

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

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)

v.)
)
MICHAEL LYNN PARTIN, M.D.,)
LICENSE NO. 22386,)
)
Defendant.)

Case No. 11-06-4240

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

Plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, 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, Michael Lynn Partin, M.D., Oklahoma license no. 22386, who appears in person and through counsel, John W. Coyle, III, proffer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on February 3, 2012 and acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

Defendant, Michael Lynn Partin, 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 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.

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, Michael Lynn Partin, M.D., holds Oklahoma license no. 22386 and is board certified in internal medicine. He currently practices at the Oklahoma Heart Hospital in Oklahoma City, Oklahoma.

1ST ARREST

3. On or about June 11, 2009, Defendant was arrested by the Oklahoma City Police Department for **DOMESTIC ABUSE BY STRANGULATION AND ASSAULT AND BATTERY**. According to the police report, Defendant's girlfriend alleged that Defendant had been drinking alcohol and had assaulted her by punching her, biting her and choking her. The police report documents that the officers observed injuries on Defendant's girlfriend, including busted and swollen lips, bite marks on several places on her body, as well as redness around the neck area. The report also states that the officers smelled alcohol on Defendant. Defendant was then arrested and taken to the Oklahoma County Jail. The case was later dismissed after prosecutors declined to file. Defendant denies that he committed any domestic abuse or assault.

2ND ARREST

4. On or about November 26, 2009, Defendant was arrested by the Oklahoma City Police Department for **PUBLIC DRUNKENNESS**. According to the police report, Defendant was intoxicated and in the manager's office at a restaurant causing problems. When officers arrived, Defendant was attempting to drive away, but was stopped. Officers noted that he appeared to be "extremely intoxicated". He was arrested and taken to the Oklahoma County Jail. He was later charged with Public Drunkenness in Oklahoma City Municipal Court and received a six (6) month probation, after which time the case was dismissed. Defendant claims that he was not drunk on this occasion.

3RD ARREST

5. On or about January 3, 2010, Defendant was arrested by the Oklahoma County Sheriff's Department for **DUI**. According to the Affidavit of Probable Cause, Defendant was stopped after weaving and crossing the center line of traffic. He failed the field sobriety test. He was then arrested and taken to the Oklahoma County Jail where he submitted to a Breathalyzer test and registered at a 0.12% and a 0.10% level.

6. On or about January 27, 2010, Defendant was charged with DUI and on May 26, 2010, Defendant plead guilty to DUI and received a two (2) year deferred sentence.

FRAUDULENT LICENSURE RENEWAL

7. On or about June 18, 2010, Defendant submitted his Application for Renewal of Oklahoma License for the period July 2, 2010 through July 1, 2011. 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 questions: "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 was additionally asked the following question: "Since the last renewal...[h]ave you been addicted to or abused any drug or chemical substance including alcohol?" In response to this question, Defendant answered "NO". Defendant had in fact been arrested **three (3) times** in the previous year for alcohol related incidents and had been charged with DUI just six (6) months earlier.

4TH ARREST

8. On or about August 8, 2010, Defendant was arrested for a fourth time. According to the police report, Defendant's wife reported that Defendant had grabbed her, shoved her against the wall, then grabbed her hair and threw her to the ground. The officers observed injuries consistent with her story. Defendant's wife also reported that Defendant had been drinking at the time. When police officers arrived, Defendant was attempting to drive away. He was detained and asked to submit to a Breathalyzer test, to which he refused. He was then arrested for **DOMESTIC ABUSE/ASSAULT AND BATTERY AND DUI** and taken to the Oklahoma County Jail. The case was later dismissed after prosecutors declined to file. Defendant denies committing any assault or battery against his wife.

9. As a result of Defendant's DUI arrests on January 3, 2010 and August 8, 2010, on or about March 4, 2011, the Oklahoma Department of Public Safety issued a Final Order of revocation whereby Defendant's Oklahoma driver's license was revoked. He was then issued a

modified driver's license whereby he could drive only in a vehicle equipped with an ignition interlock device for a period of one (1) year and 180 days. He complied with all terms and requirements and his license has been fully reinstated.

10. Defendant is guilty of unprofessional conduct in that he:
 - A. 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).
 - B. Confessed to a crime involving violation of the laws of this state in violation of 59 O.S. §509(7).
 - C. 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).
 - D. Engaged in 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. Failed to report to the Board any adverse action taken against him 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).
 - F. Failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).

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, Michael Lynn Partin, M.D., Oklahoma medical license no. 22386, is guilty of unprofessional conduct set forth below based on the foregoing facts:

A. 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).

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

C. 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).

D. Engaged in 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. Failed to report to the Board any adverse action taken against him 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).

F. Failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).

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 **FIVE (5) 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, as well as hair follicle samples 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 and only during that time in which he is being treated by the physician for that specific 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 Elmhurst, and with all terms of his postcare contract with 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.
- M. Defendant will obtain a primary care physician.
- N. Defendant shall obtain weekly psychotherapy from Stewart Beasley, Ph.D. or another therapist approved in advance in writing by the Board Secretary. Defendant shall continue this therapy until released by his therapist and the Board Secretary. Defendant shall provide quarterly reports from this therapist to the Board Secretary for his review.
- 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 shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses 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.

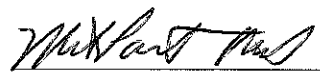
V. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.


3. 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.

Dated this 12 day of July, 2012.

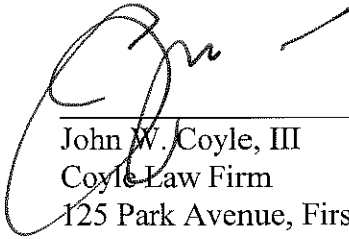

J. Andy Sullivan, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

AGREED AND APPROVED


Michael Lynn Partin, M.D.
License No. 22386

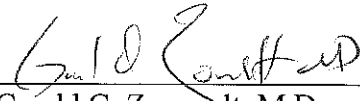

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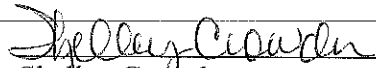
Attorney for Defendant



Gerald C. Zumwalt, M.D.
Secretary and Medical Advisor

CERTIFICATE OF MAILING

I certify that on the 13 day of July, 2012, a mailed a true and correct copy of the Order Accepting Voluntary Submittal to Jurisdiction to John W. Coyle, III, Coyle Law Firm, 125 Park Avenue, First Floor, Oklahoma City, OK 73102 and to Michael Lynn Partin, 7480 N.W. 220th Street, Edmond, OK 73025.


Shelley Crowder