

**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.)
)
 JESSICA RUBINSTEIN, P.A.,)
 LICENSE NO. PA 2154,)
)
 Defendant.)

FILED

DEC 06 2017

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 13-09-4802

VOLUNTARY SURRENDER OF LICENSE IN LIEU OF PROSECUTION

State of Oklahoma)
) ss:
 _____ County)

I, Jessica Rubinstein, P.A. (“Defendant”), being of lawful age and after first being duly sworn, depose and state as follows:

1. I hereby voluntarily surrender my Oklahoma Physician Assistant License no. 2154.
2. The surrender of my license is freely and voluntarily made. I have not been subject to any coercion or duress, and I am fully aware of the consequences of the surrender of my license.
3. I am currently licensed to practice as a physician assistant in the State of Oklahoma and have violated the laws and rules governing the practice of medicine with this state.
4. I am currently on Board ordered probation and I have violated the rules and conditions of that probation.
5. The allegations of unprofessional conduct to which I plead guilty are as follows:
 - a. I stole a prescription pad from a physician while he was out of the country and forged prescriptions for my own use. *10/19/17 1:46 pm*
 - b. I wrote the prescriptions for my own use and I forged the physician’s name on them. The prescriptions I forged were for Hydrocodone and Oxycodone, both Schedule II CDS. *10/19/17 1:46 pm*

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- c. I forged these prescriptions in August and September, 2017, in Tulsa, Oklahoma.

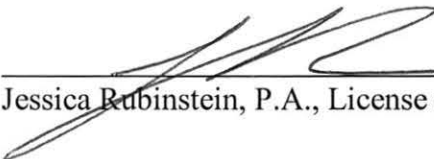
II. VIOLATIONS

6. Based on the foregoing, Defendant is guilty of professional misconduct as follows:
 - a. Any act contrary to the Physician Assistant Act, or other laws or regulations governing licensed health professionals or any stipulation or agreement of the board, in violation of Okla. Admin. Code § 435:15-5-11(a)(3).
 - b. Violation of any provision of the Medical Practice Act or the rules promulgated by the Board, in violation of Okla. Admin. Code § 435:15-5-11(a)(4).
 - c. Habitual or excessive use of any drug which impairs the ability to practice medicine with reasonable skill and safety to the patient, in violation of 59 O.S. 2011, § 509(4) and Okla. Admin. Code § 435:10-7-4(3).
 - d. Habitual user of intoxicants or drugs to such an extent that he or she is unable to safely practice as a physician assistant, in violation of Okla. Admin. Code § 435:15-5-11(b)(3).
 - e. Dishonorable or immoral conduct likely to deceive, defraud, or harm the public, in violation of 59 O.S. 2011, § 509(8) and Okla. Admin. Code § 435:15-5-11(b)(8),
 - f. The inability to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition, in violation of 59 O.S. 2011, § 509(15) and Okla. Admin. Code § 435:10-7-4(17), (40),
 - g. The use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery, in violation of Okla. Admin. Code §§ 435:10-7-4(19), 435:15-5-11(b)(13),
 - h. Violating any state or federal law or regulation relating to controlled substances, in violation of Okla. Admin. Code § 435:10-7-4(27),
 - i. Engages in unprofessional or immoral conduct, in violation of Okla. Admin. Code § 435:15-5-11(b)(9), and
 - j. Prescribes, sells, administers, distributes, orders or gives away any drug classified as a controlled substance for other than medically accepted therapeutic purposes, in violation of Okla. Admin. Code § 435:15-5-11(b)(10).
7. I hereby submit my wallet card and wall certificate as evidence of my intent to surrender my license.

8. I hereby agree that if my Physician Assistant License is ever reinstated I must first complete an approved drug and alcohol evaluation and follow all recommendations of such evaluation prior to being eligible for such a reinstatement. I further agree and understand that such a license will be under terms and conditions of probation.
9. If the Board does not accept this Voluntary Surrender In Lieu of Prosecution or it is disapproved by the Oklahoma Attorney General, the Plaintiff and Defendant (collectively, the "Parties") stipulate that it shall be regarded as null and void. Admissions by Jessica Rubinstein herein, if any, shall not be regarded as evidence against her in a subsequent disciplinary hearing. Jessica Rubinstein will be free to defend herself, and no inferences will be made from her 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.
10. As a condition to accepting my Voluntary Surrender of License in Lieu of Prosecution, I acknowledge that the Board shall require me to pay all costs expended by the Board for any legal fees and costs, and any investigation, probation and monitoring fees, including but not limited to staff time, salary and travel expense, witness fees and attorney fees.

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 19 day of October, 2017.



 Jessica Rubinstein, P.A., License #2154

Subscribed and sworn before me this 19 day of October, 2017.

Kim Marie Morris

 Notary Public

My commission expires: 4/18/2019

 # 03004505



ACCEPTED:



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

Dated: NOV 2, 2017.



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-824A

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

December 1, 2017

Dear Dr. Billy H. Stout, M.D., Board Secretary:

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 pursuant to a consent agreement with respect to physician assistant Licensee 2154 in case 13-09-4802. The licensee stole a prescription pad while working through an employment agency in New York, and forged prescriptions. The Board proposes to accept the licensee's Voluntary Surrender of License In Lieu of Prosecution with terms and conditions, including five years' probation.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act authorizes the Board to suspend or revoke a license and order other appropriate sanctions against a licensee for unprofessional conduct, which includes "[d]ishonorable or immoral conduct which is likely to deceive, defraud, or harm the public," and "[t]he writing of false or fictitious prescriptions for any drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs." 59 O.S.Supp.2017, §§ 503, 509(8), (11). The Board may reasonably believe that the proposed action is necessary to protect public health.

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 action advances the State's policy of protecting the health safety and well-being of the citizens of Oklahoma.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Amanda Otis in black ink.

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL

RECEIVED

DEC - 6 2017

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION