

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.

PARTIES' AGREEMENT AND STIPULATIONS

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

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 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, Thomas Randall Todd, M.D., holds Oklahoma license no. 20778.

PRIOR ARREST-2007

3. On or about May 28, 2007, Defendant was arrested in Delaware County, State of Oklahoma at Grand Lake. At the time of his arrest, he appeared intoxicated and failed the field sobriety test. He admitted to the lake patrol officer that he had been drinking that day. When asked to consent to the Breathalyzer test, Defendant claimed he didn't understand the consent form. He was then transported to and booked into the Delaware County Jail. Defendant remained in the Delaware County Jail overnight.

4. On or about May 30, 2007, Defendant was charged with **Operating a Boat While Intoxicated (Misdemeanor)** and **Failure to Give Information at Vessel Accident (Misdemeanor)**, Case No. CM-2007-00376.

5. On or about July 12, 2007, Defendant plead **GUILTY** to both charges.

6. On or about July 9, 2007, Defendant submitted his Application for Renewal of Oklahoma License for the period July 2, 2007 through July 1, 2008. On his Application for Renewal, Defendant was asked the following question: "Since the last renewal...[h]ave you been arrested for, charged with, or convicted of a felony or misdemeanor other than a traffic violation?" In response to this question, Defendant answered "NO". Defendant was also asked the following question: "Since the last renewal...[h]ave you been arrested for, charged with, or convicted of a traffic violation involving the use of any drug or chemical substance including alcohol?" In response to this question, Defendant answered "NO". Defendant arrested on May 28, 2007 and charged on May 30, 2007 with the crimes set forth above.

7. On or about August 24, 2010, Board investigators interviewed Defendant. At that time, Defendant admitted that he had been arrested and spent the night in jail as a result of this incident. When asked why he had not disclosed this arrest and the criminal charges on his

renewal application, he stated that he did not feel it was a serious situation that needed reporting.

2008 ARREST

8. On or about January 12, 2008, Defendant was involved in an incident involving his ex-girlfriend and their daughter. According to police reports, the ex-girlfriend claimed that Defendant's daughter was visiting at his house and called her mother to come get her, that when she arrived, Dr. Todd punched her in the face with his fist, and that when she tried to leave, he knocked her head into the car door. Defendant's ex-girlfriend and their daughter were able to get into her car and she called the police. When police arrived, they noted that Defendant appeared "extremely intoxicated" and agitated.

9. On or about March 18, 2008, Defendant was charged with **Domestic Assault and Battery in the Presence of a Minor Child**, a Misdemeanor, Case No. CM-2008-1526, in the District Court of Tulsa County, State of Oklahoma.

10. On or about March 22, 2009, the criminal case against Defendant was called for jury trial. After presentation of the evidence, the jury found Defendant **GUILTY** of the charge against him and sentenced him to **SIX (6) MONTHS** in the Tulsa County Jail, along with the assessment of a **FINE** in the amount of **\$5,000.00**.

11. Defendant initially appealed the conviction. However, on December 29, 2009, he withdrew his appeal. On January 4, 2010, he began his jail sentence, and on April, 4, 2010, after three (3) months in jail, he was released from custody.

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

A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).

B. Violated any provision 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 59 O.S. §509(13) and OAC 435:10-7-4(39).

C. Was convicted of any offense involving moral turpitude whether or not related to the practice of medicine and surgery in violation of 59 O.S. §509(5) and OAC 435:10-7-4(10).

D. Failed to report to the Board any adverse action taken against him by any governmental agency, by a law enforcement agency, or by any court for acts or conduct similar to acts or

conduct that would constitute grounds for action as defined in this section in violation of OAC 435:10-7-4(32).

E Confessed to a crime involving violation the laws of this state in violation of 59 O.S. §509(7).

F Engaged in fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4(8).

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. Defendant, Thomas Randall Todd, M.D., Oklahoma medical license 20778, is guilty of unprofessional conduct set forth below based on the foregoing facts:

A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).

B. Violated any provision 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 59 O.S. §509(13) and OAC 435:10-7-4(39).

C. Was convicted of any offense involving moral turpitude whether or not related to the practice of medicine and surgery in violation of 59 O.S. §509(5) and OAC 435:10-7-4(10).

D. Failed to report to the Board any adverse action taken against him by any governmental agency, by a law enforcement agency, or by any court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section in violation of OAC 435:10-7-4(32).

