

**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. )  
 )  
 JAMES E. LYNCH, M.D., )  
 LICENSE NO. MD 19088, )  
 )  
 Defendant. )

**FILED**

JUL 30 2020

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 19-12-5858

**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 James E. Lynch, M.D. (“Defendant”), Oklahoma medical license no. 19088, who appears in person, *pro se* (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 herein contained 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, James E. Lynch, 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

BOARD           

JEL 

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.

### Findings of Fact

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

1. In Oklahoma, Defendant holds medical license no. 19088, originally issued August 16, 1994.
2. On December 4, 2019, Board staff was informed that Defendant had been terminated by his employer for suspicion of relapsing on opioids.
3. January 10, 2020, hair follicle test results on Defendant were received and were positive for opiates. Defendant was referred to PRC for a substance abuse assessment.
4. Defendant signed an Agreement Not to Practice on January 27, 2020.
5. On February 20, 2020, Defendant attended a 16-week treatment program at Pine Grove Treatment Center.
6. On June 17, 2020, a Verified Complaint and Citation were each filed by the Board. Hearing was set for September 10, 2020. Defendant was served on June 19, 2020 and an Affidavit of Service was prepared by private process server PSS-2017-75, and filed on July 2, 2020.
7. On July 9, 2020, Answers to Verified Complaint was filed by Defendant, *pro se*.

### Conclusions of Law

8. 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.*
9. 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.
10. 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.

BOARD



JEL



11. 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.
  - a. Habitual intemperance or the habitual use of habit-forming drugs in violation of Title 59 § 509(4).

### 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. **JAMES E. LYNCH, M.D.** shall be placed on **PROBATION** for a period of five (5) years.
3. While on probation, **JAMES E. LYNCH, M.D.** shall comply with all of the following terms and conditions:

#### Specific Terms:

- a. Defendant shall sign a five (5) year contract with Oklahoma Health Professionals Program ("OHPP") to run concurrently with the probation period. Defendant shall abide by all recommendations of the OHPP, including random urine drug screens, Peth tests, hair tests, nail tests and breathalyzer tests. Defendant shall ensure OHPP provides quarterly reports to the Board Secretary and/or the Board's Compliance Coordinator of all Defendant's screens, tests results and meeting attendance records.
- b. Defendant shall submit to bi-annual polygraph testing by a Board approved provider, approved of in advance by the Board Secretary. Defendant shall ensure that results are provided to the Board Secretary and/or the Board's Compliance Coordinator within thirty days. The polygraph questions need to explore compliance with monitoring, chemical sobriety and abiding by appropriate practices and workplace boundaries. After the Defendant passes three years of polygraph testing and if the Board Secretary is satisfied with the results, the Board Secretary may terminate this term 3(b).
- c. Defendant agrees that his medical practice will be in a highly structured environment pre-approved by the Board Secretary. Defendant further agrees as follows:

BOARD 

JEL 

- i. Defendant shall not work in a solo practice unless otherwise approved by the Board Secretary.
  - ii. Defendant shall not practice pain management unless otherwise approved by the Board Secretary.
  - iii. Defendant shall not practice psychiatric medicine unless otherwise approved by the Board Secretary.
  - iv. Defendant shall not work more than forty-five (45) hours per week unless otherwise approved by the Board Secretary.
  - v. Defendant shall work in only one setting unless otherwise approved by the Board Secretary
- d. Defendant shall not treat or prescribe for any family, friends, coworkers, or neighbors.
  - e. Defendant shall maintain appropriate boundaries with patients and staff.
  - f. Defendant shall not prescribe any Controlled Dangerous Substance ("CDS") except Buprenorphine for a period of one (1) year, unless otherwise approved by the Board Secretary.
  - g. Defendant shall to return to the Pine Grove's Professional Education Program (PEP), no later than 1/31/2021 for a week long evaluation/recheck.
  - h. Defendant shall obtain a primary care doctor approved of in advance by the Board Secretary to manage any medical conditions or illnesses.
  - i. Defendant shall participate in individual therapy at least weekly with a Board approved therapist (currently, Dr. Julio Rojas, PhD), and Defendant shall ensure that monthly reports from the individual therapist are provided to the Board Secretary and/or the Board's Compliance Coordinator. The frequency of the visits may be altered by the therapist.
  - j. Defendant shall establish a relationship with a Board approved psychiatrist, and Defendant shall ensure that quarterly reports are provided to the Board Secretary and/or the Board's Compliance Coordinator. The frequency of visits to be determined by the psychiatrist.
  - k. If Defendant's psychiatrist diagnoses him with Attention-Deficit/Hyperactivity Disorder and if medication is required, it will be a non-stimulant.
  - l. Defendant shall participate in Dialectal Behavior Therapy (DBT) at the DBT Institute on Oklahoma City, and will ensure that quarterly reports of his progress

