

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

FILED

MAY 16 2024

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.*)
 OKLAHOMA STATE BOARD)
 OF MEDICAL LICENSURE)
 AND SUPERVISION,)
)
 Plaintiff,)
)
 v.)
)
 DONALD RAE SIMMONS, M.D.,)
 LICENSE NO. MD 31041,)
)
 Defendant.)

Case No. 23-05-6222

**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 Board staff, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, along with Donald Rae Simmons, M.D. (“Defendant”), Medical Doctor license no. 31041, represented by counsel Lauren Lindsey of Hoisington & Lindsey PLLC, (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, Donald Rae Simmons, 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. Stipulations by Defendant herein, if any, shall not be regarded as evidence against him

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in a subsequent disciplinary hearing. Defendant will be free to defend himself and no 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

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

1. Defendant, an allopathic physician licensed by the Board, engaged in a sexual relationship with a patient.
2. Defendant subsequently admitted to having engaged in a sexual relationship with a patient and thereafter reported his unprofessional conduct to the Board.

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 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.
5. 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. 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).

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- c. Violation of any provision(s) of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board, in violation of Okla. Admin. Code § 435:10-7-4(39).

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 Voluntary Submittal to Jurisdiction, including the findings of fact and conclusions of law stated herein.
2. It is **ORDERED** that the Defendant will be placed on **PROBATION** for a period of **THREE (3) YEARS** and said probation shall have the following provisions:

Specific Terms:

1. Defendant shall continue participation in Acumen Institute Longitudinal Treatment Protocol until successful completion and final discharge.
2. Defendant shall submit to polygraph testing by a provider approved of in advance by the Board Secretary. Such testing shall occur biannually for the first year of the probation term and thereafter annually. Defendant shall request results be provided to the Board Secretary and the Compliance Coordinator within one month.
3. Defendant shall have a chaperone present for all in person, face to face interviews and examinations with female patients. The chaperone shall be a nurse, medical assistant, physician assistant or scribe who is not under the authority of Defendant. The chaperone shall be documented in the patient's medical files.
4. Within thirty (30) days from the effective date of this Order, Defendant shall obtain a workplace monitor approved of in advance by the Board Secretary, who is not under the authority of Defendant and who shall have access to all of Defendant's patient charts. The workplace monitor shall document a pattern of professional conduct in the primary workplace. Defendant shall immediately notify the Board Secretary if the workplace monitor becomes unavailable and request a new workplace monitor be approved.
5. The workplace monitor shall be available to discuss the Defendant's medical practice upon request with the Board Secretary and Compliance Coordinator. Defendant shall request that the workplace monitor provide quarterly reports to the Board Secretary and/or Compliance Coordinator for the Board.
6. Defendant attests he is not prescribed nor takes any mental health/psychiatric medications at this time. He agrees if there is ever a medical indication for the above-mentioned class of medications, he will obtain the services of a psychiatrist approved of by the Board

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Secretary. If Defendant is prescribed these medications, he will ensure quarterly reports to the Board Secretary or Board Compliance Coordinator.

7. Defendant shall attend weekly sexual boundaries meetings with David Mitchell, M.D. Attendance may be in person or *via* videoconference.
8. Defendant shall sign a three-year contract with Oklahoma Health Professionals Program, Inc. ("OHPP") within thirty (30) days from the effective date of this Order to run concurrent with the term of his probation. Defendant shall abide by all recommendations of OHPP.
9. Defendant shall request OHPP provide quarterly reports to the Board's Compliance Coordinator of all Defendant's involvement and participation with OHPP.

Standard Terms:

- a. Defendant will conduct his/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/Applicant until clarification of interpretation is received by Defendant/Applicant from the Board or its authorized designee. 59 O.S. 2011, § 480, *et seq.*
- b. Defendant will furnish a file-stamped copy of this Order to each and every state in which he/she 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.
 - a. Defendant will keep the Board informed of his current address.
 - b. 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 part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
 - c. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.
 - d. 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.
 - e. Defendant shall make himself available for one or more personal appearances before the Board or its authorized designee upon request.

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- f. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or authorized designee.
 - g. Defendant will execute such releases of medical and psychiatric records during the entire term of probation 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.
 - h. 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. 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.
 - i. If Defendant moves his residence or practice location out of the State of Oklahoma during the probationary period, the probation 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 prior to moving out-of-state.
10. 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.
11. A copy of this Order shall be provided to Defendant as soon as it is processed.

Dated this 16th day of May, 2024.

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Order Accepting Voluntary Submittal to Jurisdiction; 23-05-6222
Donald Rae Simmons, MD 31041

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

Donald Rae Simmons

Donald Rae Simmons, M.D.
License No. 31041
Defendant

Alex A. Pedraza

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408 N.W. 7th Street
Oklahoma City, OK 73102
Counsel for Defendant

V CARRIGER
Notary Public - State of Oklahoma
Commission Number 20010387
My Commission Expires Aug 25, 2024

V. Carriger 5/16/24

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CERTIFICATE OF SERVICE

This is to certify that on the 17th day of May 2024, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S Certified Mail

Donald Simmons, M.D.
400 S. E. Frank Phillips Blvd.
Bartlesville, Oklahoma 74003

Defendant

US Certified Mail

Lauren K. Lindsey, OBA No. 31133
Hoisington & Lindsey, PLLC
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Attorney for Defendant

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Shelley Crowder