E. Confessed to a crime involving violation the laws of this state in violation of 59 O.S. §509(7).

F. Engaged in fraud or misrepresentation in applying for or

procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4(8).

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.

2. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, Defendant shall be placed on **PROBATION** for a period of **TWO (2) YEARS** 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 medical, emotional or psychiatric treatment to the Oklahoma State Board of Medical Licensure and Supervision.

K. Defendant will abide by the terms and recommendations of Acumen and with all terms of his postcare contracts with Acumen and the Oklahoma Health Professionals Recovery Program.

L. Defendant will sign a contract with and attend a minimum of one (1) meeting per week of the Health Professionals Recovery Program unless excused by the HPRP. Defendant shall abide by all requirements of his contract with the HPRP.

M. Within the first year of probation, Defendant shall complete a course on medical ethics with particular emphasis on how personal conduct/integrity reflects on one's medical decision-making and reputation. Defendant shall complete the course at a facility approved in advance in writing by the Board Secretary. Defendant shall provide a copy of the Acumen assessment dated

May 26, 2011 to the faculty at the course. Defendant shall provide to the Board Secretary proof of completion of said class.

N. Defendant shall initiate individual psychotherapy with a therapist approved in advance in writing by the Board Secretary. Defendant shall provide his therapist a copy of the Acumen assessment dated May 26, 2011. Defendant shall submit quarterly reports of his treatment from his therapist to the Board Secretary or his designee for his review. Defendant shall continue his counseling until his therapist and the Board Secretary deem it no longer necessary.

O. Defendant shall promptly notify the Board of any positive drug test, including any re-entry into an assessment program for substance abuse or entry into a treatment program for substance abuse.

P. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses, including but not limited to those involving substance abuse.

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

R. 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.

S. 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.

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

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

V. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to

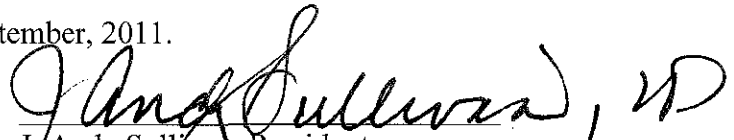
suspend, revoke or modify Defendant's license after due notice and hearing.

3. If Defendant ever tests positive for alcohol or any other prohibited substance during the term of probation, he agrees to immediately surrender his medical license or execute a written agreement with the Board Secretary to cease practicing. Defendant further agrees that he will not return to the practice of medicine until he has completed formal substance abuse treatment, has established a substantial track record of abstinence from prohibited substances and has been comprehensively reassessed as fit to return to the practice of medicine.

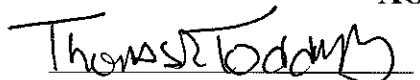
4. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.


5. Defendant's probation shall not be lifted until he has reimbursed the Board for all costs, legal fees and investigation costs.

Dated this 15th day of September, 2011.

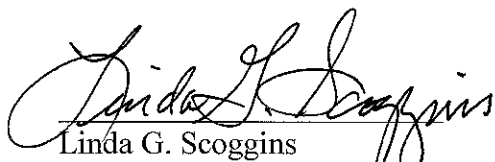

J. Andy Sullivan, President
Oklahoma State Board of
Medical Licensure and Supervision

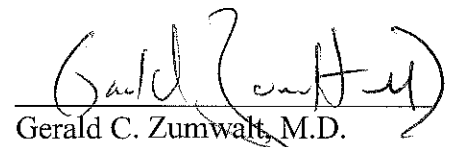
AGREED AND APPROVED


Thomas Randall Todd, M.D.
License No. 20778


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Attorney for the Oklahoma State
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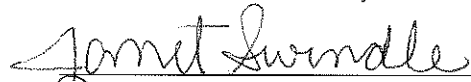

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Gerald C. Zumwalt, M.D.
Secretary and Medical Advisor
Oklahoma State Board of
Medical Licensure and Supervision

Attorney for Defendant

CERTIFICATE OF MAILING

I certify that on the 15 day of September, 2011, I mailed a true and correct copy of the Order Accepting Voluntary Submittal to Jurisdiction to Linda G. Scoggins, Scoggins & Cross, PLLC, 201 Robert S. Kerr, Suite 710, Oklahoma City, OK 73102.


Janet Swindle