

3. A Voluntary Surrender of License in Lieu of Prosecution ("2020 SILOP") was filed on May 11, 2020.

The 2020 SILOP includes the following paragraph nos. 6 and 7(a-b).

6. I hereby agree that I will not reapply for reinstatement of my Oklahoma medical license for a minimum of one (1) year from the date this Voluntary Surrender in Lieu of Prosecution ("SILOP") is accepted by the Board. After the one (1) year period has expired, Defendant can apply for reinstatement upon conclusion of a treatment program pre-approved by the Board/Board Secretary which must be completed with all recommendations in place prior to seeking the proposed reinstatement.

7. If the Board ever reinstates my license, I agree it shall be under the following terms:

- a. Defendant shall be placed on PROBATION after reinstatement and shall abide by all terms and conditions thereof;
- b. Defendant agrees to abide by terms, conditions and recommendations from the treatment center if reinstated.

4. Defendant attended and completed a treatment program, which was approved of in advance by Board Secretary Billy Stout, M.D. Return to Work Recommendations was provided to Defendant upon discharge from the program.
5. On April 2, 2021, Defendant applied for reinstatement of his Oklahoma medical license ("2021 Application for Reinstatement") and requested that the Application for Reinstatement be heard at the May 13, 2021 Board meeting.
6. The board finds that Defendant has met all of the requirements for reinstatement as listed in the 2020 SILOP, as ordered by the Board on May 7, 2020.
7. The Board concluded that Defendant must complete the 2021 Application for Reinstatement, and, Defendant's license will be reinstated pursuant to terms of Probation and return to work requirements.
8. Any conclusion of law below which is more properly characterized as a finding of fact is hereby incorporated as a finding of fact.

Conclusions of Law

9. 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.*, 59 O.S. 492 *et seq.*; Okla. Admin. Code §§ 435:5-1-1 *et seq.*, 435:10-4-2.

10. The Board may require satisfactory evidence of professional competence and good moral character from applicants requesting reinstatement of any license or certificate issued by the Board. 59 O.S. § 495h.
11. 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.
12. Defendant has met all requirements for reinstatement of his license. 59 O.S. § 492.1 *et seq.*, Okla. Admin. Code §§ 435:5-1-6, *et seq.*, 435:5-1-6.1.

Orders

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

13. Pursuant to the terms and conditions herein stated, the Oklahoma medical license no. 20222 of **DANIEL C. CLINKENBEARD, M.D.**, is **REINSTATED**, effective on the date of the filing of this order.
14. **DANIEL C. CLINKENBEARD, M.D.** is hereby placed on **PROBATION** for a period of **FIVE (5) YEARS**.
15. **DANIEL C. CLINKENBEARD, M.D.** shall comply with all the following terms and conditions:

Specific Terms:

- a. Defendant shall continue his current contract with Oklahoma Health Professionals Program (“OHPP”), which will run concurrent with the term of his probation. Defendant shall abide by all recommendations of the OHPP
- b. Defendant shall request OHPP provide quarterly reports to the Board’s Compliance Coordinator of all Defendant’s involvement and participation with OHPP.
- c. All of Defendant’s prospective employment related to the medical field and any workplace setting shall be approved of in advance by the Board Secretary during any period that he is working in Oklahoma, which includes locum tenens and tele-medicine. If Defendant desires to change his employment, the proposed working environment must be approved of in advance by the Board Secretary.
- d. Defendant shall obtain a workplace monitor approved of in advance by the Board Secretary, who is not under the authority of Defendant and who has access to all of his patient charts. Defendant shall immediately notify the Board Secretary if the workplace monitor becomes unavailable and request a new workplace monitor be approved. Should Defendant require additional workplace monitors, he may request approval from the Board Secretary.

