

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,)

MAY 19 2011

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 09-07-3812

BETTI LOUISE WYMER, P.A.,)
LICENSE NO. PA467)

Defendant.)

VOLUNTARY SURRENDER OF LICENSE
IN LIEU OF PROSECUTION

State of OK)
OK County)

I, Betti Louise Wymer, P.A., being of lawful age and after first being duly sworn, depose and state as follows:

1. I hereby voluntarily surrender my Oklahoma physician assistant license no. PA467.

2. The surrender of my license is freely and voluntarily made. I have not been subject to any coercion or duress, and I am fully aware of the consequences of the surrender of my license.

3. I am the subject of a Complaint by the Oklahoma State Board of Medical Licensure and Supervision involving allegations that if proven, would constitute grounds for disciplinary action by the Board.

4. The allegations to which I admit are as follows:

A. Defendant, Betti Louise Wymer, P.A., holds Oklahoma license no. PA467. At the time of the events which are the subject of this Complaint, Defendant was part owner of three (3) medical clinics: Generations Clinic in Oklahoma City,

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Oklahoma, Generations Clinic in Moore, Oklahoma and the Thomas Family Clinic in Chickasha, Oklahoma.

B. Defendant took care of patients, either in person or via telephone, on a daily basis during the time in question.

EMPLOYMENT OF DUNCAN MCRAE, M.D.
THOMAS FAMILY CLINIC-CHICKASHA

C. Beginning on or about February 14, 2008 and continuing through March 2008, Donald Tut, M.D., was Defendant's supervising physician. Starting March 2008, Defendant's primary supervising physician was Duncan McRae, M.D. Dr. McRae was employed only at the Thomas Family Clinic in Chickasha. Dr. McRae and Defendant admit that during the time Dr. McRae was her supervisor, he came to the clinic at first every week, then every two (2) weeks, then one (1) day per month for 12 to 14 hours per day. Dr. McRae was paid approximately \$1,000.00 per month for working at the clinic one (1) day per month.

D. On or about August 6, 2009, Board investigators advised Dr. McRae that a physician assistant may not employ his or her supervising physician pursuant to 59 O.S. §519.6(B)(e), which provides as follows:

[I]t remains clear that the physician assistant is an agent of the supervising physician; but, **in no event shall the supervising physician be an employee of the physician assistant.**

After being advised of this statute, Defendant advised Defendant that he would no longer act as her supervising physician. Defendant confirmed this in a letter to Defendant dated August 18, 2009 where he formally withdrew as her supervising physician at all clinics owned or controlled by Defendant.

USE OF UNLICENSED PERSONNEL
THOMAS FAMILY CLINIC IN CHICKASHA

E. In or around 2009, Defendant stopped working at the Thomas Family Clinic on a regular basis due to her husband's illness. In April or May 2009, Defendant contracted with Express Medical Services, to provide a PA or Nurse Practitioner for one (1) year, five (5) days per week. However, these services were never provided.

F. Beginning in or around January 2009, Lawanda Manous was employed by Defendant Betti Wymer at the Thomas Family Clinic in Chickasha. Ms. Manous was employed as an unlicensed medical assistant. Ms. Manous worked with Defendant as a medical assistant in prior years. Ms. Manous had also completed school to become an LPN. Ms. Manous had also worked as a medical assistant in

many physician's offices in prior years. Ms. Manous admits that when patients have come to the clinic when no practitioners are present, she has examined them, then called Defendant with the information. Defendant would then tell Ms. Manous what prescriptions to call in. If the patients were established patients, Ms. Manous would authorize refills without calling Defendant for instructions, all with Defendant's knowledge and consent.

G. In or around 2009, Carlos Mier was employed by Defendant Betti Wymer at the Thomas Family Clinic in Chickasha. When patients came to the clinic and no licensed practitioners were present, Mr. Mier would examine them, then call Defendant with the information. Defendant would then tell Mr. Mier what prescriptions to call in.

H. From October 2008 until November 2008, Jason Underwood was employed by Defendant Betti Wymer at the Thomas Family Clinic in Chickasha. Mr. Underwood previously held a nursing license which had been revoked in or around 2005, but Defendant did not know this at the time. When patients came to the clinic and no licensed practitioners were present, Mr. Underwood would examine them, then call Defendant with the information. Defendant would then tell Mr. Underwood what maintenance prescriptions to call in.

UNDERCOVER OPERATION-
THOMAS FAMILY CLINIC IN CHICKASHA

I. On or about July 28, 2009, Board Investigators Jana Lane and Steve Washbourne entered the Thomas Family Clinic in Chickasha. Ms. Lane posed as patient "Jana Rhodes" and asked to be seen due to an alleged sore throat. Ms. Lane did not have a sore throat. Defendant does not know if this is true or not and therefore cannot contest this as she was not present.

J. After waiting approximately 1 ½ hours, Ms. Lane and Mr. Washbourne were lead back to an exam room. A man walked in and examined her. He was not wearing any identification. He examined her then asked where she wanted her prescriptions called in. Ms. Lane asked for written prescriptions, but the man advised that he did not write prescriptions. He then agreed to call them in to Walgreens. The Board investigators asked him for his name and he replied "Carlos Mier". When the investigators left, they asked the receptionist for Mr. Mier's card. She simply wrote his name on a card. When asked if he was a doctor, the receptionist advised that he was a "PA". The investigators paid \$74 for the office visit and left the clinic. Defendant does not know if this is true or not and therefore cannot contest this as she was not present.

K. The Board investigators then went to Walgreens. They inquired if any prescriptions had been called in and were advised that they had been. The obtained a copy of what was filled out when the prescriptions were called in. This

document showed prescriptions for Naproxen 500 mg., Claritin 10 mg., and Amoxicillin 500 mg. These were called in by "Linda" under Defendant Betti Wymer's name. Defendant does not know if this is true or not and therefore cannot contest this as she was not present.

L. A review of Board records reflects that Carlos Mier is not licensed as a physician, a PA, or as any health professional in the State of Oklahoma.

M. Defendant admits to unprofessional conduct in that she:

A. Violated a provision of the Medical Practice Act or the rules promulgated by the Board pursuant to OAC 435:15-5-11(7), 59 O.S. §519.6(B)(e) and OAC 435:15-5-1(b)(6).

B. 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 59 O.S. §509 (13) and OAC 435:10-7-4(39).

C. She aided or abetted, directly or indirectly, the practice of medicine by any person not duly authorized under the laws of this state in violation of 59 O.S. §509(14) and OAC 435:10-7-4(21).

5. I hereby submit my wallet card and wall certificate as evidence of my intent to surrender my license.

6. I hereby agree that I will not apply for reinstatement of my Oklahoma physician assistant license for a minimum of one year from the entry of the Order Accepting Voluntary Surrender in Lieu of Prosecution, and that if the Board ever reinstates my Oklahoma physician assistant license, it may be under terms of probation to be set by the Board at the time of reinstatement.

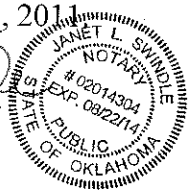
7. As a condition to accepting my surrender of license in lieu of prosecution, I acknowledge that the Board may require me to pay all costs expended by the Board for any legal fees and costs, and any investigation, probation and monitoring fees, including but not limited to staff time, salary and travel expense, witness fees and attorney fees.

DATED this 19 day of May, 2011.

Betti Louise Wymer, PA
Betti Louise Wymer, P.A.

Subscribed and sworn before me this 19 day of May, 2011

Janet Swindle
Notary Public



My commission expires on 8-22-2014

ACCEPTED:

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

Date: 5-19-11

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