BOARD 

JEL 

are provided to the Board Secretary and/or the Board's Compliance Coordinator. Defendant agrees to participate in DBT for a minimum of one (1) year.

- m. Defendant shall attend any combination of at least five (5) meetings a week of AA, NA, or ACOA.
- n. Defendant shall obtain an AA or NA sponsor.

**Standard Terms:**

- o. 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.
- p. 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/she holds or anticipates holding any form of staff privileges or employment.
- q. Defendant will keep the Board informed of his current address.
- r. Defendant will keep current payment of all assessments by the Board for prosecution, investigation and monitoring of his case, which shall include, but is not limited to, a fee of one hundred fifty dollars (\$150.00) per month during the term of probation, unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- s. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any bankruptcy proceeding.
- t. Defendant will not supervise allied health professionals, physician assistants, or advanced nurse practitioners, that require surveillance of a licensed medical practitioner.
- u. Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need, and only during that time in which he is being treated by the physician for that specific medical need. Defendant has the affirmative duty to inform any and every doctor treating him of this Order immediately upon initiation, or continuation of treatment. In the event that Defendant is prescribed any controlled dangerous substance during the term of this Order, Defendant shall contact the Board Secretary and/or the Compliance Coordinator to discuss the prescription.

BOARD 

JEL 

- v. 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.
  - w. Upon request, Defendant shall make himself available for one or more personal appearances before the Board or its authorized designee.
  - x. Defendant will execute such releases of medical and psychiatric records during the entire term of this Order as necessary for use by the Board Secretary and/or Compliance Coordinator to obtain copies of medical records and assessments, and authorize the Board Secretary and/or Compliance Coordinator to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.
  - y. 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 the State of Oklahoma and begins practicing within the state. Defendant will notify the Board Secretary and/or Compliance Coordinator prior to moving out-of-state.
  - z. 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.
  - aa. Immediately upon learning that a licensee is in violation of a Board-ordered probation, the Executive Director of the Board may summarily suspend the license based on imminent harm to the public and assign a hearing date for the matter to be presented at the next scheduled Board meeting. 59 O.S. § 506(B).
  - bb. The Parties, the Board or its designee, or the Defendant may file a motion for a Board hearing and possible new Board order.
4. Promptly upon 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.
5. A copy of this Order shall be provided to Defendant as soon as it is processed.

BOARD



JEL





**Certificate of Service**

This is to certify that on the 30<sup>th</sup> day of July, 2020, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail, and Email

James E. Lynch, M.D.  
3216 Alpine Drive  
Oklahoma City, Oklahoma 73012  
rowdy44@cox.net  
***Defendant, pro se***

E-Mail

Joseph L. Ashbaker, OBA 19395  
Assistant Attorney General  
STATE OF OKLAHOMA,  
OFFICE OF ATTORNEY GENERAL  
313 N.E. 21<sup>st</sup> Street  
Oklahoma City, Oklahoma 73105  
(405) 521-3921  
(405) 521-6246 facsimile  
joe.ashbaker@oag.ok.gov  
***Attorney for Plaintiff,  
Oklahoma State Board of Medical  
Licensure and Supervision***



Nancy Thiemann, Legal Assistant

BOARD 

JEL 