

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

STATE OF OKLAHOMA ex rel.)
THE OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE AND)
SUPERVISION,)
)
Plaintiff,)
)
vs.)
)
WENDY BARTANEN, M.D.)
LICENSE NO. 20119)
)
Defendant.)

FILED

MAR 28 2014

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

CASE NO. 13-05-4736

COMPLAINT

Plaintiff, State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Matthew R. Stangl, Assistant Attorney General, for its Complaint against Wendy Bartanen, M.D. ("Defendant"), states and alleges as follows:

1. The Board 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 pursuant to 59 Okla. Stat. § 480 *et seq.*
2. Defendant, Wendy Bartanen, M.D., holds Oklahoma medical license no. 20119.

Allegations of Unprofessional Conduct

3. On April 12, 2013, a member of the Oklahoma Pharmacy Board reported that Defendant moved out of state subsequent to having experienced some health issues and was returning to Oklahoma only three (3) days a month to supervise Jeffrey Hickman, P.A., ("PA Hickman"), at their clinic in Walters, Oklahoma.
4. On May 10, 2013, a physician called Board Staff and advised that upon having received a referral from Defendant's clinic he called and was told Defendant no longer worked there – that it was now just "Dr. Hickman." (PA Hickman is a licensed chiropractor in addition

to being a PA). The reporting physician voiced concerns that PA Hickman was not being properly supervised by Defendant. He also faxed a copy of the referred patient's progress note stating the patient had been seen by Defendant on April 19, 2013.

5. On May 29, 2013, Investigator JL traveled to the Cotton County Chiropractic Clinic and Cotton County Medical Clinic ("the clinic") in Walters, Oklahoma. The clinic actually consisted of two separate practices being operated out of the same location (629 E. Missouri, Walters, Oklahoma).
6. On May 31, 2013, Investigator JL spoke with Defendant while she was present at the clinic in Walters, Oklahoma. Defendant advised that she began living in the state of Washington after having suffered a heart attack in June of 2012, and further stated: "I've been coming back, gosh I can't say every month, but every two (2) months."
7. Defendant admitted that she had not been in the clinic the required one-half day per week to supervise PA Hickman, and claimed she had been trying to get another physician to be in the clinic the required one-half day per week. Defendant further stated, "We're bad. We need to be slapped on the hand."
8. At the conclusion of the meeting, Investigator JL instructed Defendant to produce flight records beginning in June of 2012 to show when she was in Washington and when she was in Oklahoma.
9. On June 29, 2013, Defendant sent an email to Investigator JL stating: "I lived in Oklahoma until 7/24/12. I returned to Oklahoma 11/13/12 until 11/15/12. I returned again 3/12/13 until 3/15/13. I returned most recently from 5/29/13 until 6/2/13."
10. Based upon the information provided in her email, Defendant was actually present at the clinic on only two (2) occasions between July 24, 2012, and May 29, 2013, a period of 310 days or approximately 44 weeks, and she was not present at the clinic on April 19, 2013. *See Paragraph 4, supra.*
9. Defendant is guilty of unprofessional conduct in that she engaged in:
 - a. Conduct likely to deceive, defraud, or harm the public in violation of 59 Okla. Stat. § 509(8) and Oklahoma Administrative Code ("OAC") 435:10-7-4(11);
 - b. The violation, or attempted violation, direct or indirect, of any of the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, either as a principal, accessory or accomplice in violation of 59 Okla. Stat. § 509(13);

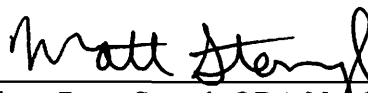
- c. Aiding or abetting, directly or indirectly, the practice of medicine by any person not duly authorized under the laws of this state in violation of 59 Okla. Stat. § 509(14);
- d. Failure to provide a proper and safe medical facility setting and qualified assistive personnel for a recognized medical act, including but not limited to an initial in-person patient examination, office surgery, diagnostic service or any other medical procedure or treatment in violation of 59 Okla. Stat. § 509(20) and OAC 435:10-7-4(41);
- e. Allowing another person or organization to use a physician's license to practice medicine and surgery in violation of in violation of OAC 435:10-7-4(22);
- f. Directly or indirectly giving or receiving any fee, commission, rebate, or the other compensation for professional services not actually and personally rendered in violation of OAC 435:10-7-4(30); and
- g. Violating standards and requirements for supervising physicians set forth in OAC 435:15-5-1 and 435:15-9-2 of the Oklahoma Physician Assistants Act.

CONCLUSION

Plaintiff, State of Oklahoma ex. rel the Oklahoma Board of Medical Licensure and Supervision, respectfully requests that the Board conduct a hearing, and upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and

including suspension or revocation and any other appropriate action with respect to Defendant's medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



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ex rel. The Oklahoma State Board of
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