

**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

SEP 17 2020

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 19-01-5695

**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 Brian Allen Yeaman, M.D. ("Defendant"), Oklahoma medical license no. 23636, who appears in person, and through counsel Cori Loomis of Christensen Law Group (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 admits to the allegations herein contained and further acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("Act"). 59 O.S. § 480, *et seq.*

Defendant, Brian Allen Yeaman, 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 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 his

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inferences will be made from his 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.

Findings of Fact

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

1. In Oklahoma, Defendant holds medical license no. 23636, originally issued September 3, 2003.
2. On November 7, 2019, Defendant agreed not to practice.
3. On February 27, 2020, a Verified Complaint and Citation were each filed by the Board. Hearing was set for May 7, 2020. 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. An Answer to the Complaint was received on March 20, 2020, by Cori Loomis and Rachel Jordan as counsel for the Defendant.
5. Orders of Continuance were filed on April 7, 2020, May 22, 2020, and July 21, 2020. Hearing was reset to the September 10, 2020 Board meeting.
6. The Board received a written complaint against Defendant on January 29, 2019, which alleges NC received a controlled dangerous substance from Defendant on August 7, 2018. NC was arrested on August 9, 2018 on charges of Manslaughter in the first degree to which she pled guilty on October 9, 2019.
7. On January 30, 2019, Board Investigator Steve Washbourne reviewed NC's PMP which showed that on June 28, 2018 and on August 9, 2018, Dr. Yeaman prescribed Oxycodone and Diazepam to NC.
8. On February 6, 2019, Investigator Washbourne interviewed Dr. Yeaman at his medical office in Norman, Oklahoma, and received the medical records of NC. During the interview, Defendant admitted that after receiving a massage, he prescribed NC Oxycodone and Diazepam without conducting a proper medical examination, checking the PMP or maintaining a medical chart.
9. On September 12, 2019, Investigator Washbourne met with Dr. Yeaman for a follow up interview during which Defendant admitted he had sexual intercourse with patient NC.

Conclusions of Law

10. 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

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surgeons in the State of Oklahoma. 59 O.S. § 480 *et seq.* and Okla. Admin. Code §§ 435:5-1-1 *et seq.*

11. 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.
12. The Board is authorized to suspend, revoke or order any other appropriate conditions 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.
13. 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.
14. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
 - a. Dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public. 59 O.S. § 509(8); Okla. Admin. Code § 435:10-7-4(211).
 - b. Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship and not prescribing in a safe, medically accepted manner. 59 O.S. § 509(12); Okla. Admin. Code § 435:10-7-4(49).
 - c. Prescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice. 59 O.S. § 509(16)(a).
 - d. Engaging in physical conduct with a patient which is sexual in nature, or in any verbal behavior which is seductive or sexually demeaning to a patient. 59 O.S. § 509(17); Okla. Admin. Code § 435:10-7-4(23).
 - e. Failure to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient. 59 O.S. § 509(18); Okla. Admin. Code § 435:10-7-4(36).

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.

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2. **BRIAN ALLEN YEAMAN M.D.** shall be placed on **PROBATION** for a period of five (5) years.
3. **BRIAN ALLEN YEAMAN M.D.**, Oklahoma medical license no. 23636, is formally **REPRIMANDED**.
4. **BRIAN ALLEN YEAMAN M.D.** shall comply with all of the following terms and conditions:

Specific Terms:

- a. Defendant shall sign a five (5) year contract with Oklahoma Health Professionals Program ("OHPP") and abide by all recommendations. This contract will run concurrent with the term of Defendant's five year probation.
- b. Recommendations for OHPP participation shall include but are not limited to, Sober Link program, urine drug screens (UDS), and PETH tests. Results of all testing procedures will be provided quarterly to the Board's Compliance Coordinator.
- c. Defendant shall submit to bi-annual polygraph testing by a Board approved provider, approved of in advance by the Board Secretary. Defendant shall ensure that results are provided to the Board Secretary and/or the Board's Compliance Coordinator within thirty days. The polygraph questions need to explore compliance with monitoring, chemical sobriety and abiding by appropriate practices and workplace boundaries. After the Defendant passes three years of polygraph testing and if the Board Secretary is satisfied with the results, the Board Secretary may terminate this term 4(e).
- d. Defendant shall continue therapy sessions with a psychologist approved of in advance by the Board Secretary. Defendant shall ensure that quarterly reports are provided to the Board's Compliance Coordinator and the Board Secretary. The duration of the sessions, and the frequency of the sessions may be determined by the therapist.
- e. Defendant shall see a psychiatrist approved of in advance by the Board Secretary. Defendant will ensure that quarterly reports are provided to the Board Secretary. The duration of the sessions, and the frequency of the sessions may be determined by the therapist.
- f. Defendant shall maintain a Primary Care Physician (PCP) approved of in advance by the Board Secretary.

