

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

FILED

IN THE MATTER OF THE)
APPLICATION OF)

JONATHAN KEITH BREWER, M.D.,)

FOR REINSTATEMENT OF OKLAHOMA)
MEDICAL LICENSE NO. 20530)

MAY 27 2011

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 09-10-3868

**ORDER GRANTING REINSTATEMENT OF
LICENSE UNDER TERMS OF PROBATION**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision on May 19, 2011, at the Board office, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and rules of the Board.

Defendant, Jonathan Keith Brewer, M.D., appeared in person and pro se.

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 Board *en banc* heard testimony, reviewed the exhibits presented, and being fully apprised of the premises, entered the following Findings of Fact, Conclusions of Law, and Orders:

Findings of Fact

1. The Board *en banc* has jurisdiction over the subject matter herein, and notice has been given in all respects as required by 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. Based upon these violations of his probation, the State filed a Complaint against Defendant. After hearing by the Board en banc, the Board issued an Order dated January 13, 2011 whereby Defendant's license was **SUSPENDED INDEFINITELY** until he was able to (a) complete a psychiatric assessment and a substance abuse assessment and any recommended treatment at facilities approved by the Board Secretary, and (b) provide a report from his treatment facilities to the Board that he is safe to practice, at which time he could appear before the Board to seek reinstatement of his license.

12. Defendant is now seeking reinstatement of his Oklahoma medical license no. 20530.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to reinstate the license of a physician pursuant to 59 O.S. §508.1.

2. The Board may impose practice parameters and other restrictions as necessary to protect the health, safety and welfare of the public under 59 O.S. §480 *et seq.*

ORDER

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

1. Defendant's medical license shall be reinstated under the following terms and conditions of an **INDEFINITE PROBATION** under the following terms and conditions:

A. Defendant will conduct his practice in compliance with the

Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act 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 Oklahoma State Board of Medical Licensure and Supervision.

B. Upon request of the Board Secretary, Defendant will request all hospitals in which he anticipates practicing to furnish to the Board Secretary of the Oklahoma State Board of Medical Licensure and Supervision a written statement regarding monitoring of his practice while performing services in or to that hospital.

C. Defendant will furnish to each and every state in which he holds licensure or applies for licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.

D. Defendant will not supervise allied health professionals that require surveillance of a licensed physician.

E. Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or physicians holding Defendant's records.

F. Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of the Oklahoma State Board of Medical Licensure and Supervision or its designee, and Defendant will pay for the analysis thereof.

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 medication 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.

J. Defendant will authorize in writing the release of any and all information regarding his treatment at Bradford and at the Veteran's Administration Hospital and any other records of his medical, emotional or psychiatric treatment to the Oklahoma State Board of Medical Licensure and Supervision.

K. Defendant will abide by the recommendations of the VA 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.

N. Defendant shall obtain individual and marital counseling at a counselor or counselors approved in advance in writing by the Board Secretary. Defendant shall provide quarterly reports from his counselor(s) to the Board Secretary for his review.

O. During the first month of Defendant's return to practicing medicine, Defendant shall work no more than twenty (20) hours per week. Thereafter, for the next six (6) months, Defendant shall practice no more than forty (40) hours per week.

P. Defendant shall provide quarterly reports from his supervisor to the Board Secretary regarding Defendant's practice, including any concerns or complaints expressed by staff or patients.

Q. Defendant's practice setting shall be approved in advance in writing by the Board.

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.

S. Defendant shall designate a specific dentist as his dental care provider and shall provide this name to the Compliance Consultant.

T. Defendant shall attend ninety (90) 12-Step meetings in ninety (90) days following his release from Any Lengths Halfway House. Thereafter, Defendant shall attend a minimum of five (5) 12-Step meetings per week, one (1) of which shall be the Health Professionals Recovery Program meeting.

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

V. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse.

W. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of his current address.

X. Defendant will keep current payment of all assessments by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of his case, which shall include but is not limited to a one hundred-fifty dollar (\$150.00) per month fee during the term of probation.

Y. Until such time as all indebtedness to the Oklahoma State Board of Medial Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

Z. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.

AA. Defendant shall submit any required reports and forms on a timely, accurate and prompt basis to the Compliance Coordinator or designee.

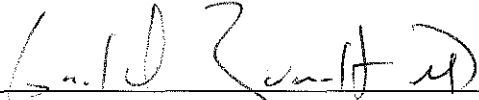
BB. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

2. During the period of probation, failure to meet any of the terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's license, after due notice and hearing.

3. Defendant's license will be reinstated only upon payment in full of all costs and expenses incurred by the State of Oklahoma.

4. A copy of this written order shall be sent to Defendant as soon as it is processed.

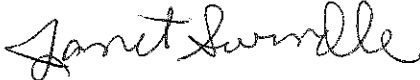
Dated this 27 day of May, 2011.



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

Certificate of Service

On the 27 day of May, 2011, a true and correct copy of this order was mailed, postage prepaid, to Jonathan Keith Brewer, 1034 W. Pittsburg Place, Broken Arrow, OK 74012.



Janet Swindle