

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

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION)
)
)
v.)
)
JONATHAN KEITH BREWER, M.D.,)
LICENSE NO. 20530,)
)
)
)

FILED

NOV 10 2014.

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 09-10-3868

ORDER MODIFYING PROBATION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on November 6, 2014, 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.

Joseph L. Ashbaker, Assistant Attorney General, appeared for the plaintiff. Defendant appeared pro se.

The Board *en banc* after hearing arguments of counsel, review of the stipulation of facts, 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 Title 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 medical license no. 20530.

3. Beginning in or around 2007 and continuing through at least April 21, 2009, the Defendant abused Opiates, primarily Oxycodone, Percocet and Hydrocodone. The Defendant obtained the medications from thirty-one (31) different physicians and filled the prescriptions at twenty-one (21) different pharmacies in the Tulsa area. The 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, the Defendant relapsed on Hydrocodone.
6. From October 27, 2009, until December 8, 2009, the 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 the 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. In or around September 2010, the Defendant relapsed on alcohol, then went to a physician who was not his Board approved primary care physician and obtained a prescription for Lortab. He was subsequently hospitalized for approximately one (1) week where he was stabilized.
9. Based upon these facts, the State subsequently filed a Complaint and on January 21, 2011, the Board entered a Final Order of Indefinite Suspension whereby the Defendant's license was suspended indefinitely beginning January 13, 2011, and continuing until he completed a psychiatric assessment and a substance abuse assessment and provided a report from his treatment facilities that he was safe to practice, at which time he could apply for reinstatement.
10. On or about May 19, 2011, the Board reinstated the Defendant's license under indefinite probation.
11. On or around January 31, 2012, the Defendant provided a urine specimen at the request of the Oklahoma Health Professionals Recovery Program ("HPRP"). The specimen subsequently tested positive for Hydrocodone and Hydromorphone. The Defendant subsequently admitted to the Board Compliance Coordinator that he had relapsed and had fraudulently obtained Hydrocodone from six (6) different physicians, none of whom were his primary care physician, from January 18, 2012, through February 2012.
12. On February 9, 2012, the Defendant voluntarily signed an Agreement not to Practice which currently remains in effect.

13. Based upon these facts, the State subsequently filed a Complaint and on May 16, 2013, the Board entered an Order Accepting Voluntary Submittal to Jurisdiction placing the Defendant on indefinite probation and limiting his employment “to provide only chart and utilization review for hospital companies engaged in that activity.”
14. On or about April 4th – 6th, 2014, the Defendant relapsed on alcohol due to shoulder pain. On April 7, 2014, he admitted himself into the Tulsa VA where he was treated for depression, suicidal thoughts and alcoholism.
15. The Defendant is in violation of the following paragraphs of the Order Accepting Voluntary Submittal to Jurisdiction filed herein on May 16, 2013:

Paragraph J: 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 license after due notice and hearing; and

Paragraph N: Defendant shall have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances.

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

Violation of any provision(s) of the medical practice act or the rules and regulations of the Board or of any action, stipulation or agreement of the Board as stated in Oklahoma Administrative Code § 435:10-7-4(39).

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. The Board found clear and convincing evidence that Defendant is guilty of unprofessional conduct in that he is in:

Violation of any provision(s) of the medical practice act or the rules and regulations of the Board or of any action, stipulation or agreement of the Board as stated in Oklahoma Administrative Code § 435:10-7-4(39).


3. The Board further found that Defendant's current terms of indefinite probation should be modified to include the following: (i) Defendant will receive a Letter of Reprimand to be placed in his public file; (ii) Defendant will complete one hundred (100) hours of community service; and (iii) Defendant's employment, or any change thereof, is to be approved by Board Secretary.

Order

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

1. Defendant's indefinite probation as set forth in the Order Accepting Voluntary Submittal to Jurisdiction entered May 16, 2013, is modified to include the following terms: (i) Defendant will receive a Letter of Reprimand to be placed in his public file; (ii) Defendant will complete one hundred (100) hours of community service; and (iii) Defendant's employment, or any change thereof, is to be approved by Board Secretary.
2. Defendant's probation shall continue indefinitely under the terms and conditions set forth in the Order Accepting Voluntary Submittal to Jurisdiction entered on May 16, 2013, as modified herein.
3. Failure to meet any of the terms of this Order will be grounds for the Board to initiate proceedings to suspend or revoke Defendant's medical license, after additional notice and hearing as required by law.
4. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.
5. A copy of this Order shall be mailed to Plaintiff as soon as it is processed.

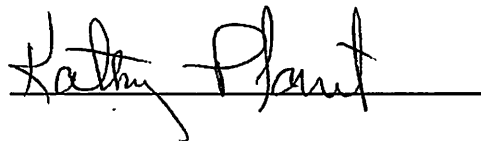
Dated this 10th day of November, 2014.



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

Certificate of Mailing

I certify that on the 10th day of November, 2014, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Jonathan Keith Brewer, M.D., 1800 W. Granger Street, No. 2211, Broken Arrow, OK 74012.

A handwritten signature in cursive script, reading "Kathy Plant", is written over a solid horizontal line.