

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

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

FILED

JAN 19 2023

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 09-10-3868

ORDER APPROVING ENFORCEMENT AGREEMENT

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), by and through Alex A. Pedraza, Assistant Attorney General, for the State of Oklahoma (“State”) and the staff of the Board, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, along with Jonathan Keith Brewer, M.D. (“Defendant”), License No. MD 20530, who appears in person, (collectively, the “Parties”), and offer this Order Approving Enforcement Agreement pursuant to 59 O.S. § 513(B) and Okla. Admin. Code § 435:5-1-7. (herein, “Order” or “Agreement”) for acceptance by the Board.

By voluntarily submitting to this Order, Defendant admits to the allegations herein contained and further acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (“Act”). 59 O.S. § 480, *et seq.*

Defendant, Jonathan Keith Brewer, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for an evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order, or any other order previously agreed to by the Parties and referenced herein. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement may be reviewed and discussed with his by legal counsel prior to execution.

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Defendant herein, if any, shall not be regarded as evidence against him in a subsequent disciplinary hearing. Defendant will be free to defend himself and no inferences will be made from his willingness to have this Order accepted by the Board. The Parties stipulate

that neither the presentation of this Order nor the Board's consideration of this Order shall be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not be grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.

Findings of Fact

1. Previously, 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, on May 16, 2013.
2. Defendant subsequently relapsed regarding his abstinence from substance use on or around April of 2014, thereby violating the terms of his indefinite probation, specifically Paragraphs J and N of the VSJ. 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 and was ordered to complete one hundred (100) hours of community service.
3. Defendant again relapsed regarding his abstinence from substance use on or around May of 2021, thereby once more violating the terms of his indefinite probation, specifically Paragraphs J and N of the VSJ.

Conclusions of Law

4. 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 allopathic physicians in the State of Oklahoma. 59 O.S. § 480, *et seq.* Okla. Admin. Code §§ 435:1-1-1 *et seq.*
5. Notice was given as required by law and the rules of the Board. 59 O.S. § 504 and Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.
6. The Board is authorized to suspend, revoke or order any other appropriate sanctions against the license of any allopathic physician holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. 59 O.S. 480, *et seq.* Okla. Admin. Code § 435:10-1-1 *et seq.* 59 O.S. § 503. This authority is quasi-judicial 59 O.S. § 513(A)(1). These actions are authorized by 59 O.S. § 503; 59 O.S. § 509.1; and 435:10-7-4.
7. Based on the foregoing finding of facts, Defendant is guilty of unprofessional conduct as follows:
 - a. Violation, or attempted violation, direct or indirect, of any of the provision(s) of the Oklahoma Allopathic Medical and Surgical Licensure Supervision Act, whether as principal, accessory or accomplice, in violation of 59 O.S. § 509(13).

- b. Violation of any provisions(s) 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 Okla. Admin. Code § 435:10-7-4(39).

Orders

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

1. The Board hereby adopts the agreement of the Parties in this Order Approving Enforcement Agreement, including the findings of fact and conclusions of law stated herein.
2. **JONATHAN KEITH BREWER** is formally **SUSPENDED** for a period of one (1) year beginning October 1, 2022 and ending October 1, 2023.
3. **JONATHAN KEITH BREWER** shall remain on **INDEFINITE PROBATION** and shall comply with the following terms and conditions, together with any previously agreed to terms and conditions.

Specific terms:

- a) Defendant shall sign a lifetime contract with Oklahoma Health Professionals Program (“OHPP”).
- b) Defendant shall abide by all recommendations of the Compliance Coordinator, Gary Ricks, including but not limited to random urine drug screens, Peth tests, hair tests, nail tests and breathalyzer (SoberLink) tests.
- c) Defendant shall ensure OHPP provides quarterly reports to the Board Secretary and the Board’s Compliance Coordinator of Defendant’s progress and participation in OHPP, including but not limited to meeting attendance records and any breathalyzer (Soberlink) test results.
- d) Defendant shall continue counseling for individual therapy with Dr. Mee who shall provide quarterly reports to the Board Secretary or Compliance Coordinator. Any changes to the therapist must be approved of in advance by the Board Secretary.
- e) Defendant shall continue psychiatric counseling with Dr. Koduri who shall provide quarterly reports to the Board Secretary or Compliance Coordinator. Any changes to the psychiatrist must be approved of in advance by the Board Secretary.
- f) Defendant shall continue his primary care with Dr. Fast who shall provide quarterly reports to the Board Secretary or Compliance Coordinator. Any changes to the primary care physician must be approved of in advance by the Board Secretary.

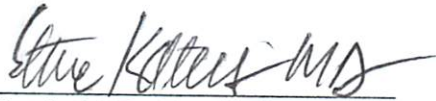
- g) Defendant shall obtain a pain management physician, who must be preapproved by the Board Secretary. The pain management physician must submit quarterly reports to the Board Secretary or Compliance Coordinator.
- h) Defendant shall execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Coordinator or other Board designee to obtain copies of medical records and authorize the Compliance Coordinator or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.
- i) Defendant shall attend a minimum of four (4) twelve step recovery meetings per week and submit proof of attendance to the Compliance Coordinator.
- j) Defendant shall not work more than forty (40) hours per week. The allowed time to work shall include seeing patients, as well as any charting. Additional hours can be approved by the Board Secretary.
- k) Defendant shall only practice in a group setting.
- l) 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 telemedicine. If Defendant desires to change his employment, the proposed working environment must be approved of in advance by the Board Secretary.
- m) Defendant shall submit to neurocognitive screening at a place preapproved by the Board Secretary. Results of the neurocognitive screening must be provided to the Board Secretary or Compliance Coordinator on or before October 1, 2023. Thereafter Defendant shall submit to yearly neurocognitive screening at a place preapproved by the Board Secretary.

Standard Terms:

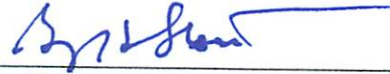
- a. Defendant shall conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("Act") as interpreted by the Board. Any question of interpretation regarding the Act or this Order shall be submitted in writing to the Board, and no action based on 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.*
- b. 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/she holds or anticipates holding any form of staff privileges or employment.
- c. Defendant will keep the Board informed of his current address.

- d. 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.
 - e. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any bankruptcy proceeding.
 - f. Defendant shall promptly notify the Board Secretary or Compliance Coordinator of any citation or arrest for traffic or for criminal offenses.
 - g. Upon request, Defendant shall make himself available for one or more personal appearances before the Board or its designee.
 - h. 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/or Compliance Coordinator prior to moving out-of-state.
 - i. 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.
 - j. 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).
4. Promptly, upon receipt of an invoice, Defendant shall pay all costs of action authorized by law, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.
 5. A copy of this Order shall be provided to Defendant as soon as it is processed.

Dated the 19th day of January, 2023



Steven Katsis, M.D., President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION



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



Jonathan Keith Brewer, M.D.
License No. MD 20530
Defendant



Alex A. Pedraza, OBA No. 33584
Assistant Attorney General
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
313 N.E. 21st Street
Oklahoma City, OK 73105

Certificate of Service

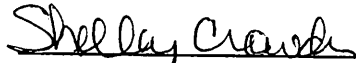
This is to certify that on the 19th day of January, 2023, a true and correct copy of the foregoing motion was transmitted by U.S. certified mail, to the following Defendant:

Mr. Jonathan Keith Brewer

1241 E. 29th St.

Tulsa, OK 74114

Defendant



Shelley Crowder