

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

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.)
OKLAHOMA BOARD OF MEDICAL)
LICENSURE AND SUPERVISION,)

Plaintiff,)

vs.)

Case No. 94-12-1676

ALAN D. KERBY, P.A.)
Physician Assistant)
Lic. No. PA375)

Defendant.)

ORDER OF SUSPENSION

NOW ON this 28th day of January, 1995, there comes on for hearing before the Oklahoma Board of Medical Licensure and Supervision (the "Board") the above styled and numbered administrative action. The hearing is conducted pursuant to the Board's authority as granted by the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S.Supp.1994 §§ 480, et seq., the Oklahoma Physician Assistant Act, 59 O.S. §§ 519.1 et seq., and Article II of the Oklahoma Administrative Procedures Act, 75 O.S.1991, §§ 308a, et seq. The Board appeared by and through its counsel of record, Drew Edmondson, Attorney General of Oklahoma, and James Robert Johnson, Assistant Attorney General. The defendant appeared in person and by and through counsel of record, Duane Woodliff, Attorney at Law. And the Board, having heard the testimony of the witnesses called, having reviewed the exhibits introduced and otherwise being fully apprised of the facts and law herein makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

The Board finds that a preponderance of the evidence supports the following Findings of Fact:

1. That during the period of time in 1994, the defendant, Alan D. Kerby, P.A., undertook to advise a patient of his supervisory physician of the nature, mechanics and benefits of masturbation;
2. That the defendant physically assisted the patient in masturbating at the offices of his supervisory physician.

CONCLUSIONS OF LAW

1. The Oklahoma Board of Medical Licensure and Supervision has jurisdiction in this matter by virtue of the provisions of the Oklahoma Medical Practice Act, 59 O.S.Supp.1994, §§ 480 et seq. and the Oklahoma Physician Assistant Act, 59 O.S.Supp.1994, §§ 519.1, et seq.;
2. By virtue of the provisions of these acts, the Board has the power and jurisdiction to enforce the provisions of the acts to protect the public health, safety and welfare;
3. That the conduct complained of is wholly outside the scope of permitted health care services authorized to be performed by a physician assistant pursuant to the Oklahoma Physician Assistant Act. 59 O.S.Supp.1994, § 519.2(3).

ORDER

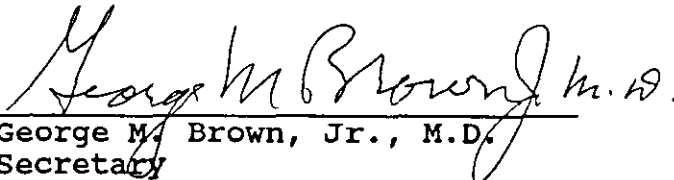
IT IS THEREFORE THE ORDER OF THE BOARD that the certificate to act as a physician assistant of the defendant, Alan Kerby, is hereby **SUSPENDED** for a period of six (6) months from this date.

IT IS THE FURTHER ORDER OF THE BOARD that prior to reinstatement, the defendant shall submit himself for full

psychiatric evaluation by a physician approved by the Board and who is trained in sexual disorders.

Pursuant to the authority of the Board granted in 59 O.S. § 509.1, and promulgated in the rules of the Board, the defendant shall pay the costs of this action.

Done this 28th day of January, 1995.


George M. Brown, Jr., M.D.
Secretary
Oklahoma Board of Medical
Licensure and Supervision

CERTIFICATE OF MAILING

This is to certify that on the 7 day of ^{Feb} January, 1995, a true and correct copy of the above and foregoing Order was mailed, postage prepaid, to Duane Woodliff, Attorney at Law, P.O. Box 1090, Henryetta, Oklahoma 74437.


Janet L. Owens