

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

FILED

MAY 11 2023

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.*)
OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
)
ESTER ELAINE COBB M.D.,)
LICENSE NO. MD 25831,)
)
Defendant.)

Case No. 21-12-6076

ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), by and through Alex A. Pedraza, Assistant Attorney General, for the State of Oklahoma (“State”) and the staff of the Board, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, along with Ester Elaine Cobb, M.D. (“Defendant”), Medical Doctor license no. 25831, represented by counsel Neel K. Natarajan, (collectively, the “Parties”), appear 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 the allegations contained herein 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, Ester Elaine Cobb, M.D., states that she is of sound mind and is not under the influence of, or impaired by, any medication or drug and that she fully recognizes her right to appear before the Board for an evidentiary hearing on the allegations made against her. Defendant hereby voluntarily waives her 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 she has read and understands the terms and conditions stated herein, and that this Agreement may be reviewed and discussed with her by legal counsel prior to execution.

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If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Stipulations by Defendant herein, if any, shall not be regarded as evidence against her in a subsequent disciplinary hearing. Defendant will be free to defend herself and no inferences will be made from her 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 and Recognition of Allegations

The Defendant and the Board stipulate the Board has made the following allegations involving unprofessional conduct against Defendant:

1. All paper and electronic medical charting for a total of seven (7) patients were subpoenaed by the Board. Defendant provided paper charts and portions of electronic charts to Board investigators in response.
2. The Board investigator provided the subpoenaed charts to an expert for review and the Board has alleged unprofessional conduct based on the expert review, not limited to the following:
 - a. Prescribing, dispensing, or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice, in accordance with published standards in violation of Title 59 § 509(16)(a) and Okla. Admin. Code §435:10-7-4(2)
 - b. Failure to maintain adequate medical records to support diagnosis, procedure, treatment or prescribed medications, in violation of 59 O.S. § 509(18), (21) and Okla. Admin. Code § 435:10-7-4(36), (41)
3. Defendant has denied any wrongdoing and has made no admission of conduct below the standard of care.
4. Defendant acknowledges that a hearing before the Board regarding the allegations described herein could possibly result in some sanction under the Act.

Conclusions of Law

1. 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 allopathic physicians

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

2. 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.
3. The Board is authorized to suspend, revoke or order any other appropriate sanctions or disciplinary action against the license of any allopathic 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.
4. 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.

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. **ESTER ELAINE COBB, M.D** shall comply with the following terms and conditions:

Specific Terms:

- a. This Order is subject to review by the Board Secretary for consideration of modification or termination following the duration of one calendar (1) year from the date of filing.
- b. The remaining Specific Terms of this agreement described herein below shall not apply and shall not be considered in operative effect for any duration of any services provided through the military as an active-duty family practice physician. As such, this Order does not, and should not be considered to, constitute any restriction on Defendant's license for the purposes of military service.
- c. Effective June 1, 2023, Defendant shall refrain from prescribing controlled dangerous substances (CDS), as defined per 63 O.S. § 2-101, *et. seq.*, with the limited exception of an acute care diagnosis and not to exceed a period of fourteen (14) days for any one patient. Prescriptions for Buprenorphine for the purpose of

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opioid maintenance treatment, and Testosterone based medications prescribed for the purpose of hormone replacement therapy, are specifically excluded from this provision.

- d. Defendant shall meet weekly with a Practice Mentor, who shall review all of Defendant's patient charts. The Practice Mentor shall be pre-approved by the Board Secretary. Should Defendant's private practice setting change, the scope of review, as well as the Practice Mentor, are subject to reevaluation and pre-approval by the Board Secretary. In any case, all of Defendant's patient charts reflecting CDS prescriptions as described herein shall be reviewed by the Practice Mentor.
 - i. Defendant shall ensure the Practice Mentor provides monthly reports to the Board Secretary and the Board's Compliance Coordinator.
 - ii. If the Parties are unable to agree to a Practice Mentor within ten (10) days from the effective date of this Order, then either party may make application with the Board for the approval of a Practice Mentor for the purposes stated herein.
 - iii. In the event the original Practice Mentor becomes unavailable, for any reason, a replacement shall be named by the Board Secretary who is acceptable to the Defendant. If the Parties are unable to agree to a Practice Mentor within thirty (30) days, then either party may make application before the Board for the approval of a replacement Practice Mentor for the purposes stated herein.
 - iv. Defendant shall be responsible for any costs of mentoring.
- e. Defendant shall allow random review of patient charts as requested by the Board Secretary or Compliance Coordinator.
- f. Defendant shall complete a total of sixteen (16) Continuing Medical Education (CME) hours, as follows: eight (8) hours specific to prescription standards and practice; and eight (8) hours specific to medical record keeping practice, all subject to preapproval by the Board Secretary.
- g. The Board specifically approves Defendant to engage in active military duty employment as a family physician. Any of Defendant's prospective employment, other than active-duty military related to the medical field, and any workplace setting shall be approved of in advance by the Board Secretary during any period that she is working in Oklahoma, which includes locum tenens and telemedicine.

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Standard Terms:

- h. Defendant shall conduct her 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.*
 - i. Defendant shall furnish a file-stamped copy of this Order stipulating terms imposed by the Board, to each and every state in which she holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which she holds or anticipates holding any form of staff privileges or employment.
 - j. Defendant will keep the Board informed of her current address. Okla. Admin. Code § 435:10-7-7.
 - k. Until such time as all indebtedness to the Board has been satisfied, Defendant shall reaffirm said indebtedness in any bankruptcy proceeding.
 - l. Defendant shall promptly notify the Board Secretary or Compliance Coordinator of any citation or arrest for traffic or for criminal offenses.
 - m. Upon request, Defendant shall make herself available for one or more personal appearances before the Board or its authorized designee.
 - n. If Defendant moves her residence or practice location out of the State of Oklahoma this Order will be tolled until such time as Defendant returns to the State of Oklahoma and begins practicing within the state. Defendant will notify the Board Secretary and/or Compliance Coordinator prior to moving out-of-state.
 - o. Failure to meet any 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.
3. 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.
 4. A copy of this Order shall be provided to Defendant as soon as it is processed.

Dated this 11th day of May, 2023.

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Steven Katsis MD

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

Billy H. Stout

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

Ester E Cobb MD

Ester Elaine Cobb, M.D.
License No. 25831
Defendant

Alex Pedraza

Alex A. Pedraza, OBA No. 33584
Assistant Attorney General
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
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Counsel for Plaintiff

Neel K. Natarajan

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Oklahoma City, OK 73106
Telephone: (405) 235-3800
Facsimile: (405) 235-5800
Counsel for Defendant

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CERTIFICATE OF SERVICE

This is to certify that on the 15th day of May, 2023, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S Certified Mail

Ester Elaine Cobb, M.D.
3100 Dutch Forest Ln.
Edmond, Oklahoma 73013
Defendant

US Certified Mail

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Shelley Crowder