

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

FILED

JAN 19 2023

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.*)
OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
Plaintiff,)
v.)
HAISAM AL-KHOURI M.D.,)
LICENSE NO. MD 18417,)
Defendant.)

) Case No. 21-04-5983

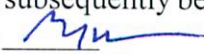
**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**


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 Haisam Al-Khoury, M.D. (“Defendant”), Oklahoma medical license no. 18417, who appears in person, and through counsel Danny Shadid of Riggs, Abney, Neal, Turpen, Orbison & Lewis Law Firm (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 admits to the allegations contained in this Agreement and further 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, Haisam Al-Khoury, 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 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, unless evidence shows that a Board member has, in fact, subsequently become prejudiced and such prejudice relates, in whole or part, to the members

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review of this VSJ.

Findings of Fact

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

1. In Oklahoma, Defendant holds medical license no. 18417, originally issued July 1, 1993.
2. On March 30, 2022, a Verified Complaint (“2022 Complaint”) and Citation were each filed by the Board, for allegations of prescribing violations. Hearing was set for June 23, 2022.
3. Continuance orders are filed, resetting hearing on the 2022 Complaint to January 19, 2023.
4. The 2022 Complaint alleges that Defendant’s treatment and prescribing practices, as well as recordkeeping, were inadequate and fell below the standard of care.
5. Subsequent to this allegation Board Staff subpoenaed 10 medical records including that of patient G.B.
6. The records were sent for said review, a report of which was subsequently provided to the Board Staff. The expert opined that Defendant's treatment was below the standard of care in many instances in diagnosis, controlled substance prescribing, treatment, and documentation.
7. By agreement of the parties, the Defendant underwent an assessment by the Center for Personalized Education for Professionals (CPEP) located in Denver, Colorado, in August, 2022. On or about November 16, 2022, the Board’s Staff received the written report from CPEP regarding its assessment of the Defendant.
8. CPEP found that: “Based on Dr. Al-Khouris performance during this Assessment and the extent of educational needs identified, CPEP opines that Dr. Al-Khouris performance is consistent with category of (b), safe to practice with recommendations including a recommendation for structured remediation with an intensive review related to controlled substance prescribing.”
9. CPEP recommended the following: “Structured education that incorporates external support, gradually decreasing levels of oversight, and a mechanism for accountability. The physician has generally demonstrated the knowledge and skills appropriate for their specialty, with moderate gaps. Collegial support and oversight will be important to ensure maintenance and/or reacquisition of skills.”
10. 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.*, and, without making any admissions, chooses not to contest the allegations in the Complaint.

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Conclusions of Law

11. 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., and OAC 435:10-7-4(2).
12. 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., OAC 435:10-7-4(41).
13. 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.
14. 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.
15. Defendant is guilty of unprofessional conduct in that he:
 - a. Prescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice, in accordance with published standards in violation of Title 59 § 509(16)(a) and OAC 435:10-7-4(1), (2) and (6).
 - b. Failure to maintain an office record for each patient which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient in violation of Title 59 § 509(18) and OAC 435:10-7-4(41).

Orders

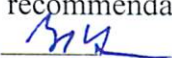
IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

16. 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.
17. **HASAM AL-KHOURI, M.D.**, Oklahoma medical license no. 18417, is formally **REPRIMANDED**.
18. **HASAM AL-KHOURI, M.D.** shall comply with all the following terms and conditions:

Specific Terms:

- a. Defendant shall participate in a supervised remedial educational plan with the following recommendations providing the foundation for educational intervention.

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- i. Defendant shall initially engage in a structured review of the profile of each patient taking controlled substances, create a written inventory, and present all patients for whom he intends to prescribe controlled substances to a Preceptor to discuss medication selection and dosing, screening for substance use disorder, informed consent, and monitoring.
 - ii. Subsequently, Defendant shall review all patients whom he plans to initiate controlled substances or increase the dosage of existing medication with the Preceptor.
- b. Educational Preceptor: Defendant shall establish a relationship with an experienced educational Preceptor Board Certified in Psychiatry. This involves regularly scheduled meetings to review cases and documentation, discuss decisions related to those cases, review specific topics, and make plans for future learning.

Controlled Substance Prescribing Intensive Review:

- i. Dr. Al-Khoury shall review all patients prescribed controlled dangerous substances including but not limited to benzodiazepines and/or benzodiazepine-like medications and stimulant medications with a preceptor. This review would include discussions of patient evaluations, diagnoses, informed consent, monitoring, and documentation.
- ii. Dr. Al-Khoury shall review with a preceptor a selection of charts for patients prescribed controlled substances.
- iii. The schedule and frequency of meetings will be determined by the Preceptor.
- iv. The Preceptor and remedial educational plan shall be approved of in advance by the Board Secretary.
- v. 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.
- vi. Defendant shall ensure that quarterly reports from the Preceptor are provided to the Board Secretary and Compliance Coordinator.
- vii. 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.
- viii. In the event the original Preceptor becomes unavailable, for any reason, a replacement shall be named by the Board Secretary who is acceptable to the Defendant. If the Parties are unable to agree to practice monitor/mentor 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.

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- ix. The Defendant shall be responsible for any costs of mentoring by the Preceptor.
 - x. The relationship between the Preceptor and Defendant, including their recommendations for the Defendant, shall be reviewed by the Board Secretary at one (1) year from the effective date of this order for consideration of modifications to the terms of this Order.
- c. Continuing Medical Education (CME): Defendant shall engage in CME courses that include, but are not limited to, the following:
- i. Controlled substance prescribing course for a minimum of eight (8) in person hours.
 - ii. Medical record keeping course for a minimum of eight (8) in person hours.
 - iii. These CME courses are in addition to Defendant's regular CME courses and shall be completed within one (1) year of the effective date of this Order.
 - iv. Documentation of the completed CME courses must be provided to the Board Secretary or Compliance Coordinator, within one (1) month of completion.
- d. Defendant will allow random review of patients charts as requested by the Board Secretary or Board Compliance office.

Standard Terms:

- (i) 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.*
- (ii) Defendant shall furnish a file-stamped copy of this Order stipulating terms imposed by the Board, to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.
- (iii) Defendant shall keep the Board informed of his current address.
- (iv) Until such time as all indebtedness to the Board has been satisfied, Defendant shall reaffirm said indebtedness in any bankruptcy proceeding.
- (v) Upon request, Defendant shall make himself available for one or more personal appearances before the Board or its authorized designee.

Certificate of Service

This is to certify that on the 19th day of January, 2023, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail, and E-mail

Danny Shadid
6307 Waterford Blvd., Ste. 230
Oklahoma City, OK 73118

***Attorney for Defendant,
Haisam Al-Khoury M.D.***

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Oklahoma City, OK 73162

Defendant

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***Attorney for Plaintiff,
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Licensure and Supervision***

Shelley Crowder

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