

**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. )  
 )  
 JEFFRY MICHAEL BRYEN, P.A., )  
 LICENSE NO. PA 699 )  
 )  
 Defendant. )

**FILED**  
 OCT 14 2015  
 OKLAHOMA STATE BOARD OF  
 MEDICAL LICENSURE & SUPERVISION

Case No. 12-09-4603

**ORDER GRANTING REINSTATEMENT OF LICENSE  
AFTER PRIOR SURRENDER IN LIEU OF PROSECUTION  
UNDER TERMS OF PROBATION**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision on September 24, 2015, at the Board office, 101 N.E. 51<sup>st</sup> Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and rules of the Board.

Jeffry Michael Bryen, P.A., Defendant, appeared in person and with counsel Mack Martin, of Martin Law Office. Dr. Evans and Robert Westcott also appeared in support of Jeffry Bryen.

Joseph L. Ashbaker, Assistant Attorney General, appeared on behalf of the State of Oklahoma, *ex rel.* the Oklahoma State Board of Medical Licensure and Supervision.

The Board *en banc* heard testimony, reviewed the exhibits presented, and being fully apprised of the premises, entered the following Findings of Fact, Conclusions of Law, and Orders:

**Findings of Fact**

1. Defendant previously held Oklahoma physician assistant license no. 699.
2. On October 26, 2012, Defendant executed an Agreement Not to Practice with the Board.
3. On January 15, 2014, Defendant executed a Voluntary Surrender in Lieu of Prosecution, and on January 16, 2014, the Board entered and Order Accepting Voluntary Surrender in Lieu of Prosecution.

4. On January 29, 2015, Defendant made application for reinstatement of his physician assistant license in Oklahoma after Surrender in Lieu of Prosecution, and has agreed to certain conditions upon which his license may be granted as set out more fully below.

5. March 6-9, 2015, Defendant attended and successfully completed an assessment through Professional Renewal Center.

6. On April 10, 2015, Defendant executed a contract with the Oklahoma Health Professionals Program (OHPP).

7. June 9-11, 2015, Defendant attended and successfully completed the ProBE Program through The Center for Professional Education for Physicians (CPEP) except for the ethics portion.

8. June 17-19, 2015, Defendant completed a Vanderbilt University Medical Center continuing medical education course.

9. August 13-15, 2015, Defendant successfully completed the ethics portion of the ProBE Program through The Center for Professional Education for Physicians (CPEP).

10. On September 24, 2015, the Board *en banc*, **GRANTED** Defendant's request pending completion of his application for reinstatement file.

#### Conclusions of Law

1. The Board *en banc* has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the rules of the Board.
2. The Board has jurisdiction over the subject matter herein pursuant to 59 O.S. § 480 *et seq.* and 59 Okla. Stat. § 519.1 *et seq.*
3. The Defendant has met all requirements for reinstatement of his physician assistant license.

#### Orders

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

1. Defendant will complete all requirements of his application for reinstatement;

2. Pending completion of his application for reinstatement, the physician assistant license of Defendant **JEFFRY MICHAEL BRYEN** is hereby **REINSTATED UNDER TERMS OF PROBATION**, as follows:

**Standard Terms of Probation:**

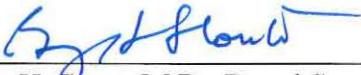
- A. Mr. Bryen will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Board. Any question of interpretation regarding the Act or this order shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Mr. Bryen until clarification of interpretation is received by Mr. Bryen from the Board or its designee.
- B. Mr. Bryen will furnish a copy of this order to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.
- C. Mr. Bryen will keep the Board informed of his current address.
- D. Mr. Bryen will keep current payment of all assessments by the Board for prosecution, investigation and monitoring of his case unless Mr. Bryen affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- E. Until such time as all indebtedness to the Board has been satisfied, Mr. Bryen will reaffirm said indebtedness in any and all bankruptcy proceedings.
- F. Mr. Bryen shall make himself available for one or more personal appearances before the Board or its designee upon request.
- G. Mr. Bryen shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or designee.
- H. Mr. Bryen will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Coordinator to obtain copies of medical records and authorize the Compliance Coordinator to discuss Mr. Bryen's case with Mr. Bryen's treating physicians and/or any physicians holding Mr. Bryen's records.
- I. Failure to meet any of the terms of your Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify license after due notice and hearing.

**Specific Terms of Probation**

- A. Five (5) year duration.

- B. All supervisors approved by the Board Secretary.
  - C. Job location approved by the Board Secretary.
  - D. Regardless of the practice location, the supervising physician must spend a minimum of eight (8) hours or one full day a week on site seeing patients and observing Mr. Bryen's practice to include charting. Mr. Bryen will ensure that the supervising physician sends the Board Secretary quarterly reports on Mr. Bryen's overall practice. Mr. Bryen will appear in front of the Board in order to modify this term.
  - E. Mr. Bryen will attend an ethics course approved by the Board Secretary each calendar year of his probation beginning in 2016 in addition to his other continuing education requirements.
  - F. If he has not already done so, Mr. Bryen will sign a contract with the Oklahoma Health Professionals Program (OHPP) for the duration of the probation.
  - G. If he has not already done so, Mr. Bryen will obtain an assessment and counseling by a board certified psychiatrist approved by the Board Secretary. Mr. Bryen will ensure that said psychiatrist provides quarterly reports to the Board Secretary.
  - H. Mr. Bryen will not take any controlled dangerous substances unless indication is documented and prescribed by a licensed treating physician.
3. 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; and
4. A copy of this written order shall be sent to Defendant as soon as it is processed.
5. This Order is subject to review and approval by the Oklahoma Attorney General, and this Order shall become final upon completion of the review by the Oklahoma Attorney General unless disapproved, in which case this Order shall be null and void.

