

**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.)
)
)
 DONALD AUGUSTUS GUTHRIE,)
 LICENSE NO. PA 343,)
)
)
Defendant.)

FILED

SEP 16 2021

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 21-04-5981

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), by and through the undersigned counsel for the Plaintiff, 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 Augustus Guthrie, PA (“Defendant”), Oklahoma Physician Assistants License No. 343, who appears in person, and through counsel Kimberly A. Stevens of Pierce Couch Hendrickson Baysinger & Green, LLP (collectively, the “Parties”), hereby 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 admits to the allegations herein contained 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 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.

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[Signature]

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Defendant herein, if any, shall not be regarded as evidence against him 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

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

1. In Oklahoma, Defendant holds Physician Assistants license no. 343.
2. On July 9, 2021, a *Verified Complaint* and *Citation* were each filed by the Board. Hearing was set for September 16, 2021. Defendant was properly served as evidenced by the record.
3. Between April 9, 2020 and March 5, 2021, Defendant prescribed Testosterone, a Schedule III Drug, to his son 9 times.
4. Defendant has admitted to the described actions and to his guilt in this matter.
5. Defendant's conduct amounts to unprofessional conduct for which discipline is warranted.

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.* The Board has specific authority to oversee and discipline Physician Assistants pursuant to 59 O.S. 519.3(E) and Okla. Admin. Code § 435:15-5-11(a)(4).
7. 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.
8. The Board is authorized to suspend, revoke, or order any other appropriate conditions against the license of any Physician Assistant holding a license to practice in the State of Oklahoma for unprofessional conduct. 59 O.S. §§ 503, 513(A)(1), 519.3(E). The Board's action is authorized by 59 O.S. § 509.1 and/or 519.3(E).
9. 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.

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10. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
- a. Prescribing any drug legally classified as a controlled substance to a family member, in violation of Okla. Admin. Code 435:15-5-11(a)(4) and 435:10-7-4(26).
 - b. Violating any provision of the Medical Practice Act or the rules promulgated by the Board, in violation of Okla. Admin. Code 435:15-5-11(a)(4).
 - c. Engaging in unprofessional conduct, in violation of Okla. Admin. Code 435:15-5-11(b)(9).

Orders

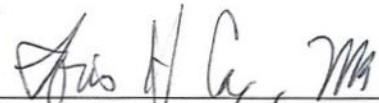
IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The Board hereby adopts the Agreement of the Parties in this *Order Accepting Voluntary Submittal to Jurisdiction*, including the findings of fact and conclusions of law stated herein.
2. **DONALD AUGUSTUS GUTHRIE, PA.**, Oklahoma Physician Assistants license no. 343, is hereby formally **REPRIMANDED**.
3. Defendant shall pay a fine of \$9,000.00 on or before June 16, 2022.
4. 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 fees.
5. A copy of this Order shall be provided to Defendant as soon as it is processed.

Dated this 15th day of SEPTEMBER, 20 21.



Billy H. Stout, M.D., Board Secretary
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION



Louis Cox, M.D., President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION



Kimberly A. Stevens

KIMBERLY A. STEVENS OBA # 21048
Pierce Couch Hendrickson Baysinger &
Green, LLP
1109 N. Francis Ave.
Oklahoma City, Oklahoma 73106
(405) 235-1611 Ext. 275
(405) 235-2904 (Facsimile)
kstevens@piercecouch.com
Attorney for Defendant

Amanda R. Everett

Amanda R. Everett, OBA No. 30107
Assistant Attorney General
STATE OF OKLAHOMA,
OFFICE OF ATTORNEY GENERAL
313 NE 21ST ST.
OKLAHOMA CITY, OK 73105
TEL. 405.522.0113
AMANDA.EVERETT@OAG.OK.GOV
*Attorney for Plaintiff,
Oklahoma State Board of Medical
Licensure and Supervision*

Donald Augustus Guthrie

Donald Augustus Guthrie, PA
Oklahoma License No. 343
Defendant

ACKNOWLEDGMENT

STATE OF OKLAHOMA)
) ss.
COUNTY OF Oklahoma)

This instrument was acknowledged before me on the 18th day of August,
2021, by Donald Augustus Guthrie.



Deborah J. Goodwin
Notary Public
Commission Expiration: January 18, 2025

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CERTIFICATE OF SERVICE

This is to certify that on the 16th day of Sept., 2021, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail, and E-Mail

KIMBERLY A. STEVENS
Pierce Couch Hendrickson
Baysinger & Green, LLP
1109 N. Francis Ave.
Oklahoma City, Oklahoma 73106
kstevens@piercecouch.com

E-Mail

Amanda R. Everett
Assistant Attorney General
STATE OF OK, OFFICE OF ATTORNEY GENERAL
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105
Amanda.Everett@oag.ok.gov



Nancy Thiemann, Legal Assistant