

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

FILED

SEP 14 2023

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.*)
OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
)
ROBERT TRACY FILES, P.A.,)
LICENSE NO. PA 2268,)
)
Defendant.)

Case No. 23-06-6227

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), by and through the undersigned counsel for the Plaintiff, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, along with Robert Tracy Files, P.A. (“Defendant”), Oklahoma Physician Assistant License no. 2268, who appears in person and by and through his Counsel of Record, Randy Sewell (collectively, the “Parties”), and offer this Order Accepting Voluntary Submittal to Jurisdiction (herein, “Order” or “Agreement”) for acceptance by the Board. Okla. Admin. Code § 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Physician Assistant Act (“Act”). 59 O.S. § 519.1, *et seq.*

Defendant, Robert Tracy Files, P.A., 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 an 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, and that this Agreement may be reviewed and discussed with him by legal counsel prior to execution.

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Defendant herein, if any, shall not be regarded as evidence against him in a subsequent disciplinary hearing. Defendant will be free to defend himself and no inferences will be made from his willingness to have this Order accepted by the Board. The Parties stipulate

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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.

Findings of Fact and Recognition of Allegations

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

1. In Oklahoma, Defendant holds Physician Assistant License no. 2268.
2. Defendant was required to complete twenty (20) hours of continuing education no later than December 31, 2021. Defendant failed to complete the required twenty (20) hours and, therefore, was then required to complete a total of forty (40) hours of continuing education no later than December 31, 2022.
3. Defendant failed to complete the forty (40) hours by December 31, 2022. Specifically, he did not complete the required one hour on the subject of substance abuse until February 16, 2023.

Conclusions of Law

4. This Board is the duly authorized State agency empowered to license and oversee the activities of physician assistants in the State of Oklahoma pursuant to the Oklahoma Physician Assistant Act ("Act"). 59 O.S. § 519.1, *et seq.*
5. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 504; Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.
6. The Board is authorized to suspend, revoke or order any other appropriate sanctions against the license of any Physician Assistant holding a license to practice in the State of Oklahoma for unprofessional conduct. 59 O.S. 519.1 *et seq.* Okla. Admin. Code § 435:15-5-11 and 59 O.S. § 509.1(F).
7. The Board is authorized to accept voluntary submittals to jurisdiction mutually agreed to by parties to a disciplinary action to resolve the action without need for a hearing. 75 O.S. § 309(E); Okla. Admin. Code § 435:5-1-5.1.
8. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
 1. Title 59 O.S. 2011 § 519.8(A) states:

"Licenses issued to the physician assistants shall be renewed annually on a date determined by the State Board of Medical Licensure and Supervision. Each application for renewal shall

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document that the physician assistant has earned at least twenty (20) hours of continuing medical education during the preceding calendar year. Such continuing medical education shall include not less than one (1) hour of education in pain management or one (1) hour of education in opioid use or addiction.”

2. Further OAC Section 435:15-3-17(d) states:

“Any applicant for renewal who does not meet the requirements for continuing education by December 31 of the previous calendar year may not renew until deficient hours are obtained and verified. Additionally, within the next calendar year the licensee will be required to obtain forty (40) hours of Category 1 CME. Failure to meet those additional requirements will result in further disciplinary action.”

7. Defendant is guilty of unprofessional conduct for:

- a) Violating any provision of the Medical Practice Act or the rules promulgated by the Board Oklahoma Administrative Code Section 435:15-5-11(a)(4).

Orders

IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The Board hereby adopts the Agreement of the Parties in this Order Accepting Voluntary Submittal to Jurisdiction, including the findings of fact and conclusions of law stated herein.
2. **ROBERT TRACY FILES, P.A.**, Oklahoma Physician Assistant license no. 2268, is hereby formally **REPRIMANDED**.
3. **ROBERT TRACY FILES, P.A.**, shall pay a fine of \$500.00 within 120 days of this Order being entered.
4. 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.
5. A copy of this Order shall be provided to Defendant as soon as it is processed.

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14th Nov

Dated this 6th day of September, 2023.

[Signature]

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

[Signature]

Steven Katsis, M.D., President
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND SUPERVISION

[Signature]

Robert Tracy Files, P.A.
Oklahoma License No. 2268
Defendant Pro Se

[Signature]

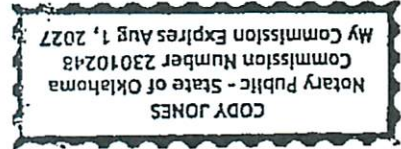
Joseph Ashbaker, OBA No. 19395
30107 Assistant Attorney General
STATE OF OKLAHOMA,
OFFICE OF ATTORNEY GENERAL
Attorney for Plaintiff,
Oklahoma State Board of Medical
Licensure and Supervision

ACKNOWLEDGMENT

STATE OF OKLAHOMA)
)
COUNTY OF Sequoyah) ss.

This instrument was acknowledged before me on the 6th day of September, 2023, by Robert Tracy Files.

Notary Public
Commission Expiration: Aug 1st 2027



15th Certificate of Service

This is to certify that on the 6th day of September, 2023, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

BOARD *[Signature]*

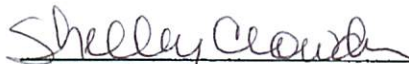
RTF *[Signature]*

U.S. Certified Mail

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*Attorney for Plaintiff,
Oklahoma State Board of Medical
Licensure and Supervision*



Shelley Crowder

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