

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

FILED

AUG 21 2023

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA *EX REL*)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)
Plaintiff)
v.)
JOHN THOMAS BELK, M.D.,)
LICENSE NO. MD 30768)
Defendant.)

Case No. 23-03-6204

**DEFENDANT JOHN THOMAS BELK, M.D.'S
MOTION TO DISMISS FOR LACK OF JURISDICTION**

COMES NOW the Defendant, John Thomas Belk, M.D. ("Defendant" or "Dr. Belk"), by and through his counsel of record, David A. Russell of the law firm Rodolf & Todd, and hereby submits his *Motion to Dismiss for Lack of Jurisdiction*, respectfully requesting that the Board enter an Order granting the same and dismissing the *Verified Complaint* against him. In support, Dr. Belk shows the following:

STATEMENT OF THE CASE

On July 12, 2023, the Oklahoma State Board of Medical Licensure and Supervision (the "Board") filed a *Verified Complaint* against Dr. Belk. Exhibit A, *Verified Complaint*. The Board alleges that Dr. Belk engaged in unprofessional conduct. Exhibit A. The Board has alleged violations of OKLA. STAT. tit. 59 § 509(17) and Okla. Admin. Code § 435:10-7-4(44). Dr. Belk generally denies the Board's allegations.

SUMMARY OF ARGUMENT

After reviewing published opinions and decisions, the legal issues in this case appear to be an issue of first impression which this Board must address. Dr. Belk resigned his medical license on July 1, 2022. Exhibit B, *Email String Between Dr. Belk and the Board Dated July 1, 2022*. Dr. Belk did not simply let his license lapse, and he is not “inactive” in Oklahoma, as the Board suggests. Exhibit B. Dr. Belk specifically stated that he was resigning from the practice of medicine in the State of Oklahoma and no longer wished to be licensed in this State. The Board accepted Dr. Belk’s resignation and responded that he could ignore all future automated correspondence from the Board. Exhibit B. At the time of his resignation, the Board did not have any investigations open into Dr. Belk, and he was not subject to any disciplinary proceedings. In July 2022, Dr. Belk moved out of state, and he no longer resides or practices in Oklahoma.

More than a year later, on July 12, 2023, the Board filed its *Verified Complaint* against Dr. Belk. Exhibit A. The Board’s *Verified Complaint* alleges that the “Board has jurisdiction over the subject matter and is a duly licensed agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma.” Exhibit A, p. 1. The Board further maintains that Dr. Belk’s Oklahoma medical license is “inactive.” Exhibit A. This is incorrect. Dr. Belk does not hold a medical license in Oklahoma and has not since July 1, 2022. Exhibit B. Yet, the Board alleges jurisdiction because the “acts and/or omissions complained of herein occurred while Defendant was licensed to practice and was in fact practicing medicine by and in the State of Oklahoma.” Exhibit A, p. 1.

The Board claims Dr. Belk let his license “lapse” and is subject to its jurisdiction. However, the Board cannot exceed the power and jurisdiction granted to it by the Oklahoma Legislature. The Oklahoma Legislature only grants the Board power to take action against a

physician who holds a license in this State. OKLA. STAT. tit. 59 § 503. The plain language of the statute is clear, and it does not grant the Board power or jurisdiction to prosecute out-of-state physicians who formerly held a license in this State. Dr. Belk does not hold a license in Oklahoma, as he formally resigned the same on July 1, 2022. The Board has exceeded its statutorily granted power, and as such, it does not have jurisdiction to prosecute Dr. Belk.

Even assuming, *arguendo*, that the Board's interpretation of OKLA. STAT. tit. 59 § 503 is correct and jurisdiction is appropriate – which it is not – then Section 503 is an unconstitutional violation of Dr. Belk's substantive due process rights under both State and Federal law. That is, the Board's assertion that it has jurisdiction over physicians who have resigned their Oklahoma medical license while in good standing is a substantive due process violation. Oklahoma does not have a compelling state interest in prosecuting out-of-state physicians who do not "hold[] a license to practice in this state." OKLA. STAT. tit. 59 § 503. Thus, any action against Dr. Belk under OKLA. STAT. tit. 59 § 503 unconstitutionally violates Dr. Belk's substantive due process rights, and dismissal is necessary.

