this Order will be tolled until such time as Defendant returns to

BOARD

BSM

SCS

SCS

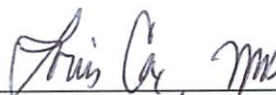
the State of Oklahoma and begins practicing within the state. Defendant will notify the Board Secretary and Compliance Coordinator prior to moving out-of-state.

- j. Failure to meet any of the terms of this Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.
 - k. The Parties, the Board or its designee, or the Defendant may file a motion for a Board hearing and possible new Board order.
3. Within two (2) years after receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.
4. A copy of this Order shall be provided to Defendant as soon as it is processed.

Dated this 2nd day of May, 2022.



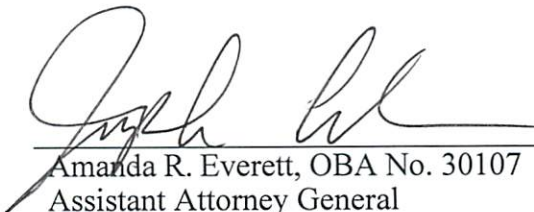
Billy H. Stout, M.D., Board Secretary
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND SUPERVISION



Louis Cox, M.D., President OKLAHOMA
STATE BOARD OF
MEDICAL LICENSURE AND SUPERVISION



Shawn C. Schlinke, M.D.
Oklahoma License No. 17864
Defendant




Amanda R. Everett, OBA No. 30107
Assistant Attorney General
STATE OF OKLAHOMA,
OFFICE OF ATTORNEY GENERAL
Attorney for Plaintiff,
Oklahoma State Board of Medical
Licensure and Supervision

Joseph Ashbaker OBA#19395



Ryan Wilson, OBA No. 14340
Wilson Law Firm
P.O. Box 891390
Oklahoma City, Oklahoma 73189
Tel. 405.246.0092

BOARD 

SCS 


Fax 405.246.9652
Email: ryan@ryanwilsonlaw.com
Attorney for Defendant

ACKNOWLEDGMENT

STATE OF OKLAHOMA)
)
COUNTY OF OKLAHOMA) ss.

This instrument was acknowledged before me on the 27th day of April,
2022, by [Defendant] Shawn Schlinke, MD.





Notary Public
Commission Expiration: 8/7/2024

BOARD mm

SCS SCS

Certificate of Service

This is to certify that on the 13th day of May, 2022, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail

Shawn C. Schlinke, M.D.
1575 N. Santa Fe
Edmond, Oklahoma 73003

Defendant

U.S. First Class Mail, and E-Mail

Ryan Wilson
Wilson Law Firm
P.O. Box 891390
Oklahoma City, OK 73189
(405) 246-0092
(405) 246-9652 facsimile
ryan@rswilsonlaw.com
**Attorney for Defendant,
Shawn C. Schlinke, M.D.**

E-Mail

Amanda R. Everett, AAG
State of Oklahoma
Office of Attorney General
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105
(405) 522-0113
(405) 521-6246 facsimile
amanda.everett@oag.ok.gov
**Attorney for Plaintiff,
Oklahoma State Board of Medical
Licensure and Supervision**

Shelley Crowder
Nancy Thiemann, Legal Assistant
Shelley Crowder

BOARD MS

SCS scf