

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

STATE OF OKLAHOMA, *ex rel.*,)
THE OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
 Plaintiff,)
))
v.))
))
KEVIN JAY MAXWELL, P.A.)
LICENSE NO. 638)
 Defendant.)
))

Case No: 12-04-4530

FILED
JUN 01 2015
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

ORDER MODIFYING PROBATION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on May 14, 2015, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and the rules of the Board.

Gary Ricks, Compliance Coordinator, appeared on behalf of the State. Defendant, Kevin Jay Maxwell, P.A., holding Oklahoma physician assistant license no. 638, appeared in person. Dr. Robert Westcott, Medical Director at the Oklahoma Health Professionals Program, Inc. (OHPP), appeared in support of Defendant.

The Board *en banc* after hearing arguments of counsel, reviewing the request and being fully advised in the premises, and for good cause shown, concludes and orders as follows:

Findings of Fact

1. Defendant, Kevin Jay Maxwell, P.A. currently holds physician assistant license no. 638.
2. On June 1, 2012, Defendant executed an Agreement Not to Practice with the Board.
3. Defendant Kevin Jay Maxwell, P.A. is currently practicing under terms of an Order Accepting Voluntary Submittal to Jurisdiction ("VSJ") including a five (5) year PROBATION that commenced on March 8, 2013.

4. On May 14, 2015, Defendant requested that the terms of his probation be modified as follows:
 - a. Paragraph “R” that requires the Defendant to attend a meeting with Dr. Rojas at least once weekly and reports submitted to the Board, be modified to eliminate this requirement entirely.
 - b. Paragraph “S” that limits Defendant’s work hours to no more than forty (40) hours per week, be modified to allow for up to a sixty-four (64) hour work week, during which Defendant could work two (2) twelve hour shifts in addition to his forty (40) hour work week.
 - c. Paragraph “V” that requires Defendant to undergo Polygraph examinations every six (6) months, be modified to require polygraph examinations once per year.

Conclusions of Law

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons, including physician assistants, in the State of Oklahoma pursuant to Title 59 Okla. Stat. § 480 *et seq.* Notice was been given in all respects in accordance with law and the rules of the Board.
2. The Board therefore has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the “Act”) and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare, tit. 59 O.S. § 480 *et seq.*
3. Defendant presented sufficient evidence to support the requested modification of probation to allow him to: (1) modify paragraph “R” eliminating the requirement to attend weekly meetings with Dr. Rojas and submission of reports to the Board; (2) modify paragraph “S” to allow for up to a sixty-four (64) hour work week, during which Defendant could work two (2) twelve hour shifts in addition to his forty (40) hour work week; and (3) modify paragraph “V” to require polygraph examinations once per year.

Order

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

1. Dr. Kevin J. Maxwell’s application to modify the terms of his probation is **GRANTED**, allowing him to: (1) modify paragraph “R” eliminating the requirement to attend weekly meetings with Dr. Rojas and submission of reports to the Board; (2) modify paragraph “S” to allow for up to a sixty-four (64) hour work week, during which Defendant could work two (2) twelve hour shifts in addition to his forty (40) hour work week; and (3) modify paragraph “V” to require polygraph examinations once per year.

2. All other terms of Defendant's probation shall remain unchanged and in full force and effect.
3. Failure to meet any of the terms of this Order will be grounds for the Board to initiate proceedings to suspend or revoke Dr. Maxwell's physician assistant license, after additional notice and hearing as required by law.
4. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law.
5. A copy of this written order should be sent to Defendant as soon as it is processed.

Dated this 1st day of June, 2015.




Billy H. Stout, M.D., Board Secretary
Oklahoma State Board of Medical
Licensure and Supervision

Certificate of Mailing

This is to certify that on the 1st day of June, 2015, a true and correct copy of this order was sent by U.S. first-class mail, postage prepaid, to:

Dr. Kevin Jay Maxwell, M.D.
1101 East 9th Street, Apt. 2
Ada, Oklahoma 74820-6919



Nancy Thiemann, Legal Secretary