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- g. Defendant agrees that his medical practice will be in a highly structured environment pre-approved by the Board Secretary. Defendant further agrees as follows:
1. Defendant shall not work in a solo practice unless otherwise approved by the Board Secretary.
 2. Defendant shall have a professional mentor/supervisor approved of in advance by the Board Secretary.
 3. Defendant shall ensure that the mentor/supervisor provides monthly status reports to the Board's Compliance Coordinator and the Board Secretary.
- h. Defendant shall maintain a strict code of professional conduct that will be used in the clinic for all staff. This code of conduct will be discussed with all staff and be reviewed on a periodic basis:
1. Maintain a clear demarcation between professional medical work and personal life.
 2. No treatment or diagnostic services provided to employees.
 3. No sexual activity or sexual innuendo in the office.
- i. Defendant agrees to attend treatment sessions at Acumen Institute for one week each, September 14 – 18, 2020, and January 11 – 15, 2021.

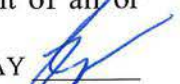
Standard Terms:

- j. Defendant shall conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("Act") as interpreted by the Board. Any question of interpretation regarding the Act or this Order 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 Board or its authorized designee. 59 O.S. § 480, *et seq.*
- k. Defendant shall furnish a file-stamped copy of this Order stipulating terms imposed by the Board, to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.
- l. Defendant will keep the Board informed of his current address.
- m. Defendant will keep current payment of all assessments by the Board for prosecution, investigation and monitoring of his case, which shall include, but is not limited to, a fee of one hundred fifty dollars (\$150.00) per month during the term of probation, unless Defendant affirmatively obtains a deferment of all or

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part of said fees upon presentation of evidence that is acceptable to the Board Secretary.

- n. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any bankruptcy proceeding.
- o. Defendant will not supervise allied health professionals, physician assistants, or advanced nurse practitioners, that require surveillance of a licensed medical practitioner. Okla. Admin. Code § 435:5-1-8.
- p. For good cause shown, upon request of the Board or its designee, Defendant will submit biological specimens for analysis, including but not limited to, blood, urine, hair follicle and nail samples, and Defendant will pay the costs attendant thereto.
- q. 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 this Order immediately upon initiation, or continuation of treatment. In the event that Defendant is prescribed any controlled dangerous substance during the term of this Order, Defendant shall contact the Board Secretary or the Board designee to discuss the prescription.
- r. Defendant shall not prescribe, administer or dispense any prescription medications for personal use or for that of any family members, friends, employees or associates.
- s. 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.
- t. Upon request, Defendant shall make himself available for one or more personal appearances before the Board or its authorized designee.
- u. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or authorized designee.
- v. Defendant will execute such releases of medical and psychiatric records during the entire term of this Order as necessary for use by the Compliance Coordinator to obtain copies of medical records and assessments, and authorize the Compliance Coordinator to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.
- w. If Defendant moves his residence or practice location out of the State of Oklahoma during this Order, this Order will be tolled until such time as

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Defendant returns to the State of Oklahoma and begins practicing within the state. Defendant will notify the Board Secretary and Compliance Coordinator prior to moving out-of-state.


- x. Failure to meet any of the terms of this Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.
 - y. Immediately upon learning that a licensee is in violation of a Board-ordered probation, the Executive Director of the Board may summarily suspend the license based on imminent harm to the public and assign a hearing date for the matter to be presented at the next scheduled Board meeting. 59 O.S. § 506(B).
 - z. The Parties, the Board or its designee, or the Defendant may file a motion for a Board hearing and possible new Board order.
5. 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.
6. A copy of this Order shall be provided to Defendant as soon as it is processed.


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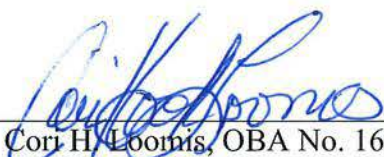
Dated this 10th day of September, 2020.


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


James M. Brinkworth, M.D., President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION


Brian Allen Yeaman, M.D.
Oklahoma License No. 23636
Defendant


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Oklahoma State Board of Medical
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-and-
Rachel Jordan, OBA No. 32704
MULINIX, GOERKE & MEYER, PLLC
Attorneys for Defendant,
Brian Allen Yeaman, M.D.

ACKNOWLEDGMENT

STATE OF OKLAHOMA)
) ss.
COUNTY OF Oklahoma)

This instrument was acknowledged before me on the 28th day of August,
2020, by Megan Paysnoe.




Notary Public
Commission Expiration: 8/30/2021

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Certificate of Service

This is to certify that on the 17th day of Sept., 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


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Brian Allen Yeaman, M.D.***



Nancy Thiemann, Legal Assistant

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