Finally, the Board's *Verified Complaint* also violates Dr. Belk's procedural due process rights, as the State lacks personal jurisdiction over Dr. Belk. He resigned his license on July 1, 2022, and at that time, he was not subject to any investigation or Board proceeding. In fact, the Board accepted his resignation without any limitations. See Exhibit B. Dr. Belk subsequently moved out of state, and he does not have minimum contacts with or to the State of Oklahoma. Accordingly, the Board lacks personal jurisdiction over Dr. Belk, and forcing him to submit to prosecution by the Board violates his procedural due process rights, and dismissal is warranted.

ARGUMENTS AND AUTHORITIES

I. THE BOARD LACKS STATUTORY AUTHORITY AND JURISDICTION TO PROSECUTE DR. BELK.

A state agency that is created by statute may only exercise the powers granted by statute and cannot expand those powers by its own authority. *State ex rel. Oklahoma State Dep't of Health v. Robertson*, 2006 OK 99, ¶ 16, 152 P.3d 875, 880; *see also Bryant-Hayward Drilling Co. v. Green*, 1961 OK 127, 362 P.2d 676, 677. “Administrative agencies may only exercise powers granted by the legislature in the statutes. This includes an agency's exercise of jurisdiction.” *Matador Pipelines, Inc. v. Oklahoma Water Res. Bd.*, 1987 OK 65, ¶ 7, 742 P.2d 15, 16 (*Emphasis Added*). Similarly, an administrative agency does not have the authority to make rules which, in effect, extend their power beyond that granted by statute or to act contrary to the statute which is the source of its authority. *Boydston v. State*, 1954 OK 327, ¶ 19, 277 P.2d 138, 142; *Adams v. Professional Practices Commission*, 1974 OK 88, 524 P.2d 932, 934.

Here, the Board was created by statute, and it is limited by the powers granted to it by the Oklahoma Legislature. OKLA. STAT. tit. 59 § 503 is the relevant statute granting power to the Board to prosecute physicians. It provides, in relevant part, that the “State Board of Medical Licensure and Supervision may suspend, revoke, or order any other appropriate sanctions against the license of any physician or surgeon *holding a license to practice in this state* for unprofessional conduct . . .” (*emphases added*).

“It is a fundamental principal in statutory construction that [the Court] must ascertain and give effect to the intention of the Legislature.” *State v. Farthing*, 2014 OK CR 4, ¶ 5, 328 P.2d 1208, 1210, *citing State v. Stice*, 2012 OK CR 14, ¶ 11, 288 P.3d 247, 250. “Legislative intent is to be determined first by the plain and ordinary language of the statute.” *Id.*, *citing Johnson v. State*, 2013 OK CR 12, ¶ 10, 308 P.3d 1053, 1055. “A statute should be given a construction according to the fair import of its

words taken in their usual sense, in conjunction with the context, and with reference to the purpose of the provision.” *Id*; see also *Jones v. Ex rel Office of Juvenile Affairs*, 2011 OK 105, ¶ 15, 268 P.3d 72, 76. “The Court presumes that the Legislature expressed its intent that it intended what it expressed. Statutes are interpreted to attain that purpose and end championing the broad public policy purposes underlying them.” *Jones*, 2011 OK 105 at ¶ 15, 268 P.3d at 76.

“When the plain and ordinary language of a statute is unambiguous, resort to additional rules of construction is unnecessary.” *Farthing*, 2014 OK CR 4 at ¶ 5, 328 P.3d at 1210, citing *Barnard v. State*, 2005 OK CR 13, ¶ 17, 119 P.3d 203, 205-06; see also *Jones*, 2011 OK 105 at ¶ 15, 268 P.3d at 76-77. A court “must hold a statute to mean what it plainly expresses and cannot resort to interpretative devices to fabricate a different meaning.” *Id*, citing *Johnson*, 2013 OK CR 12 at ¶ 10, 308 P.3d at 1055. “The court must give the words ‘their ordinary, contemporary, common meaning.’” *Schreiber v. McCament*, 349 F.Supp.3d 1063, 1074 (D. Kan. 2018), quoting *Perrin v. U.S.*, 444 U.S. 37, 42, 100 S.Ct. 311, 62 L.Ed.2d 199 (1979).

