

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

FILED

JUL 13 2023

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

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

Plaintiff,)

vs.)

Case No. 23-02-2602

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

Defendant.)

ORDER OF REVOCATION WITHOUT THE RIGHT TO REAPPLY

This matter comes on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (“Board”) on May 11, 2023, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and the rules of the Board.

Joe L. Ashbaker, Assistant Attorney General (“AAG Ashbaker”), appears for Plaintiff. Defendant Harvey Clarke Jenkins, Jr. appeared not.

AAG Ashbaker made an offer of proof as to the evidence. The Board, having considered representations of counsel, as well as the exhibits that were admitted into evidence, and being fully apprised of the premises therein, finds the following has been established by clear and convincing evidence.

FINDINGS OF FACT

1. In Oklahoma, Defendant holds medical license no. 21473 which is in an inactive status.
2. On February 22, 2023, defendant pled guilty to the following felonies in Oklahoma County District Court case CF-2016-2325:¹

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,

¹ A certified copy of the Judgment and sentence was admitted into evidence as an Exhibit.

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. -00251-003-GFK (“Federal Lawsuit”).

3. Any finding of fact below which is more properly characterized as a conclusion of law is hereby incorporated as a conclusion of law.

CONCLUSIONS OF LAW

1. 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 physicians and surgeons in the State of Oklahoma. 59 O.S. § 480 *et seq.* and Okla. Admin. Code § 435:5-1-1 *et seq.*
2. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; and Okla. Admin. Code §§ 435:3-3-5, 3-3-6.
3. Defendant was properly served and failed to timely answer or appear. The Board accepts the allegations set forth in the Verified Complaint filed with the Board on November 22, 2023, as true. Okla. Admin. Code §§ 435:3-3-8.
4. 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):

5. Petitioner dismisses Case No. 10-12-4125.
6. Any conclusion of law below which is more properly characterized as a finding of fact is hereby incorporated as a finding of fact.


ORDER

IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision that Oklahoma medical license no. 21473 of **HARVEY CLARKE JENKIN, JR.** is hereby **REVOKED**, without the right to reapply.

1. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.
2. A copy of this Order shall be provided to Defendant as soon as it is processed.

This Order is subject to review and approval by the Oklahoma Attorney General, and this Order shall become final upon completion of the review by the Oklahoma Attorney General unless disapproved, in which case this Order shall be null and void.

Dated this 13th day of July, 2023.



Steven B. Katsis, MD (Jul 13, 2023 10:31 CDT)
Steven Katsis, President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

CERTIFICATE OF SERVICE

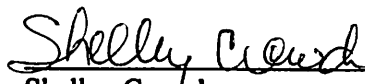
This is to certify that on the 13th day of July, 2023, a true and correct copy of this Order was transmitted as indicated, postage prepaid, the following:

U.S. Certified mail

Harvey Clarke Jenkins, Jr.
1065 W. I-240 Service Rd
Apt. 5
Oklahoma City, Ok 73139
DEFENDANT

E-mail

Joe L. Ashbaker, OBA No. 33584
Assistant Attorney General
101 N.E. 51st Street
Oklahoma City, Oklahoma 73105
Joe.Ashbaker@oag.ok.gov
ATTORNEY FOR OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND SUPERVISION



Shelley Crowder

FILED

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OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2023-25A

Billy H. Stout, M.D., Board Secretary
State Board of Medical Licensure and Supervision
101 N.E. 51st Street
Oklahoma City, OK 73105-1821

July 12, 2023

Re: Jenkins (“Defendant”); Case No. 23-02-6202

Dear Dr. Stout:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Medical Licensure and Supervision intends to take in case 23-02-6202. Defendant holds an inactive medical license.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act authorizes the Board to revoke or order other appropriate sanctions against the license of a physician for unprofessional conduct.¹ 59 O.S.2021, § 503.

According to a Board complaint, in March 2023, Defendant plead guilty to 30 felony counts related to illegal possession/distribution/dispensing/or prescribing controlled dangerous substances (CDS) and maintaining a place/building where CDS are kept, as well as falsification and improper recordkeeping related to Medicaid claims. The court ordered Defendant to a twenty-year suspended sentence and a fine of over \$181,000, plus court fees and costs. Finding clear and convincing evidence, the Board proposes to revoke Defendant’s license without the right to reapply and require Defendant to pay costs related to the disciplinary action. The Board may reasonably believe that the proposed action is necessary to deter future violations and to protect the public.

It is, therefore, the official opinion of the Attorney General that the State Board of Medical Licensure and Supervision has adequate support for the conclusion that this board action advances the State’s policy of protecting the health, safety, and well-being of the citizens of Oklahoma.

A handwritten signature in blue ink, appearing to read "Rob Johnson".

ROB JOHNSON
GENERAL COUNSEL

¹Oklahoma statutes and the Board rules define “unprofessional conduct” to include 1) conviction or guilty plea to a felony to a crime involving moral turpitude; 2) conviction or guilty plea to violations of federal or state laws relating to controlled substances; or violations of federal or state laws relating to controlled substances; “pleading guilty to a felony; 3) “[t]he commission of any act” in violation of “the criminal laws of any state when such act is connected with the physician’s practice of medicine[.]” 59 O.S.2021, § 509(5), (7), (9); OAC 435:10-7-4(10), (27), (45).