

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.)
)
DARNELL ERIC BLACKMON, SR., M.D.,)
LICENSE NO. MD 22856,)
)
Defendant.)

FILED

JAN 07 2019

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 14-06-4978

ORDER GRANTING SECOND MOTION TERMINATE
ORDER ACCEPTING VOLUNTARY SUBMITTAL TO JURISDICTION

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (“Board”) on November 8, 2018, 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.

Marc Pate, Assistant Attorney General, appeared on behalf of Plaintiff. Darnell Eric Blackmon, Sr., M.D., (“Defendant”) appeared in person and through counsel Samuel P. Clancy of Gable Gotwals and also counsel Elizabeth A. Scott of Crowe and Dunlevy, P.C.

The following exhibit was admitted into evidence without objection:

Defendant’s Exhibit 1: Chart titled,
“Examples of OBMLS Modifying or
Terminating Licensure Restrictions”

The Board, having considered arguments of counsel, exhibits admitted into evidence, and being fully apprised of the premises, makes the following findings of fact, conclusions of law and orders:

Findings of Fact

1. In Oklahoma, Defendant holds medical license no. 22856, issued June 12, 2002.
2. On March 23, 2015, a Verified Complaint and Citation were each filed. Hearing was set for September 24, 2015.
3. On April 13, 2015, a Verified Answer was filed.

4. At the September 24, 2015 Board meeting Defendant offered and the Board accepted a Voluntary Submittal to Jurisdiction (“2015 VSJ”). An Order Accepting Voluntary Submittal to Jurisdiction was filed on September 24, 2015. Attorney General Opinion 2015-34a, dated October 13, 2015, was issued in support thereof.
5. On December 20, 2016, Defendant filed a Motion to Terminate Order Accepting Voluntary Submittal to Jurisdiction (“Motion to Terminate VSJ”). Hearing was set for January 12, 2017.
6. On January 6, 2017, Plaintiff filed a Response Opposing the Motion to Terminate.
7. At the January 12, 2017 Board meeting, the Motion to Terminate VSJ came on for hearing. A vote of the matter by the Board ended in a split of four to four (4 to 4). A Record Entry Regarding Defendant’s Motion to Terminate Order, was filed on February 13, 2017.
8. On October 8, 2018, Defendant filed a Second Motion to Terminate Order Accepting Voluntary Submittal to Jurisdiction (“Second Motion to Terminate VSJ”). Hearing was set for November 8, 2018.
9. On October 22, 2018, Plaintiff filed a Response to Defendant’s Second Motion to Terminate Order Accepting Voluntary Submittal to Jurisdiction.
10. At the November 8, 2018 Board meeting, Mr. Clancy argued Dr. Blackmon entered into the 2015 VSJ knowing there would be consequences; however it has had unintended consequences with respect to his separate practice. He stated that Dr. Blackmon has fulfilled the requirements of the 2015 VSJ. Mr. Clancy renewed Dr. Blackmon’s previous request for the Board to terminate the 2015 VSJ, so Dr. Blackmon can hopefully successfully reapply to insurers and for privileges at health institutes in Tulsa.
11. AAG Pate argued that the requested relief cannot be granted. He stated Defendant’s motion is not timely, and the Board does not have the authority at this date to grant the relief requested. And, it is the Plaintiff’s position the Board cannot grant the relief requested. AAG Pate further advised the 2015 VSJ is not subject to judicial review at this time because there was not an appeal filed within the necessary time.
12. Counsel for Dr. Blackmon argued that this is not a new appeal or action, but rather a renewed request to terminate the 2015 VSJ due to a split vote of four to four (4-4) at the January 12, 2017 Board meeting.
13. Any conclusion of law below which is more properly characterized as a finding of fact is hereby incorporated as a finding of fact.

Conclusions of Law

14. 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.*, Okla. Admin. Code § 435:5-1-1 *et seq.*

15. 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, 3-3-6.
16. The Board is authorized to suspend, revoke, or order any other appropriate sanctions against the license of any physician or surgeon holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. 59 O.S. §§ 503, 513(A)(1). The Board's action is authorized by 59 O.S. §§ 509.1(A) and Okla. Admin. Code § 435:5-1-3.
17. The Board concluded the Order Accepting Voluntary Submittal to Jurisdiction should be terminated.

Orders

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

1. The Order Accepting Voluntary Submittal to Jurisdiction, filed September 24, 2015, along with Attorney General Opinion 2015-34a issued October 13, 2015 in support thereof, is **TERMINATED**, effective on the date signed by the Board Secretary..
2. 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.
3. A copy of this Order shall be provided to Defendant as soon as it is processed.

Dated this 7th day of January, 2019.



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

Certificate of Service

This is to certify that on the 8th day of January, 2019, a true and correct copy of the foregoing instrument was transmitted as specified, postage prepaid, to the following:

U.S. Certified Mail

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