

**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. )  
 )  
BRIAN ALLEN YEAMAN, M.D., )  
LICENSE NO. MD 23636, )  
 )  
Defendant. )

**FILED**

JUL 21 2020

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 19-01-5695


**THIRD ORDER OF CONTINUANCE  
WITH NOTICE OF HEARING**

The undersigned Secretary for the Oklahoma State Board of Medical Licensure and Supervision (“Board”), in consideration of an agreement of the parties, enters the following orders:

1. On November 7, 2019, Defendant agreed not to practice.
2. On February 27, 2020, a Verified Complaint (“2020 Complaint”) and Citation were each filed. Hearing was set for May 7, 2020, and a Scheduling Order was filed.
3. Defendant was served on March 3, 2020 by private process server no. PSS 2017-72. An Affidavit of Service was filed on March 10, 2020.
4. On April 7, 2020, an Agreed Order of Continuance with Notice of Hearing to the June 2020 Board meeting was filed, due to the COVID-19 situation in Oklahoma.
5. On May 22, 2020, a Second Agreed Order of Continuance with Notice of Hearing to the July 2020 Board meeting was filed, to allow Defendant to complete treatment.
6. Due to the COVID-19 situation in Oklahoma, Plaintiff requests the 2020 Complaint be continued to the September 10, 2020 Board meeting.
7. This request for continuance is not being made for purposes of delay, but rather due to the COVID-19 situation in Oklahoma, making a continuance reasonable and in the interest of justice.

8. The Board finds that the ends of justice served by granting of such continuance outweigh the best interest of the public and the Defendant in a speedy hearing, and for good cause shown the requested continuance is **GRANTED**.
9. Premises considered and for good cause shown, the 2020 Complaint, filed February 27, 2020 is rescheduled for hearing at the meeting of the Board on September 10, 2020. All deadlines are reset to a Scheduling Order for the September 10, 2020 Board meeting, attached hereto as **Exhibit 1**.
10. Please take notice that the 2020 Complaint will be heard by the Board at the September 10, 2020 meeting of the Board, which will begin at 9:00 a.m. The meeting will take place at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105-1821.

Dated this 21<sup>st</sup> day of July, 2020.

  
\_\_\_\_\_  
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 21<sup>st</sup> day of July, 2020, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail, and E-Mail

Cori H. Loomis  
CHRISTENSEN LAW GROUP  
The Parkway Building  
3401 N.W. 63<sup>rd</sup> St., Suite 600  
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**Attorney for Defendant,  
Brian Allen Yeaman, M.D.**

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Marc S. Pate  
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marc.pate@oag.ok.gov  
**Attorney for Plaintiff,  
Oklahoma State Board of Medical  
Licensure and Supervision**

  
\_\_\_\_\_  
Nancy Thiemann, Legal Assistant

# **EXHIBIT 1**

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


Case No. 19-01-5695

**SCHEDULING ORDER – SEPTEMBER 2020**

This Scheduling Order is issued pursuant to Okla. Admin. Code § 435:3-3-7. Alteration of this Scheduling Order shall only be approved upon written motion for good cause shown, to the Board Secretary or Trial Examiner.

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1.	File dispositive motions	<b>July 30, 2020</b>
2.	Exchange final witness and exhibit lists	<b>August 6, 2020</b>
3.	Discovery completed/answered	<b>August 20, 2020</b>
4.	Pre-trial conference (as needed, to review contested items)	<u>earlier or by:</u> <b>August 20, 2020</b>
5.	File Motion for Continuance	<b>September 3, 2020</b>
6.	<b>Board Hearing</b>	<b>September 10, 2020</b>

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

- **Answer** – Defendant shall file a written answer under oath, to the complaint, within 20 days after service of the citation. If the answer is not filed, the defendant shall be considered in default. 59 O.S. § 503; 12 O.S. § 2012, Okla. Admin. Code § 435:3-3-8 *et seq.* Failure to file an answer may subject defendant to default judgment.
- **Final Witness Lists** - Final Witness Lists shall include witness contact information, including address and telephone number, as well as a brief summary of anticipated testimony.
- **Discovery** - The failure of a party to have sufficient time to exercise any discovery mechanism on account of a lack of time shall not of itself constitute good cause for the granting of a continuance. Okla. Admin. Code § 435:3-3-9.
- **Settlement** – Unless precluded by law, informal disposition may be made of any individual proceeding by stipulation, agreed settlement, consent order, or default. 75 O.S. § 309(E). The Board may accept a Voluntary Submittal to Jurisdiction (VSJ) entered into by staff and defendant; and, VSJ's shall be the responsibility of the Secretary of the Board or Executive Director in his/her absence. Okla. Admin. Code § 435:5-1-5-1. The Board may accept Surrender in Lieu of Prosecution (SILOP) in lieu of prosecuting a pending disciplinary action or filing formal disciplinary proceedings only as provided in this section. 59 O.S. § 509.1(E), *et seq.*
- **Continuance** – Continuance requests shall be filed at the offices of the Board. The Secretary of the Board, or the Trial Examiner at the pre-trial conference, may receive and rule on motions for continuance filed prior to seven (7) days before the hearing date. If the continuance is denied, the party may renew the request and move for a continuance at the hearing. Okla. Admin. Code § 435:3-3-7(c).