

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,)
)
Plaintiff)
)
v.)
)
ROBERT DUNNE, P.A.,)
LICENSE NO. PA733,)
)
Defendant.)

JAN 25 2001

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 00-09-2252

VOLUNTARY SUBMITTAL TO JURISDICTION

Plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General for the State of Oklahoma and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Robert Dunne, P.A., Oklahoma license no. PA733, who appears in person and pro se, offer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on September 14, 2000 and further acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and the Physician Assistant Act.

Defendant, Robert Dunne, P.A., 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 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 further acknowledges that he is entitled to have his interests represented by legal counsel and that he has elected to proceed without legal representation, thereby waiving his right to an attorney. Defendant acknowledges that he has read and understands the terms and conditions stated herein.

PARTIES' AGREEMENT AND STIPULATIONS

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

Findings of Fact

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians assistants in the State of Oklahoma pursuant to 59 Okla. Stat. §§ 480 *et seq.* and 887.1 *et seq.*

2. Defendant, Robert Dunne, P.A. holds Oklahoma license no. PA733.

3. On or about March 25, 1999, Defendant applied for renewal of his Oklahoma Physician Assistant license. Defendant listed Greg Holt, M.D. as his supervising doctor, but failed to submit a Form 5 Application to Practice.

4. On or about March 25, 1999, the Director of Licensing of the Oklahoma State Board of Medical Licensure and Supervision advised Defendant in writing that Defendant had not submitted a Form 5 Application to Practice and that he did not have authorization to practice without a Form 5 on file at the Oklahoma State Board of Medical Licensure and Supervision. Defendant never submitted a Form 5 Application to Practice in 1999.

5. On or about April 19, 2000, Defendant applied for renewal of his Oklahoma Physician Assistant license. Defendant again listed Greg Holt, M.D. as his supervising doctor, but failed to submit a Form 5 Application to Practice.

6. On or about April 27, 2000, the Director of Licensing of the Oklahoma State Board of Medical Licensure and Supervision advised Defendant in writing that Defendant had not submitted a Form 5 Application to Practice and that he therefor did not have authorization to practice.

7. As of the date of the filing of this Complaint, Defendant has failed to file a Form 5 Application to Practice.

8. Upon information and belief, Defendant has continued to practice as a physician assistant under the supervision of someone other than Greg Holt, M.D. during the time in which he had no Application to Practice on file.

9. Based on the allegations stated above, Defendant is guilty of unprofessional conduct as follows:

- A. He has violated a provision of the Medical Practice Act or the rules promulgated by the Board pursuant to OAC435:15-5-11(7) and OAC 435:15-3-13.

Conclusions of Law

1. The Board 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, and the Physician Assistant Act. The Board is authorized to enforce these Acts as necessary to protect the public health, safety and welfare.

2. Based on the foregoing facts, Defendant, Robert Dunne, Oklahoma license PA733, is guilty of the unprofessional conduct set forth below:

A. He has violated a provision of the Medical Practice Act or the rules promulgated by the Board pursuant to OAC435:15-5-11(7) and OAC 435:15-3-13.

Order


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

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.

2. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, Robert Dunne, P.A., holding Oklahoma license No. PA733, is hereby **FORMALLY REPRIMANDED**.


3. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

Dated this 9th day of January, 2001.

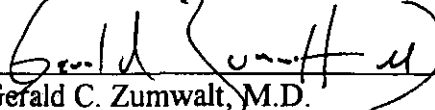


Tim Smalley, President
Oklahoma State Board of
Medical Licensure and Supervision


AGREED AND APPROVED:



Robert Dunne, P. A.
License No. PA733



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



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Attorney for the Oklahoma State Board
of Medical Licensure and Supervision

CERTIFICATE OF MAILING

This is to certify that on this 31 day January, 2001, a true and correct copy of this VSJ was mailed, postage prepaid, to Robert Dunne, PA, 3303 S. Troost Ave, Tulsa, Oklahoma 74105.



Janet Owens