

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

FILED

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

Plaintiff,)

v.)

JEFFREY SCOTT ISENBERG, M.D.)
License No. 19413)

Defendant.)

JUN 23 2000

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 98-03-1985

**ORDER ACCEPTING VOLUNTARY SURRENDER
OF LICENSE IN LIEU OF PROSECUTION**

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") *en banc* on the 23rd day of June, 2000 at the Board office, 5104 N. Francis, Suite C, Oklahoma City, OK 73118, pursuant to notice given as required by law and rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared on behalf of the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision. The Defendant acknowledges the proceedings and waives appearance.

The Board *en banc* heard testimony, reviewed the exhibits presented, and being fully apprised in the premises, finds that there is clear and convincing evidence of the following Findings of Fact, Conclusions of Law, and Orders:

Findings of Fact

1. That the Defendant Jeffrey Scott Isenberg, M.D. holds Oklahoma Medical License No. 19413.
2. That Defendant Jeffrey Scott Isenberg, M.D. is currently the Defendant physician in the matter of State of Oklahoma, ex rel., Oklahoma State Board of Medical Licensure and Supervision, Plaintiff, v. Jeffrey Scott Isenberg, M.D., Medical License #19413, Defendant, in Case No. 98-03-1985, in and before the Oklahoma State Board of Medical Licensure and Supervision, State of Oklahoma.

3. That a Complaint and Citation were issued in this case on the 2nd day of April, 1999 charging the Defendant with violations of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. §509, Paragraphs 9, 18, 6, 8, 10, 13 and 2, as well as violations of the Board rules codified in the Oklahoma Administrative Code, O.A.C. Title 435:10-7-4, Subparagraphs (10), (32), (8), (19), (11), (45), (23), (44), (30), (18), (37), (38) and (26).

4. That the OSBMLS has jurisdiction over the defendant and the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.

5. That on the 10th day of March, 2000, this cause came on for hearing before the Board en banc.

6. That pursuant to Title 59, §509.1 (E) of the Oklahoma Statutes, it is the desire of Defendant Jeffrey Scott Isenberg, M.D. to surrender his Medical Licensure No. 19413 in lieu of prosecution.

7. That the defendant recognized his right to appear before the Board en banc for full evidentiary hearing with all attendant due process rights and to have had the Plaintiff State ex rel. Board prove the allegations in the Complaint by clear and convincing evidence or otherwise be acquitted of said charges.

8. That the defendant, by his own volition and decision, waived his right to said procedures and protections and has tendered the surrender of his medical license in lieu of prosecution with sworn statement in support thereof pursuant to statutory requirements.

9. That the surrender in lieu of prosecution of Medical License No. 19413 is freely and voluntarily made and that Defendant Jeffrey Scott Isenberg, M.D. has not been subject to coercion or duress.

10. That Defendant Jeffrey Scott Isenberg, M.D. is fully aware of the consequences of the surrender in lieu of prosecution of Medical License No. 19413.

11. That Defendant Jeffrey Scott Isenberg, M.D. has acknowledged that he is the subject of a Complaint and Citation in and before the Oklahoma State Board of Medical Licensure and Supervision for the State of Oklahoma, in Case No. 98-03-1985, involving allegations which, if proven, would constitute grounds for disciplinary action by the OSBMLS.

12. That Defendant Jeffrey Scott Isenberg, M.D. does not contest the allegations contained in the Complaint filed April 2, 1999.

13. That Defendant Jeffrey Scott Isenberg, M.D. has submitted a sworn statement describing the misconduct he does not contest as required by Title 59, §509.1 (E) of the Oklahoma Statutes.

14. The misconduct that Defendant Jeffrey Scott Isenberg, M.D. does not contest includes all the allegations as outlined in the April 2, 1999 Complaint. This misconduct is summarized as follows:

A. The conviction of a misdemeanor charge of Disturbing the Peace (involving sexual misconduct) in Los Angeles, California in June 1995;

B. The failure to report this conviction to the OSBMLS when he applied for his medical licensure renewal in 1996, 1997 and 1998;

C. The defendant engaged in unprofessional sexual misconduct and attending circumstances with at least three (3) female patients;

D. The false report of the crime of blackmail against one of these patients with the Midwest City, OK. Police Department;

E. The unprofessional attempts to thwart and deter the Board investigation of these matters; and

F. The improper writing of prescriptions for controlled and dangerous substances to one of the above females, as well as his wife.

15. That John R. Smith, M.D. has diagnosed Defendant Jeffrey Scott Isenberg as having the psychiatric condition known as bi-polar disorder. Physicians from Del Amo Hospital and Keystone Center further diagnosed depression and sexual disorder.