OKLA. STAT. tit. 59 § 503 specifically states that the Board “may suspend, revoke, or order any other appropriate sanctions against the license of any physician or surgeon ***holding a license to practice in this state*** for unprofessional conduct . . . ” (emphases added). The statute uses the present tense, which means that for the Board to prosecute a physician or surgeon, he/she must be ***currently holding*** a medical license in the State of Oklahoma. The statute does not state that the Board may prosecute these claims against a physician or surgeon who previously held or formerly held a medical license in Oklahoma. Similarly, the statute does not allow Board action against those physicians who may hold or could hold a medical license in this State. The language of the statute is clear and unambiguous, and under the plain language of OKLA. STAT. tit. 59 § 503, the

Oklahoma Legislature has not granted power, authority, or jurisdiction to the Board to prosecute physicians who do not currently hold a license in Oklahoma.

Dr. Belk resigned his license on July 1, 2022. Exhibit B. The Board accepted this resignation. Exhibit B. Dr. Belk no longer resides in or practices medicine in Oklahoma, and because he resigned his license, he no longer holds a medical license in Oklahoma. Thus, the Board does not have the jurisdiction, power, or authority to prosecute Dr. Belk. The Board cannot unilaterally expand the jurisdiction and authority granted to it, and the Oklahoma Legislature does not give the Board power to prosecute physicians without a license to practice in Oklahoma.

Moreover, the Board cannot interpret a statute in an unreasonable way to create jurisdiction for itself. *Berryman v. Okla. Corp. Commission*, 2016 OK CIV APP 78, ¶ 9, 389 P.3d 354, 358. The Board cannot pursue this action against Dr. Belk, as it does not have the statutory authority to do so, and any attempt to interpret the statute as construing this power to the Board is unreasonable. Dismissal should be granted as a result.

II. IF THE BOARD'S INTERPRETATION OF THE STATUTE IS ACCEPTED, OKLA. STAT. TIT. 59 § 503 AND THE BOARD'S VERIFIED COMPLAINT VIOLATE DR. BELK'S DUE PROCESS RIGHTS.

If the Board is allowed to confer jurisdiction on physicians who do not currently hold an Oklahoma medical license, then OKLA. STAT. tit. 59 § 503 is unconstitutional and violates Dr. Belk's substantive and procedural due process rights. "When an administrative board acts in an adjudicative capacity, it functions much like a court." *Bowen v. State ex rel. Okla. Real Estate Appraiser Bd.*, 2011 OK 86, ¶ 15, 270 P.3d 133, 137; *see also, Mullins v. Ward*, 1985 OK 109, ¶ 8, 712 P.2d 55, 60. "Consequently, such proceedings require a minimum standard of due process, such as notice and an opportunity to be heard." *Bowen*, 2011 OK 86 at ¶ 15, 270 P.3d at 137. In *Wolfenbarger v. Hennessee*, the Oklahoma Supreme Court explained that administrative boards act in quasi-judicial capacities, and

as such, they must function like a court. 1974 OK 38, ¶ 12, 520 P.2d 809, 810-811. The Court further stated that “[t]he constitutional guaranty of due process of law applies to administrative as well as judicial proceedings where such proceedings are quasi-judicial in nature . . . The due process clauses of the State and Federal Constitutions afford protection against arbitrary and unreasonable administrative actions . . .” *Id.*

A. Substantive Due Process Violation.

“Substantive due process of law is the general requirement that all governmental actions have a fair and reasonable impact on the life, liberty, or property of the person affected.” *State ex real. Okla. State Board of Behavioral Health Licensure v. Vanita Matthews-Glover, LPC*, 2019 OK CIV APP 76, ¶ 19, 455 P.3d 16, 24, *quoting Braitsch v. City of Tulsa*, 2018 OK 100, ¶ 7, 436 P.3d 14, 19. “The Oklahoma Supreme Court has similarly explained that ‘substantive due process . . . bars certain governmental action despite the adequacy of procedural protections where the regulatory action is so arbitrary and irrational as to violate due process.’” *Id.*; *see also Baby F. v. Okla. County Dist. Court*, 2015 OK 24, ¶ 16, 348 P.3d 1080, 1085-1086.

Similarly, the federal courts have recognized that the “touchstone of due process is the protection of the individual against arbitrary action of government.” *Dias v. City and County of Denver*, 567 F.3d 1169, 1181 (10 Cir. 2009), *citing County of Sacramento v. Lewis*, 523 U.S. 833, 845, 118 S.Ct. 1708, 140 L.Ed.2d 1043 (1998); *see also Lindsey v. State of Okla. ex rel. Dept. of Corrections*, 1979 OK 35, ¶ 17, 593 P.2d 1088, 1092-1093. “In addition to guaranteeing fair procedures, the Due Process Clause of the Fourteenth Amendment ‘cover[s] a substantive sphere as well, barring certain government actions regardless of the fairness of the procedures used to implement them.’” *Dias*, 567 F.3d at 1181, *quoting Lewis*, 523 U.S. at 840.

