

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

FILED

DEC - 5 2022

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, <i>ex rel.</i>)
OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
)
JONATHAN KEITH BREWER, M.D.,)
LICENSE NO. MD 20530,)
)
Defendant.)

Case No. 09-10-3868

MOTION TO ENFORCE BOARD ORDER

Pursuant to 59 O.S., 2011 § 513(B), the State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), by and through its attorney Alex A. Pedraza, Assistant Attorney General for the State of Oklahoma (“State”), requests the Board enter an order finding Jonathan Keith Brewer, M.D. (“Defendant”) has failed to comply with a previously issued Board order, and order appropriate sanctions and remedies for those violations. In support thereof, the State submits the following.

I. PROCEDURAL HISTORY

The State initially filed a complaint in this matter on July 22, 2010, asserting allegations of unprofessional conduct based on Defendant’s controlled substance abuse, in violation of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (“the Act”). Defendant’s license was subsequently ordered suspended for three (3) months, followed by five (5) years of probation. Following conduct in violation of the terms of Defendant’s probation, the Board ordered indefinite suspension of Defendant’s license beginning January 13, 2011 and lasting until Defendant completed a psychiatric and substance abuse evaluation and provided the reported results to the Board. Upon complying with the terms of the Board’s order, Defendant applied for and received reinstatement of his license on May 19, 2011. Following an incident of relapse, the Defendant voluntarily entered an Agreement Not to Practice on February 9, 2012.

Defendant next appeared in person and through counsel before the Board on May 16, 2013, after a complaint alleging new violations of the Act had been filed and served on Defendant. At that time, Defendant executed, and the Board accepted and entered, a Voluntary Submittal to Jurisdiction (“VSJ”) which included indefinite probation and further limited Defendant’s employment and practice to chart review, among various other terms and conditions. In early April of 2014 Defendant again relapsed, violating the terms of his indefinite probation, specifically Paragraphs J and N of the VSJ, thereby constituting further unprofessional conduct under Okla.

Admin. Code § 435:10-7-4(39). As a result, the Board entered an Order Modifying Probation on November 10, 2014, wherein, in addition to maintaining Defendant's terms of indefinite probation detailed in the VSJ, he received a Letter of Reprimand placed in his public file and was ordered to complete one hundred (100) hours of community service.

II. VIOLATIONS

Defendant has now violated the terms of the VSJ and indefinite probation once again. Specifically, Defendant relapsed on or about May 29, 2021. Defendant's May 29, 2021 phosphatidylethanol ("PEth") blood test results revealed positives for Ethyl Glucuronide and Ethyl Sulfate, indicators of alcohol consumption. Defendant subsequently entered an inpatient treatment program for substance abuse and was discharged on October 3, 2022. Defendant's continued substance use as evidenced by his positive alcohol test is in direct violation of the following terms and conditions of the VSJ:

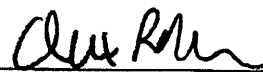
Paragraph j: Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify license after due notice and hearing.

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.

III. REQUEST

It is requested that this Honorable Board find, by clear and convincing evidence, that Defendant has willfully violated the terms and conditions of his VSJ and indefinite probation and order appropriate sanctions and remedies in accordance with 59 O.S. § 513(B) and 59 O.S. § 509.1.

Respectfully Submitted,

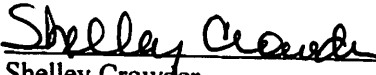


Alex A. Pedraza, OBA No. 33584
Assistant Attorney General
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
101 N.E. 51st Street
Oklahoma City, Oklahoma 73105
Telephone: 405.522.5264
Email: Alex.Pedraza@oag.ok.gov

Certificate of Service

This is to certify that on the 6th day of December, 2022, a true and correct copy of the foregoing motion was transmitted by U.S. certified mail, to the following and by process server to Defendant:

Mr. Jonathan Keith Brewer
715 Grandview Ave
Pawhuska, OK 74056
Defendant


Shelley Crowder