- i. Defendant's practice and random charts shall be reviewed by the workplace monitor on a quarterly basis and any concerns reported to the Board Secretary and Compliance Coordinator.
- ii. The workplace monitor shall be available to discuss the Defendant's medical practice upon request with the Board Secretary and Compliance Coordinator.
- iii. Defendant shall request that the workplace monitor provide quarterly reports to the Board Secretary and/or Compliance Coordinator for the Board.
- e. Defendant's practice of medicine shall be limited to one work place setting, and shall be approved of prior to employment by the Board Secretary during any period that he is working in Oklahoma.
- f. If Defendant desires to change his medical practice location or desires additional practice locations in the State of Oklahoma, the proposed working environment shall be approved of prior to employment by the Board Secretary.
- g. Defendant shall limit his practice to fifty (50) hours per week. Defendant shall acquire approval in advance from the Board Secretary to increase the number of practice hours per week.
- h. Defendant shall not engage in solo or private practice of medicine unless approved of in advanced by the Board Secretary. If Defendant desires to perform temporary work of any kind, he shall acquire approval in advance from the Board Secretary.
- i. Defendant shall not accept multiple volunteer opportunities that are work related, such as physician to a high school sports team in addition to his full time job.
- j. Defendant shall have a chaperone present for all examinations with female patients. The chaperone may be a nurse, medical assistant, physician assistant or scribe who is not under the authority of Defendant.
- k. A third person shall be present for needed private interactions with female co-workers.
- l. Defendant shall not give his personal cell phone number to his patients.
- m. Defendant shall not practice chronic pain management.
- n. Defendant shall not practice the specialty of psychiatry.
- o. Defendant shall submit to bi-annual polygraph testing, by a Board approved provider approved of in advance by the Board Secretary. Defendant shall request results be provided to the Board Secretary and the Compliance Coordinator within one month. After two (2) years the polygraph testing process will be reviewed and

a decision to continue or modify the testing protocol will be made by the Board Secretary.

- p. Defendant shall attend regular individual therapy sessions with a therapist approved of in advance by the Board Secretary. Defendant shall ensure the therapist provides quarterly reports to the Board Secretary and Compliance Coordinator, until Defendant is released by the therapist.
- q. If recommended by Defendant's therapist, Defendant shall attend couple's therapy. If Defendant participates in couple's therapy, he will request that the couple's therapist provides quarterly reports to the Board Secretary and Compliance Coordinator until released.

Standard Terms:


- r. 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.*
- s. 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.
- t. Defendant will keep the Board informed of his current address.
- u. 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.
- v. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any bankruptcy proceeding.
- w. Defendant will not supervise allied health professionals, physician assistants, or advanced nurse practitioners, that require surveillance of a licensed medical practitioner. Okla. Admin. Code § 435:5-1-8.
- x. 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.




- y. Defendant shall not prescribe, administer or dispense any prescription medications for personal use or for that of any family members, friends, employees or associates.
- z. Defendant shall promptly notify the Board Secretary or Compliance Coordinator of any citation or arrest for traffic or for criminal offenses.
- aa. Upon request, Defendant shall make himself available for one or more personal appearances before the Board or its authorized designee.
- bb. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or authorized designee.
- cc. Defendant will execute such releases of medical and psychiatric records during the entire term of this Order as necessary for use by the Compliance Coordinator to obtain copies of medical records and assessments and authorize the Compliance Coordinator to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.
- dd. 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 Compliance Coordinator prior to moving out-of-state.
- ee. 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.
- ff. 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).
- gg. The Parties, the Board or its designee, or the Defendant may file a motion for a Board hearing and possible new Board order.

16. A copy of this Order shall be provided to Defendant as soon as it is processed.

Dated this 13th day of May, 2021.



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



 James M. Brinkworth, M.D., President
 OKLAHOMA STATE BOARD OF MEDICAL
 LICENSURE AND SUPERVISION

Daniel C. Clinkenbeard, M.D.

Daniel C. Clinkenbeard, M.D.

License MD 20222

Defendant

Gary A. Rife

Gary A. Rife, OBA No. 07576

RIFE LAW OFFICE

Attorney for Defendant,

Daniel C. Clinkenbeard, M.D.

ACKNOWLEDGMENT

STATE OF OKLAHOMA)

COUNTY OF Oklahoma)

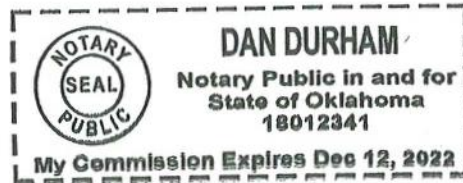
ss.

This instrument was acknowledged before me on the 3rd day of May, 2021, by [Defendant] Daniel C. Clinkenbeard.

[Signature]

Notary Public

Commission Expiration: Dec 12, 2022



[Handwritten mark]

Certificate of Service

This is to certify that on the 14th day of May, 2021, the foregoing instrument was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail

Daniel C. Clinkenbeard, M.D.
4508 Briar Forest Court
Edmond, Oklahoma 73025

Defendant

U.S. First Class Mail, and Email

Gary A. Rife
RIFE LAW OFFICE
301 East Eufaula Street
Norman, Oklahoma 73069
(405) 329-6600
(405) 329-6634 facsimile
garife@garyrifelaw.com
***Attorney for Defendant,
Daniel C. Clinkenbeard, M.D.***



Nancy Thiemann, Legal Assistant