16. That Defendant Jeffrey Scott Isenberg, M.D. is presently legally competent, that he understands the difference between right and wrong, is able to assist his attorney in his defense and understands the nature and consequences of his acts.

17. That Defendant Jeffrey Scott Isenberg, M.D. requests this surrender in lieu of prosecution.

18. That Defendant Jeffrey Scott Isenberg, M.D. has surrendered his wall certificate with the request for Surrender of Medical License in Lieu of Prosecution. He did not surrender his wallet card because it was lost or misplaced.

Conclusions of Law

19. The OSBMLS has jurisdiction and authority over the defendant and the subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. §480 et seq., and the Oklahoma Administrative Code, O.A.C., Title 435:1-1-1 et seq.

20. That pursuant to Title 59 O.S. §509 .1 (E), this Board has the authority to accept the surrender of license in lieu of prosecution.

21. The Defendant Jeffrey Scott Isenberg, M.D. holding Oklahoma Medical License No. 19413, does not contest the allegations he was in violation of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. §509, Paragraphs 9, 18, 6, 8, 10, 13 and 2, to wit:

9. Dishonorable or immoral conduct which is likely to deceive or defraud the public.
18. 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.
6. Conviction of a felony or of any offense involving moral turpitude.
8. Conviction or confession of a crime involving violation of:
 - ... b. the laws of this state...
10. The commission of any act which is a violation of the criminal laws of this state when such act is connected with the physician's practice of medicine...
13. Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship.
2. Advertising to the public in any manner...

22. The Defendant also does not contest the allegations he was in violation of the Oklahoma Administrative Code, O.A.C. Title 435:10-7-4, Subparagraphs (10), (32), (8), (19), (11), (45), (23), (44), (30), (18), (37), (38) and (26), to wit:

- (10) The conviction of a felony or any offense involving moral turpitude whether or not related to the practice of medicine and surgery.
- (32) Failure to report to the Board any adverse action taken against him or her by another licensing jurisdiction (United States or foreign), by any governmental agency, by any law enforcement agency, or by any court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section.
- (8) Fraud or misrepresentation in applying for or procuring

a medical license or in connection with applying for or procuring periodic reregistration of a medical license.

- (19) The use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery.
- (11) Conduct likely to deceive, defraud, or harm the public.
- (45) Engaging in predatory sexual behavior.
- (23) Commission of any act of sexual abuse, misconduct, or exploitation related or unrelated to the licensee's practice of medicine and surgery.
- (44) Abuse of physician's position of trust by coercion, manipulation or fraudulent representation in the doctor-patient relationship.
- (30) Directly or indirectly giving or receiving any fee, commission, rebate, or other compensation for professional services not actually and personally rendered...
- (18) Practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery.
- (37) Failure to furnish the Board, its investigators or representatives, information lawfully requested by the Board.
- (38) Failure to cooperate with a lawful investigation conducted by the Board.
- (26) Prescribing, selling, administering, distributing, ordering, or giving any drug legally classified as a controlled substance or recognized as an addictive dangerous drug to a family member...

23. That the request of Defendant Jeffrey Scott Isenberg, M.D. to surrender Medical License No. 19413 in lieu of prosecution is appropriate under the circumstances.

24. The OSBMLS finds by clear and convincing evidence that the conditions of surrender of medical license in lieu of prosecution under 59 O.S. §509.1 (E) have been met.

25. The OSBMLS has authority vested in it through 59 O.S. §509.1 to enforce the provisions of said Act and Code and to impose disciplinary action as necessary to protect the public health, safety and welfare.


Order

26. The voluntary surrender of license in lieu of prosecution submitted by defendant is hereby accepted by the Board.

27. Oklahoma Medical License No. 19413 of the defendant, Jeffrey Scott Isenberg, M.D., should be and is hereby surrendered as of March 31, 2000.

28. Pursuant to 59 O.S. §509.1(E)(4), the defendant shall pay all reasonable costs expended by the Board for any legal fees and costs, and any investigation, probation and monitoring fees, including but not limited to staff time, salary and travel expenses, witness fees and attorney's fees incurred with respect to this case.

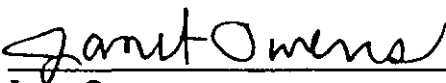
DATED this 23 day of June, 2000.



Billy Stout, M.D., President
Oklahoma State Board of Medical
Licensure and Supervision

CERTIFICATE OF MAILING

I certify that on the 26 day of June, 2000, I mailed a true and correct copy of the Order Accepting Voluntary Surrender of License in Lieu of Prosecution to Jeffrey Scott Isenberg, _____ and Mack K. Martin, Martin Law Office, 119 N. Robinson Avenue, Suite 360, Oklahoma City, OK 73102.



Janet Owens