“This substantive component guards against arbitrary legislation by requiring a relationship between a statute and the government interest it seeks to advance.” *Dias*, 567 F.3d at 1181. “If a legislative enactment burdens a fundamental right, the infringement must be narrowly tailored to serve a compelling government interest.” *Id*, citing *Washington v. Glucksberg*, 521 U.S. 702, 721, 117 S.Ct. 2258, 138 L.Ed.2d 772 (1997). The strict scrutiny test also applies in limited other circumstances, including when a license is necessary to work in a particular profession. The Oklahoma Supreme Court has specifically held that because it “is necessary to procure a license in order to carry on a chosen profession or business, the power to revoke a license once granted is penal and should be strictly construed.” *Wolfenbarger*, 1974 OK 38 at ¶ 10, 520 P.2d at 811.

Here, in the event that the Board arbitrarily expands Okla. Stat. tit. 59 § 503 to allow prosecutions against physicians who do not currently hold a medical license in Oklahoma, then Section 503 is unconstitutional. Allowing the Board to prosecute and punish a physician who has actively resigned his license, does not currently hold a medical license in Oklahoma, and who does not practice medicine in this State violates Dr. Belk’s substantive due process rights. Dr. Belk has a fundamental right to remain free from arbitrary prosecution.

Because Dr. Belk’s fundamental rights are infringed and because the right to revoke a license is penal, the strict scrutiny test applies. That is, the legislation must be narrowly tailored to advance a legitimate government interest. OKLA. STAT. tit. 59 § 503 provides, in relevant part, that the “State Board of Medical Licensure and supervision may suspend, revoke, or order any other appropriate sanctions against the license of any physician or surgeon **holding a license to practice in this state for unprofessional conduct . . .**” (emphasis added).

This statute clearly is not being narrowly tailored to advance a compelling government interest if the Board’s expands it the way it currently is attempting. The government does not have a

compelling interest in prosecuting out-of-state physicians who do not currently hold an Oklahoma medical license. To allow the Board to prosecute physicians in perpetuity and without limitation, regardless of whether they have resigned and no longer practice in Oklahoma, amounts to arbitrary prosecution and punishment by the State. There is no compelling government interest that is advanced by prosecuting out-of-state physicians who are neither licensed in, nor practicing, medicine in Oklahoma.

Dr. Belk resigned his license on July 1, 2022. Exhibit B. At that time, he was not subject to any investigation in Oklahoma, and there were no pending Board actions against him. The government has no legitimate interest in punishing and prosecuting a physician that does not reside in this State, does not hold a medical license in this State, and does not practice medicine in this State. This is especially true where, as here, the physician resigned before any investigation or Board proceeding was initiated. The Board unequivocally accepted Dr. Belk's resignation. Exhibit B. Granting the Board the ability to prosecute and punish a physician who has actively resigned his license, who does not currently hold an Oklahoma medical license, and who does not practice medicine in this State violates Dr. Belk's substantive due process rights. The State has no compelling interest in prosecuting a physician *after* he has resigned and stopped practicing in Oklahoma. Because the Board's arbitrary expansion of OKLA. STAT. tit. 59 § 503 is not narrowly tailored to advance a legitimate state interest, it is unconstitutional and violates Dr. Belk's substantive due process rights. Dismissal is warranted.

B. Procedural Due Process Violation.

Because the Board functions in a judicial capacity, it must also satisfy procedural due process requirements. "Oklahoma's long-arm statute extends the jurisdiction of its courts to the full extent of the Due Process Clause of the Fourteenth Amendment to the United States Constitution." *Willbros USA, Inc. v. Certain Underwriters at Lloyds of London*, 2009 OK CIV APP 90, ¶ 19, 220 P.3d 1166,

1172, *citing* OKLA. STAT. tit. 12 § 2004. The Due Process Clause protects individuals from being haled into forums with which they have no meaningful “contacts, ties, or relations.” *Int’l. Shoe Co. v. Washington*, 326 U.S. 310, 319 (1945); *see also, Ruhrgas v. Marathon Oil Co. et al*, 526 U.S. 574, 584 (1999).

