

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,)

JAN 21 2011

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 09-10-3868

JONATHAN KEITH BREWER, M.D.,)
LICENSE NO. 20530)

Defendant.)

FINAL ORDER OF INDEFINITE SUSPENSION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on January 13, 2011, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and pro se.

The Board *en banc* after hearing arguments of counsel, reviewing the pleadings filed, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

Findings of Fact

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.* The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.

2. Defendant, Jonathan Keith Brewer, M.D., holds Oklahoma license no. 20530.

3. Beginning in or around 2007 and continuing through at least April 21, 2009, Defendant abused Opiates, primarily Oxycodone, Percocet and Hydrocodone. Defendant obtained the medications from thirty-one (31) different physicians and filled the prescriptions at

twenty-one (21) different pharmacies in the Tulsa area. Defendant obtained the drugs from patients who had returned medications to him and by forging prescriptions.

4. Defendant subsequently obtained an assessment and treatment for substance abuse at Bradford Health Services from April 28, 2009 until July 21, 2009.

5. Two and one-half (2 ½ months later), Defendant relapsed on Hydrocodone.

6. From October 27, 2009 until December 8, 2009, Defendant obtained treatment for a second time at Bradford Health Services.

7. Based upon these facts, the State subsequently filed a Complaint and on July 22, 2010, the Board entered an Order whereby Defendant's license was **SUSPENDED** for three (3) months beginning April 22, 2010 and continuing until July 22, 2010, to be followed by a **FIVE (5) YEAR PROBATION**.

8. The July 22, 2010 Order provides that Defendant shall be on probation as follows:

(G) Defendant will not prescribe, administer or dispense any medications for personal use or for that of any family member.

(H) Defendant will take no medications except that which is authorized by a physician treating him for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating him of the Board Order immediately upon initiation, or continuation of treatment.

(I) 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.

(K) Defendant will abide by the terms and recommendations of Bradford and with all terms of his postcare contract with Bradford.

(L) Defendant will sign a contract with the Health Professionals Recovery Program and will abide by all terms of this contract.

(M) Defendant will not prescribe, administer, dispense or possess any drugs in Schedules I through V.

(R) Defendant shall obtain a primary care physician to be approved in advance in writing by the Board Secretary. Defendant's primary care physician shall manage all of Defendant's medications and shall be made aware of any medications prescribed by any other physician to Defendant. All medications prescribed by Defendant's primary care physician or

any other physician treating Defendant shall be filled at a single pharmacy. Defendant shall provide the name of this pharmacy to the Compliance Consultant.

(U) Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.

9. The provisions cited above have not been modified or deleted but remain in full force and effect as terms and conditions of Defendant's probation.

10. In or around September 2010, Defendant began to suffer significant mental health issues. He relapsed on alcohol, then went to a physician who was not his Board approved primary care physician and obtained a prescription for Lortab so that he could abuse it. As he continued to abuse Lortab, his mental health issues escalated. He was subsequently hospitalized for approximately one (1) week where he was stabilized.

11. Defendant is guilty of unprofessional conduct in that he:

A. Habitually uses habit-forming drugs in violation 59 O.S. 407 §509(4) and OAC 435:10-7-4(3).

B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).

C. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).

D. Is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physician condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).

E. Purchased or prescribed any regulated substance in Schedule I through V, as defined by the Uniform Controlled Dangerous Substances Act, for the physician's personal use in violation of OAC 435:10-7-4(5).

F. Is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).

G. Engaged in practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).

H. Prescribed, sold, administered, distributed, ordered or gave any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug for other than medically accepted therapeutic purposes in violation of OAC 435:10-7-4(24).

I. Prescribed, sold, administered, distributed, ordered, or gave any drug legally classified as a controlled substance or recognized as an addictive dangerous drug to a family member or to himself or herself in violation of OAC 435:10-7-4(26).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant is guilty of unprofessional conduct in that he:

A. Habitually uses habit-forming drugs in violation 59 O.S. 407 §509(4) and OAC 435:10-7-4(3).

B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).

C. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).

D. Is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physician condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).

E. Purchased or prescribed any regulated substance in Schedule I through V, as defined by the Uniform Controlled

Dangerous Substances Act, for the physician's personal use in violation of OAC 435:10-7-4(5).

F. Is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).

G. Engaged in practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).

H. Prescribed, sold, administered, distributed, ordered or gave any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug for other than medically accepted therapeutic purposes in violation of OAC 435:10-7-4(24).

I. Prescribed, sold, administered, distributed, ordered, or gave any drug legally classified as a controlled substance or recognized as an addictive dangerous drug to a family member or to himself or herself in violation of OAC 435:10-7-4(26).

3. The Board further found that the Defendant's license should be suspended based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509 (4), (8), (13) and (15), and OAC 435:10-7-4 (3), (5), (11), (17), (18), (24), (26), (39) and (40).

Order

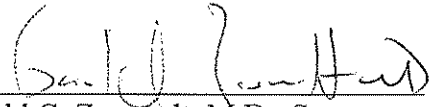
IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The license of Defendant, Jonathan Keith Brewer, M.D., Oklahoma license no. 20530, is hereby **SUSPENDED INDEFINITELY** beginning January 13, 2011 and continuing until he (a) completes a psychiatric assessment and a substance abuse assessment and any recommended treatment at facilities approved by the Board Secretary, and (b) provides a report from his treatment facilities to the Board that he is safe to practice, at which time Defendant may appear before the Board to seek reinstatement of his license.

2. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

3. Defendant's suspended license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs.

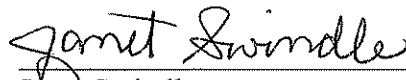
Dated this 21 day of January, 2011.



Gerald C. Zumwalt, M.D., Secretary
Oklahoma State Board of Medical
Licensure and Supervision

CERTIFICATE OF SERVICE

I certify that on the 21 day of January, 2011, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order of Suspension to Jonathan Keith Brewer, 1034 W. Pittsburg Place, Broken Arrow, OK 74012.



Janet Swindle