

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

FILED

MAR 22 2023

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.*,)
THE OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE AND)
SUPERVISION,)

Plaintiff,)

vs.)

HARVEY CLARKE JENKINS, JR., M.D.,)
LICENSE NO. MD 21473,)

Defendant.)

Case No. 23-02-6202

VERIFIED COMPLAINT

The State of Oklahoma, *ex rel.*, the Oklahoma State Board of Medical Licensure and Supervision (“Board”), alleges and states as follows for its Complaint against Harvey Clarke Jenkins, Jr., M.D. (“Defendant”):

I. JURISDICTION

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.*
2. Defendant, Harvey Clarke Jenkins, Jr., M.D., holds the Oklahoma medical license number 21473 which is currently suspended and expired. The acts and omissions complained of herein were made while Defendant was acting as a physician pursuant to the medical license conferred upon him by the State of Oklahoma, and such acts and omissions occurred within the physical territory of the State of Oklahoma.

II. PRIOR BOARD DISCIPLINARY HISTORY

3. A Complaint and Citation were filed against Defendant in Medical Board case number 10-12-4125 on September 30, 2011. In the Complaint Defendant was charged with unprofessional conduct for substance abuse and narcotics violations. Defendant entered into a Voluntary Submittal to Jurisdiction (“VSJ”) on November 3, 2011. In the VSJ Defendant was placed on probation for 3 years.
4. A Complaint and Citation were filed against Defendant in Medical Board Case number 13-10-4833 on June 26, 2014. In the Complaint Defendant was charged with unprofessional conduct for allowing unlicensed technicians provide laser treatment without

overseeing their procedures, not conducting a proper face-to-face visit with several patients and falsifying progress notes by stating he saw patients when he actually did not. He did these things while he was still on probation. Defendant entered into a VSJ on January 15, 2015. In the VSJ Defendant was placed on probation for 2 years and fined \$5,000.

5. A Verified Complaint for Violation of Probation, and Citation were filed against Defendant in Medical Board Case number 15-02-5106 on February 11, 2015. In the Complaint Defendant was charged with unprofessional conduct based on evidence of Narcotics violations found by Attorney General Investigators. Defendant was charged with multiple felonies on March 24, 2016, Oklahoma County District Court case number CF-2016-2325. Defendant was summarily suspended pursuant to 59 O.S. § 506(B). The parties agreed to both continue the summary suspension and to stay the Board proceedings pending the outcome of his criminal case in Oklahoma County.

III. ALLEGATIONS OF UNPROFESSIONAL CONDUCT

6. On February 22, 2023, defendant pled guilty to the following felonies in Oklahoma County District Court case CF-2016-2325:

Eighteen (18) counts of illegal possession/distribution/dispensing/prescribing a CDS within 2000 feet of a public park,

One (1) count of maintaining a place/building where controlled dangerous substances are kept,

Six (6) counts of maintaining or causing to be made false claims under Oklahoma Medicaid Program,

Five (5) counts of failure to maintain Medicaid records.

Defendant was sentenced to twenty (20) year suspended sentence and a \$181,474.12 fine plus some costs and assessments.

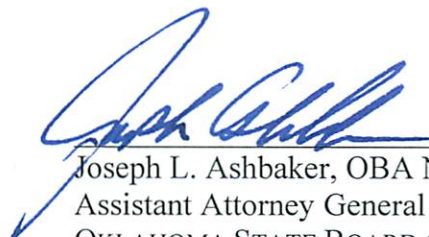
IV. VIOLATIONS

7. Based on the foregoing, the Defendant is guilty of unprofessional conduct as follows:
 - a. Conviction or confession of, or plea of guilty, nolo contendere, no contest or Alford plea to a felony or any offense involving moral turpitude in violation of Title 59 § 509(5) & OAC 435:10-7-4(10):
 - b. Conviction or confession of, or plea of guilty, nolo contendere, no context or Alford plea to a crime involving violation of:
 - a. the antinarcotic or prohibition laws and regulations of the federal government,
 - b. the laws of this state,

- c. State Board of Health rules, or
- d. a determination by a judge or jury; in violation of Title 59 § 509(7) & OAC 435:10-7-4(27):
- c. The commission of any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine. A complaint, indictment or confession of a criminal violation shall not be necessary for the enforcement of this provision. Proof of the commission of the act while in the practice of medicine or under the guise of the practice of medicine shall be unprofessional conduct; in violation of Title 59 § 509(9):
- d. The use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery. in violation of OAC 435:10-7-4(19):
- e. Obtaining any fee by fraud, deceit, or misrepresentation, including fees from Medicare, Medicaid, or insurance. in violation of OAC 435:10-7-4(28):
- a. Failure to provide a proper setting and assistive personnel for medical act, including but not limited to examination, surgery, or other treatment. Adequate medical records to support treatment or prescribed medications must be produced and maintained in violation of OAC 435:10-7-4(41).

CONCLUSION

Given the foregoing, the undersigned requests the Board conduct a hearing and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to the Defendant's professional license, including an assessment of costs and attorney's fees incurred in this action as provided by law.



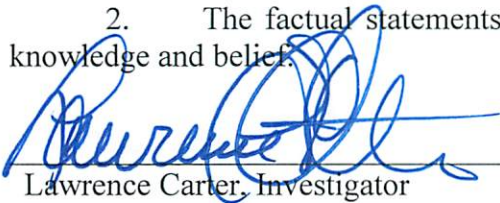
Joseph L. Ashbaker, OBA No. 19395
Assistant Attorney General
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
313 NE 21ST Street
Oklahoma City, Oklahoma 73105
405/522.2974
405/522.4536 – Facsimile

VERIFICATION

I, Lawrence Carter, under penalty of perjury, under the laws of the State of Oklahoma, state as follows:

1. I have read the above Complaint regarding the Defendant, Harvey Clarke Jenkins, Jr., M.D.; and

2. The factual statements contained therein are true and correct to the best of my knowledge and belief.



Lawrence Carter, Investigator
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Date: 22 March 2023

Oklahoma County, OK