DATED this 14<sup>th</sup> day of October, 2015.

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

**Certificate of Service**

This is to certify that on the 15<sup>th</sup> day of October, 2015, a true and correct copy of this Order was sent by U.S. first-class mail, postage prepaid, to the following:

Mack Martin  
Martin Law Office  
125 Park Avenue, Fifth Floor  
Oklahoma City, Oklahoma 73102  
mack@martinlawoffice.net

***Counsel for Defendant***



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Nancy Thiemann, Legal Secretary



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OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

OCT 09 2015

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE  
AND SUPERVISION

ATTORNEY GENERAL OPINION  
2015-42A

Billy Stout, M.D., Board Secretary  
State Board of Medical Licensure and  
Supervision  
101 NE 51st Street  
Oklahoma City, Oklahoma 73105

October 6, 2015

FILED

OCT 09 2015

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Dear Board Secretary Stout:

This office has received your request for a written Attorney General Opinion regarding agency action that the State Board of Medical Licensure and Supervision intends to take with regard to the reinstatements of physician's assistant license 699 and medical licenses 11663, 25353, and 24742. The proposed action is to impose restrictions on the professional practice of each licensee in conjunction with reinstating each license. Each set of restrictions includes common terms such as complying with applicable laws; furnishing copies of restriction documents to other states when seeking licensure or at hospitals; keeping current address information and maintaining the currentness of payments; and, upon request, turning over records or being personally available.

Licensee 699 had been investigated and voluntarily surrendered a license to avoid prosecution; that licensee will have additional restrictions, including not supervising other health professionals; a five-year term of probation; supervisors and job location approval; minimum supervision requirements; taking ethics courses; seeking counseling; not ingesting any controlled substances without medical justification; and completing a treatment contract with Oklahoma Health Professionals Program, Inc.

Licenses 11663 and 25353 will have medical licenses reinstated after a long period of non-practice. Licensees 11663 and 25353 will each have the basic terms along with additional terms, including seeking approval of employment positions or changes in responsibility and appearing at a one-year review. Licensee 11663 will be restricted to administrative medical positions while licensee 25353—after having possibly driven under the influence of alcohol or other substances last year—will have to send notices of any charges or violations involving driving under the influence of alcohol or other substances, including complaints at a place of employment involving intoxication or severe hangovers.

Licensee 24742, currently living and working in Texas, will also have a medical license reinstated after drug prescribing violations. That licensee will have the basic terms but, like licensee 25353, will have to send notices of charges or violations involving substance abuse. Licensee 24742 will also have to submit to blood, hair, and urine testing with quarterly reports

on results; limit medications ingested to those where a legitimate medical need exists; must give notice of any relapse; and must complete treatment under an existing Monitoring and Assistance Agreement with the Texas Physician Health Program running until August 22, 2018. If licensee 24742 seeks to move to Oklahoma, the licensee must seek approval and must switch treatment to Oklahoma Health Professionals Program, Inc.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S.2011 & Supp.2014, §§ 480–519, authorizes the Board require “satisfactory evidence of professional competence and good moral character” when reinstating a license to practice medicine, 59 O.S.2011, § 495h. The Board’s administrative rules clarify that “[i]ndiscriminate or excessive prescribing, dispensing or administering of” controlled substances as well as the “habitual or excessive use of any drug which impairs the ability to practice medicine” qualify as unprofessional conduct. OAC 435:10-7-4(1), (3). The conditions on reinstatement described above seek to ensure that licensees 11663, 25353, and 24742 have reasonable competence in practicing medicine and, for those who have had substance abuse issues in the past, that those issues are monitored so that the physicians have the opportunity practice.

The Physician Assistant Act, 59 O.S.2011 & Supp.2014, §§ 519.1–524, has similar provisions. A physician assistant must “[b]e of good moral character” and have requisite educational qualifications to seek certification. 59 O.S.2011, § 519.4(1). The rules governing physician assistants bar “[h]abitually us[ing] intoxicating liquors or habit-forming drugs.” OAC 435:15-5-11(1). The conditions imposed on licensee 699 ensure that the licensee will be able to practice with reasonable competence while monitoring any substance abuse issues.

It is, therefore, the official opinion of the Attorney General that the State Board of Medical Licensure and Supervision has adequate support for the conclusion that this action advances the State of Oklahoma’s policy to protect public health and ensure patient welfare.



E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA

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OCT 09 2015

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE  
AND SUPERVISION