Exercising personal jurisdiction over a defendant will satisfy the requirements of Due Process if the plaintiff can demonstrate that (1) the defendant purposefully availed itself of the benefits and protections of the forum state by establishing “minimum contacts” with the forum state, and (2) the exercise of personal jurisdiction would not offend “traditional notions of fair play and substantial justice.” *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 291-292, 100 S.Ct. 580, 62 L.Ed.2d 490 (1980); *see also Willbros*, 2009 OK CIV APP 90 at ¶ 19 (“The Due Process Clause ‘requires only that a nonresident defendant have certain minimum contacts with the state such that the maintenance of the suit does not offend traditional notions of fair play and substantial justice.’”).

“A non-resident who engages in a single act or consummates a single transaction in a foreign state could be amenable to suit for damages arising out of that transaction.” *Hough v. Leonard*, 1993 OK 112, ¶ 8, 867 P.2d 438, 443. “The determination depends upon the quality and nature of the activity in relation to the fair and orderly administration of the laws.” *Willbros*, 2009 OK CIV APP 90 at ¶ 19, 220 P.3d at 1172-1173. “The focus is on whether there is some act by which the defendant purposefully avails itself of the privilege of conducting activities within the forum state, thus invoking the benefits and protections of its laws.” *Id.* That is, the “relationship among the defendant, the forum, and the litigation is the proper focus.” *Willbros*, 2009 OK CIV APP 90 at ¶ 20, 220 P.3d at 1173, *citing Gilbert v. Security Finance Corp. of Okla., Inc.*, 2006 OK 58, 152 P.3d 165. Although the defendant is the moving party on a motion to dismiss for lack of personal jurisdiction, the plaintiff bears the

burden of establishing that jurisdiction exists. *Soma Med. Int'l v. Standard Chartered Bank*, 196 F.3d 1292, 1295 (10th Cir. 1999)(citing *OMI Holdings*, 149 F.3d at 1091).

Dr. Belk became licensed in Oklahoma to practice medicine in 2016. However, he resigned from the Board and from all practice in Oklahoma on July 1, 2022. Exhibit B. The Board unequivocally accepted Dr. Belk's resignation. Exhibit B. He did not let his license lapse or simply become inactive in Oklahoma. He was not under investigation at the time he resigned, and he did not resign as a result of allegations or claims made against him. Immediately following his resignation from the Board, he moved out of state. This occurred one year *prior to* the Board filing its *Verified Complaint*.

After resigning from the Board and ending all medical practice in Oklahoma, Dr. Belk immediately moved out of state. He does not own, use, or possess real or personal property in Oklahoma. Dr. Belk has not paid taxes in Oklahoma since 2022, when he moved. He does not have a mailing address or telephone listing in Oklahoma; rather, he forwarded all mail to his new address in Florida. He does not solicit business in Oklahoma, and Dr. Belk does not purposefully direct any marketing activities toward Oklahoma residents. Dr. Belk does not have any offices or places of business in Oklahoma. Most importantly, he unequivocally resigned from the Board and does not and has not practiced medicine in Oklahoma at any time since July 1, 2022, which was before the Board undertook any investigation or filed any disciplinary action against him. Because Dr. Belk resigned his license on July 1, 2022, the Board lost any jurisdiction over him, and he has not consented to the Board's jurisdiction since July 1, 2022.

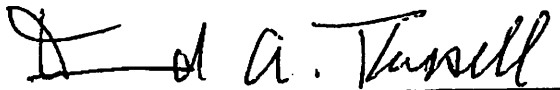
Additionally, Dr. Belk has not sustained "continuous and systematic" contacts with the State of Oklahoma nor has he purposefully directed his activities at residents of the forum. Therefore, the Board has neither general nor specific jurisdiction over Dr. Belk, and the Board should dismiss the

Verified Complaint against Dr. Belk for lack of personal jurisdiction. Any action against him would violate Dr. Belk's procedural due process rights.

Exercising personal jurisdiction over Dr. Belk would offend traditional notions of fair play and substantial justice and would be inconsistent with the constitutional requirements of due process. *See, e.g., International Shoe Co. v. State of Washington*, 326 U.S. 310, 316 (1945). The Board's assumption of jurisdiction over Dr. Belk would place an extraordinary burden on him. This is because he does not reside or practice in Oklahoma and has no ties to this State. Rather, Dr. Belk lives in Florida. To find that jurisdiction over Dr. Belk somehow lies in this matter would be contrary to due process. Thus, exercising personal jurisdiction over Dr. Belk would offend notions of fair play and substantial justice. As a result, the Board must dismiss its claims against Dr. Belk for lack of personal jurisdiction. Finally, should the Board deny Dr. Belk's *Motion*, he requests an immediate appeal to the District Court.

