

**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. )  
 )  
SHELBY JAMES COLEMAN, M.D., )  
LICENSE NO. MD 26262, )  
 )  
Defendant. )

**FILED**  
AUG 23 2016  
OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 13-10-4826

**ORDER OF REVOCATION OF LICENSE**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (“Board”) on July 14, 2016, at the office of the Board, 101 N.E. 51<sup>st</sup> Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and rules of the Board.

Shelby James Coleman, M.D. (“Defendant”), appeared not.

Joseph L. Ashbaker, Assistant Attorney General, appeared on behalf of the State of Oklahoma (“State”).

The Board *en banc* heard arguments of counsel for the State, reviewed exhibits presented and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

**Findings of Fact**

1. Defendant is an Oklahoma resident with Oklahoma Medical License No. 26262, which was issued on May 22, 2008. Defendant’s license has been inactive since May 2, 2014.
2. At all times relevant, Defendant had a license to practice medicine conferred upon him by the State of Oklahoma.
3. On October 9, 2013, Defendant voluntarily executed an Agreement Not to Practice (“ANTP”) with the Board. The ANTP was to remain in effect until the investigation by the Board was completed and potential complaint heard by the Board, or he was released by the Board Secretary.
4. On April 5, 2016, a Complaint and Citation in this case were filed by the State against Defendant for allegations of unprofessional conduct, including violations of dishonorable

or immoral conduct, conviction of a felony or of any offense involving moral turpitude, commission of any act of sexual abuse, misconduct, or exploitation, engaging in predatory sexual behavior. An expedited Board hearing date was set on July 14, 2016,

5. On January 12, 2016, Defendant pled guilty to sexual exploitation of children, in violation of U.S.C. § 2251(a), in U.S. Dist. Ct., W.D. MO., So. Div., Case No. 13-03090-01-CR-S-MDH.

6. An Acceptance Plea of Guilty and Adjudication of Guilt, was filed on February 1, 2016.

### Conclusions of Law

7. 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, surgeons and other allied health professionals in the State of Oklahoma pursuant to 59 O.S. 2011, § 480 *et seq.* Notice was given as required by law and the rules of the Board.

8. 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. *See* 59 O.S. 2011, § 503. This authority is quasi-judicial. *See* 59 O.S. 2011, § 513(A)(1).

9. The license of any physician or surgeon who has been convicted of any felony in or without the State of Oklahoma and whether in a state or federal court, may be suspended by the Board upon the submission thereto of a certified copy of the judgment and sentence of the trial court and the certificate of the clerk of the court of the conviction. 59 O.S. 2011, § 513(A)(2).

10. Upon proof of a final felony conviction by the courts and after exhaustion of the appellate process, the Board shall revoke the physician's license. 59 O.S. 2011, § 513(A)(3).

11. The Board *en banc* found the State has proven by clear and convincing evidence that the Defendant is guilty of unprofessional conduct as follows:

- a. Conviction of a felony or of any offense involving moral turpitude, in violation of 59 O.S. 2011, § 509(5);
- b. Dishonorable or immoral conduct likely to deceive, defraud, or harm the public, in violation of 59 O.S. 2011, § 509(8) and Okla. Admin. Code §§ 435:10-7-4(11);
- c. The conviction of a felony or any offense involving moral turpitude whether or not related to the practice of medicine and surgery, in violation of Okla. Admin. Code § 435:10-7-4(10);
- d. Commission of any act of sexual abuse, misconduct, or exploitation related or unrelated to the licensee's practice of medicine and surgery, in violation of Okla. Admin. Code § 435:10-7-4(23);



- e. Engaging in predatory sexual behavior, in violation of Okla. Admin. Code § 435:10-7-4(45);
- f. The Board shall revoke the license of a person licensed by the Board who has a final felony conviction pursuant to Okla. Admin. Code § 435:5-1-5(2)(b).

### Orders

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

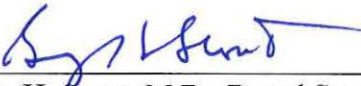
1. Pursuant to 59 O.S. 2011, § 513(A)(3) and Okla. Admin. Code § 435:5-1-5(2)(b), the Board is required to, and hereby **REVOKES** the Oklahoma medical license no. 26262 of **SHELBY JAMES COLEMAN, M.D.**, effective as of the date of the hearing, July 14, 2016;

2. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees;

3. A copy of this written order shall be sent to Defendant as soon as it is processed; and

4. **This Order is subject to review and approval by the Oklahoma Attorney General, and this Order shall become final upon completion of the review by the Oklahoma Attorney General unless disapproved, in which case this Order shall be null and void.**

Dated this 23<sup>rd</sup> day of August, 2016.

  
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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 24<sup>th</sup> day of August, 2016, a true and correct copy of the foregoing Order of Revocation of License was transmitted by U.S. certified mail, return receipt requested, postage prepaid, to the following:

Shelby James Coleman, 26063-045  
MCFP Springfield – Federal Bureau of Prisons  
1900 West Sunshine Street  
Springfield, Missouri 65807  
***Defendant Pro se***



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Nancy Thiemann, Legal Secretary



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-527A

FILED

AUG 23 2016

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Billy Stout, Board Secretary  
State Board of Medical Licensure and  
Supervision  
101 N.E. 51st Street  
Oklahoma City, Oklahoma 73105

August 19, 2016

Dear Board Secretary Stout:

This office has received your request for a written Attorney General Opinion regarding agency action that the State Board of Medical Licensure and Supervision intends to take with respect to case 13-10-4826. In September 2013, the licensee was charged in federal court in Missouri for felony sexual exploitation of children. The licensee subsequently executed an agreement with the Board not to practice until the Board's investigation of the matter was concluded. In January 2016, the licensee pled guilty to the felony. The proposed action is to revoke the license .

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S.2011 & Supp.2015, §§ 480-518.1, authorizes the Board to suspend, revoke, or sanction the license of any physician for unprofessional conduct, 59 O.S.Supp.2015, § 503. Unprofessional conduct includes "[c]onviction of a felony or of any offense involving moral turpitude" or "[d]ishonorable or immoral conduct which is likely to deceive, defraud, or harm the public." 59 O.S.2011, § 509(5), (8). "Upon proof of a final felony conviction [involving moral turpitude] by the courts and after exhaustion of the appellate process, the Board shall revoke the physician's license." 59 O.S.2011, § 513(A)(3); *see also* OAC 435:5-1-5.2(b). The action enforces requirements that physicians convicted of felonies involving moral turpitude not be permitted to practice medicine. The Board may reasonably believe that revoking the license is necessary to protect patients.

It is, therefore, the official opinion of the Attorney General that the State Board of Medical Licensure and Supervision has adequate support for the conclusion that this action advances the State of Oklahoma's policy to protect the public health, safety, and welfare.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA