

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

FILED

JAN 16 2014

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, ex rel.,)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)
)
Plaintiff,)
)
vs.)
)
DOUGLAS BROWN, M.D.)
LICENSE NO. 20645,)
)
)
Defendant.)

CASE NO. 13-09-4802

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

Plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision ("Board"), by and through its attorney, Matthew Ryan Stangl, Assistant Attorney General, for the State of Oklahoma and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Douglas Brown, M.D., Oklahoma license no. 20645, who appears in person, offer this Agreement effective January 16, 2014, for acceptance by the Board *en banc* pursuant to *Oklahoma Administrative Code* Rule 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on November 15, 2013 and further acknowledges that a hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("Act").

Defendant, Douglas Brown, 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. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with him.

Agreements and Stipulations

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

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 O.S. §480 *et seq.*
2. Defendant, Douglas Brown, M.D., holds Oklahoma medical license no. 20645.

Prior History with the Board

3. On January 27, 2005, after hearing before the Board en banc, the Board entered an Agreed Order of Suspension, *Oklahoma Board of Medical Licensure and Supervision versus Brown, Case No. 04-09-2857*, whereby it suspended Defendant's Oklahoma medical license until he completed inpatient treatment at a residential program for impaired physicians and provided a report from the treatment center to the Board. On May 5, 2005, Defendant sought reinstatement of his Oklahoma medical license and the Board granted said reinstatement under terms of probation for a period of five (5) years.

Allegations of Unprofessional Conduct/Anger Outbursts

4. Between November 2009 through February 2012, Defendant had repeated incidents of unprofessional conduct at St. John's Medical Center ("St. Johns"), Tulsa, Oklahoma, wherein he would become agitated over issues relating to patient care and information technology wherein he would begin raising his voice and yelling, using profanity, making inappropriate derogatory comments to nursing staff, physicians, clerical staff, housekeeping, information technology department, operators and others.
5. Defendant was counseled and reprimanded numerous times by the St. John's administration for this unprofessional conduct demonstrated in his angry outbursts, use of profanity, lack of anger management and need for improved boundaries in communication at the hospital.
6. On or about March 8, 2012, St. John's administration had a meeting with Defendant to discuss an anger outburst that occurred in February when Defendant used excessive profanity while complaining to the security department about a parking ticket he received at St. Johns. Defendant was counseled and was ordered to attend a boundaries course.
7. On or about March 16, 2012, Defendant had another major anger outburst while on patient rounds, wherein Defendant was reported as having "lost it" and was observed yelling and using profanity to a dietician in the presence of a patient.
8. Following this outburst on or about March 16, 2012, Defendant was called into St. John's administration where Defendant was placed on leave, his hospital privileges were

immediately suspended, and he was ordered not to see patients in the hospital until he took a boundaries course.

9. On or about March 19, 2012, St. John's had a telephone call with Defendant about his suspension. Subsequently, on or about April 5, 2012, St. John's sent a letter to Defendant advising him that St. John's was required to report his suspension to the National Practitioner Data Bank (NPDB) because he was under suspension from hospital privileges for more than thirty (30) days.

Allegations of Fraudulent Application Submissions

10. On or about May 30, 2012, Defendant submitted an online "Application for Renewal of Oklahoma License to OSBMLS wherein he answered "no" to the following questions:
 - a. Have you been denied or had removed or suspended hospital staff privileges?
 - b. Have you been the subject of an investigation or disciplinary action, including probation, by a hospital, clinic, practice group, or residency program?
 - c. Have you been reported to the National Practitioner Data Bank (NPDB) or to the Healthcare Integrity and Protection Data Bank (HIPDB)?

Conclusions of Law

11. Defendant is guilty of unprofessional conduct in that he engaged in:
 - a. Dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public in violation of Title 59 O.S. §509.8;
 - b. Fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic re-registration of a medical license in violation of Oklahoma Administrative Code Title 435:10-7-4.8;
 - c. Conduct likely to deceive, defraud, or harm the public in violation of Oklahoma Administrative Code Title 435:10-7-4.11;
 - d. The use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of Oklahoma Administrative Code Title 435:10-7-4.19; and
 - e. Failure to report to the Board surrender of a license or other authorization to practice medicine and surgery in another state or jurisdiction, or surrender of membership on any medical staff or in any medical or professional association or society while under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to acts or conduct that would constitute grounds

for action as defined in this section in violation of Oklahoma Administrative Code Title 435:10-7-4.33.

Order

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

1. The Board en banc hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction; and
2. It is ORDERED that the Defendant will be placed on **PROBATION** for a period of five (5) years. Said **PROBATION** will commence on September 12, 2013 and shall have the following provisions:

Standard Terms:

- a) Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision 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 designee.
- b) Defendant will furnish a copy of this order 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 holds or anticipates holding any form of staff privileges or employment.
- c) Defendant will not supervise allied health professionals that require surveillance of a licensed physician.
- d) Defendant will keep the Board informed of his current address.
- e) Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his case unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- f) Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

- g) Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.
- h) Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or designee.
- i) Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Coordinator to obtain copies of medical records and authorize the Compliance Coordinator to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.
- 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.

Specific Terms:

- k) Defendant will submit for analysis biological specimens including, but not limited to, blood, urine and hair follicle, upon request of the Board or its designee, and Defendant will pay for the costs attendant thereto.
- l) 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 this Board Order immediately upon initiation, or continuation, of treatment.
- m) Defendant will have the affirmative duty not to ingest any substance which will cause a biological specimen to test positive for prohibited substances, including, but not limited to, alcohol, street drugs, and any mind-altering or mood-altering drugs.
- n) Defendant shall follow all guidelines and recommendations as set forth in the Confidential Treatment Report of Professional Renewal Center dated August 6, 2013.
- o) Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.
- p) Defendant will 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.

- q) Defendant shall undergo an intensive therapeutic experience designed for professionals prior to returning to the practice of medicine with an initial minimum commitment of four (4) to six (6) weeks.
- r) Defendant shall initiate a contract with the Oklahoma Health Professionals Program ("OHPP"), and follow all recommendations and requirements as set forth by OHPP.
- s) Defendant shall obtain a substance abuse sponsor and a practice mentor.
- t) Defendant shall obtain a primary care physician.
- u) Any proposed change in Defendant's current work environment at Caring Hands in McAlester, Oklahoma shall be approved by Board Secretary.

Dated this 16 day of Jan, 2014.



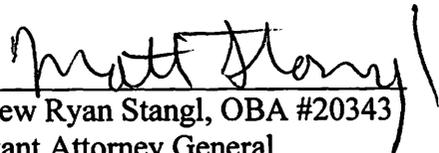
G. David Casper, M.D., President
Oklahoma State Board of Medical
Licensure and Supervision



Douglas Brown, M.D.
License No. MD 20645



Gerald C. Zumwalt, M.D., Secretary
Oklahoma State Board Of Medical
Licensure And Supervision


Matthew Ryan Stangl, OBA #20343
Assistant Attorney General
101 N.E. 51st Street
Oklahoma City, OK 73105

Attorney for Oklahoma State Board of
Medical Licensure and Supervision

Certificate of Service

This is to certify that on this 17th day of January, 2014, a true and correct copy of this order was mailed, postage prepaid, to Douglas Brown, MD, 727 E. Wyandotte, McAlester, Oklahoma, 74501


Kathy Plant, Executive Secretary

L:/Brown, Douglas – VSJ