

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, )

JAN 17 2006

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )

v. )

Case No. 06-06-3134

KRISTIN LYNNETTE SELLS, P.A., )  
LICENSE NO. PA 742, )

Defendant. )

COMPLAINT

COMES NOW the 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, and for its Complaint against the Defendant, Kristin Lynnette Sells, P.A., alleges and states as follows:

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physician assistants in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* and §519.1 *et seq.*

2. Defendant, Kristin Lynnette Sells, P.A., holds Oklahoma license no. PA742. At the time of the events which are the subject of this Complaint, Defendant practiced at the Chandler Outreach Medical Clinic, a limited liability company owned (99%) and operated by her, which she formed on or about March 17, 2004.

3. Beginning on or about March 11, 2004 and continuing through November 2, 2006, Defendant's supervising physician was Billy Beets, M.D. On November 2, 2006, the Board suspended the license of Dr. Beets.

4. During this time that Dr. Beets was her supervising physician, Defendant employed Dr. Beets at the Chandler Outreach Medical Clinic. Specifically, she paid him a monthly fee to act as her supervising physician. Bank records provided by Defendant reveal the following checks signed by Defendant, Kristin Sells, P.A.C., payable to Dr. Beets or Beets Primary Care:

04/20/04	1,000.00
05/18/04	1,000.00
06/07/04	1,000.00
01/05/05	1,000.00
01/26/05	1,250.00
02/08/05	1,000.00
04/04/05	1,000.00
05/09/05	1,000.00
06/17/05	1,000.00
07/13/05	1,000.00
09/23/05	1,200.00
11/29/05	2,500.00
12/30/05	1,250.00
03/01/06	1,250.00
04/07/06	1,250.00
05/03/06	1,250.00
05/23/06	1,250.00
06/12/06	1,250.00
07/16/06	1,250.00

At the time these payments were made by Defendant to Dr. Beets, there was no written contract between them.

5. After being notified that the State was investigating her for employing her supervising physician, on or about August 28, 2006, Defendant attempted to “retroactively” make it appear that the Chandler Outreach Medical Center, LLC had contracted with and employed Dr. Beets, rather than Defendant contracting with and employing Dr. Beets.

6. Title 59 O.S. §519.6(B)(e) 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.**

7. Defendant is guilty of 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).

*Conclusion*

WHEREFORE, the Plaintiff respectfully requests that the Board conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to Defendant's physician assistant license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



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Attorney for the Plaintiff