

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

FILED

STATE OF OKLAHOMA
EX REL. THE OKLAHOMA BOARD
OF MEDICAL LICENSURE
AND SUPERVISION,

Plaintiff,

v.

ROBERT L. WHITE, P.A.,
LICENSE NO. PA33

Defendant.

MAY 04 2001

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 00-07-2225

FINAL ORDER OF REVOCATION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on May 3, 2001, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, 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. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physician assistants in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* and 887.1 *et seq.*
2. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.
3. Defendant, Robert L. White, P.A., holds Oklahoma license no. PA33.

4. During 1999 and the first few months of 2000, Defendant practiced as a physician assistant at the Genesis Medical Research Institute in Oklahoma City, OK. During this period of time, Defendant did not practice under the supervision of a licensed physician, but instead practiced independently. Although Defendant filed an Application to Practice setting forth James Hogin, D.O., as his supervising physician, Dr. Hogin did not supervise Defendant's practice, did not review newly diagnosed chronic or complex illnesses within forty-eight (48) hours, did not see these new patients at their next follow-up visit, did not regularly and systematically check the charts and notes of the patients seen by the physician assistant, was not on-site to provide medical care to patients a minimum of one-half (1/2) day per week, did not formulate or approve any protocols or orders, did not regularly review the health care services provided by the physician assistant and did not direct the care given by the Defendant. During this period of time, Dr. Hogin never actively oversaw any of Defendant's patients.

5. On or about January 25, 2000, Dr. Hogin notified Defendant that as of January 31 2000, he would no longer act as his supervising physician.

6. On ten separate occasions from January 31, 2000 through March 1, 2000, Defendant used the UPIN number of Dr. Hogin for the ordering of laboratory tests and Medicare reimbursement, and signed Dr. Hogin's name to the requisition form. The use of Dr. Hogin's signature and UPIN was without his authorization, and Defendant continued to use Dr. Hogin's UPIN number and signature after Dr. Hogin notified him to stop.

7. According to the "PA Information Update" submitted by Defendant to the Oklahoma State Board of Medical Licensure and Supervision, from February 2, 2000 through August 31, 2000, Defendant's supervising physician was Ray E. Zimmer, D.O. Upon information and belief, Dr. Zimmer did not regularly and systematically review the charts and notes of the patients seen by Defendant.

8. According to the "PA Information Update" submitted by Defendant to the Oklahoma State Board of Medical Licensure and Supervision, on September 1, 2000, Charles D. Taylor, M.D. became the supervising physician for Defendant.

9. On September 22, 2000, Dr. Zimmer reviewed and signed approximately 250 charts of Defendant's patients. At this time, Charles D. Taylor, M.D. was Defendant's supervising physician.

10. Based on the allegations stated above, Defendant is guilty of unprofessional conduct as follows:

- A. He has violated a provision of the Medical Practice Act or the rules promulgated by the Board pursuant to OAC 435:15-5-11(7).
- B. He has engaged in dishonorable or immoral conduct which is likely to deceive, defraud, or harm the

public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11).

- C. He has used a false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).
- D. He has violated any provision 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 OAC 435:10-7-4(39).
- E. He has obtained a fee by fraud, deceit, or misrepresentation, including fees from Medicare, Medicaid, or insurance in violation of OAC 435:10-7-4(28).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act and the Physician Assistant Act and their applicable regulations. The Board is authorized to enforce the Acts as necessary to protect the public health, safety and welfare.

2. Defendant is guilty of unprofessional conduct as follows:

- A. He has violated a provision of the Medical Practice Act or the rules promulgated by the Board pursuant to OAC 435:15-5-11(7).
- B. He has engaged in dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11).
- C. He has used a false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).
- D. He has violated any provision 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 OAC 435:10-7-4(39).

E. He has obtained a fee by fraud, deceit, or misrepresentation, including fees from Medicare, Medicaid, or insurance in violation of OAC 435:10-7-4(28).

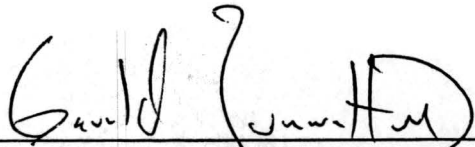
3. The Board further found that the Defendant's license should be revoked based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509(9), OAC Title 435:10-7-4(11), (19), (28) and (39), and OAC Title 435:15-5-11(7).

Order

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


1. The license of Defendant, Robert L. White, P.A., Oklahoma license no. PA33, is hereby **REVOKED** as of the date of this hearing, May 3, 2001.
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.

Dated this 4 day of May, 2001.


Gerald C. Zumwalt, M.D., Secretary
Oklahoma State Board of Medical
Licensure and Supervision

CERTIFICATE OF SERVICE

I certify that on the 4 day of May, 2001, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Robert L. White, 5419 S. Western, Oklahoma City, OK.



Janet Owens