

**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. )  
 )  
JAMES ALISTAIR MITCHELL, M.D., )  
LICENSE NO. MD 32501, )  
 )  
Defendant. )

**FILED**  
SEP 22 2020  
OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 16-10-5368

**ORDER REVOKING LICENSE WITHOUT THE RIGHT TO REAPPLY**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (“Board”) on September 10, 2020, 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.

Amanda Everett, Assistant Attorney General (AAG Everett) appeared for Plaintiff. Defendant, having received proper notice of hearing, appeared not.

Certified copies of the Judgment and Commitment Active Punishment-Felony entered in *State of North Carolina v. James Alistair*, Case No.16CRS060266, (General Court of Justice Superior Court Division, State of North Carolina), as well as accompanying sentencing documents were admitted, without objection, into evidence.

The Board, having considered representations of counsel, sworn testimony of the witness, and being fully apprised of the premises, finds the following has been established by clear and convincing evidence:

**Findings of Fact**

1. In Oklahoma, Defendant holds medical license no. 32501, originally issued with restrictions on August 1, 2016.
2. AAG Everett explained Defendant’s disciplinary history with the Board, including that on June 22, 2020, a Complaint (“2009 Complaint”) and Citation, were each filed by the Board based upon a prior felony conviction, as well as misrepresentation of information provided on his 2016 application for licensure.

3. Defendant was personally served with the Complaint and Citation on July 23, 2020 by the Deputy Sheriff's Office in Lincoln County, North Carolina.
4. Defendant was convicted of a felony conviction for "Attempted trafficking of opiates by possession" in *State of North Carolina v. James Alistair*, Case No. 16CRS060266 (General Court of Justice Superior Court Division, State of North Carolina).
5. Defendant failed to disclose on his 2016 application for licensure that he had previously been arrested, charged or convicted with a misdemeanor DWI in Cumberland County, North Carolina.

#### **Conclusions of Law**

6. 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.*
7. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; and Okla. Admin. Code §§ 435:3-3-5, 3-3-6.
8. The Board is authorized to suspend, revoke with or without the right to reapply, 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. 59 O.S. § 503 and § 513(A). The Board's action is authorized by 59 O.S. § 509.1(A)(1).

#### **Orders**

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

1. The Oklahoma medical license of **JAMES ALISTAIR MITCHELL, M.D.**, license no. 32501 is **REVOKED** without the right to reapply, effective from date of an approved Attorney General Opinion.
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 order shall be provided to Defendant as soon as it is processed.

**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 22<sup>nd</sup> day of September, 2020.



\_\_\_\_\_  
Billy H. Stout, M.D., Board Secretary  
OKLAHOMA STATE BOARD OF MEDICAL

**Certificate of Service**

This is to certify that on the 22<sup>nd</sup> day of September, 2020, the foregoing instrument was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail  
and Private Process Server  
**James Alistair Mitchell**  
1299 Jaclyn Lane  
Lincolnton, North Carolina, 28092  
**Defendant**

E-Mail  
Amanda Everett  
Assistant Attorney General  
STATE OF OK, OFFICE OF ATTORNEY GENERAL  
313 N.E. 21st Street  
Oklahoma City, Oklahoma 73105  
(405) 521-3921  
(405) 521-6246 facsimile  
joe.Everett@oag.ok.gov  
**Attorney for Plaintiff,**  
**Oklahoma State Board of Medical**  
**Licensure and Supervision**



\_\_\_\_\_  
Nancy Thiemann, Legal Assistant





OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

September 21, 2020

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

Dear Dr. Billy H. Stout, M.D., Board Secretary:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Medical Licensure and Supervision intends to take with respect to License MD 32501 in case 16-10-5368. In August 2016, the Board granted the licensee a license to practice with restrictions. In October 2017, the licensee was convicted in North Carolina of felony "attempted trafficking of opiates by possession." In July 2020, the Board caused a Complaint and Citation to be served based on the felony conviction, as well as the licensee's failure to disclose a misdemeanor from 2009 for Driving While Intoxicated on his 2016 application for licensure. The Board proposes to revoke the license without the right to reapply.

Pursuant to Executive Order 2019-17, Qualifying Boards need not submit for Attorney General review "actions resulting from a criminal conviction in a court of competent jurisdiction[.]" Accordingly, no review by our office is necessary in this matter. If you have any questions or concerns, please do not hesitate to contact me.

A handwritten signature in blue ink, appearing to read "Ethan Shaner".

ETHAN SHANER  
DEPUTY GENERAL COUNSEL