WHEREFORE, premises considered, Defendant John Belk, M.D. hereby submits his *Motion to Dismiss* and respectfully requests that the Board enter an Order granting the same, dismissing the *Verified Complaint* filed against him, and awarding Dr. Belk any other relief to which he is entitled.

Respectfully Submitted,

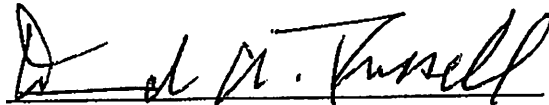


David A. Russell, OBA 15104
Emily Jones Ludiker, OBA 21719
RODOLF & TODD
15 East 5th Street, 6th Floor
Tulsa, OK 74103
918-295-2100
918-295-7800 (facsimile)
Attorneys for John Thomas Belk, M.D.

CERTIFICATE OF SERVICE

I hereby certify that on this 16 day of August, 2023, a true and accurate copy of the above and foregoing instrument was served via United States Mail, postage prepaid, addressed to:

Alex Pedraza
Assistant Attorney General
Oklahoma Office of the Attorney General
313 NE 21st Street
Oklahoma City, OK 73105
(405) 522-5264
Alex.Pedraza@oag.ok.gov
*Attorney for the State of Oklahoma
ex rel Oklahoma State Board of Medical
Licensure and Supervision*


David M. Russell

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

FILED

JUL 12 2023

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.*)
OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
)
JOHN THOMAS BELK, M.D.,)
LICENSE NO. MD 30768,)
)
Defendant.)

Case No. 23-03-6204

VERIFIED COMPLAINT

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision ("Board"), for its Verified Complaint against John Thomas Belk, M.D. ("Defendant"), alleges and states as follows:

I. JURISDICTION

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 physicians and surgeons in the State of Oklahoma. 59 O.S. § 480, *et seq.* and Okla. Admin. Code 435:5-1-1, *et seq.*
2. Defendant holds medical license No. 30768, issued 07/01/2016 by the Oklahoma Board of Medical Licensure and Supervision. The status of Defendant's license is presently inactive. The acts and/or omissions complained of herein occurred while Defendant was licensed to practice and was in fact practicing medicine by and in the State of Oklahoma.

II. ALLEGATIONS OF UNPROFESSIONAL CONDUCT

3. This action arises out of unprofessional conduct by Defendant as detailed herein. The Board originally received a complaint alleging sexually inappropriate behavior with a patient by Defendant. Through its investigating, Board staff determined that Defendant has been engaged in sexual correspondence and interactions with a patient for a period spanning at least eighteen (18) months. It was further determined that Defendant has been prescribing the same patient controlled dangerous substances (CDS) concurrently and throughout the duration of the sexual relationship.



III. VIOLATIONS

4. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
 - a. 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, in violation of 59 O.S. § 509(17).
 - b. Abuse of physician's position of trust by coercion, manipulation or fraudulent representation in the doctor-patient relationship, in violation of Okla. Admin. Code § 435:10-7-4(44).

V. CONCLUSION

Given the foregoing, the undersigned respectfully requests the Board conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to Defendant's professional license, including an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,




Alex A. Pedraza, OBA No. 33584
Assistant Attorney General
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
101 N.E. 51st Street
Oklahoma City, Oklahoma 73105
Telephone: 405.522.5264
Email: Alex.Pedraza@oag.ok.gov

VERIFICATION

I, Robbin Roberts, under penalty of perjury, under the laws of the State of Oklahoma, state as follows:

1. I have read the above Complaint regarding John Thomas Belk, M.D.; and
2. The factual statements contained therein are true and correct to the best of my knowledge and belief.



Robbin Roberts, Investigator
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Date: 7-11-23



County, State of Execution

3:05



John belk Oklahoma medical license Inbox



me Jul 1, 2022
to licensing v



To the Oklahoma medical board of licensing, I would like to thank you for the many years of licensure through Oklahoma and in helping me serve my many patients in Oklahoma through my Oklahoma license. I will no longer be practicing in Oklahoma and I am not renewing my Oklahoma medical license this year. Please take note that effective immediately I no longer wish to be licensed in Oklahoma. Thank you again for your licensure in the past & I hope you have a blessed year.

Sincerely,
John Belk, MD



Licensing Jul 1, 2022
to me v



Thank you for letting us know. Please disregard any future automated notices you may receive. Have a great weekend!

...

