

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

STATE OF OKLAHOMA, *ex rel.*)
 OKLAHOMA STATE BOARD)
 OF MEDICAL LICENSURE)
 AND SUPERVISION,)
)
 Plaintiff,)
)
 v.)
)
 PHIL JAMES GREEN, P.A.,)
 LICENSE NO. PA 800,)
)
 Defendant.)

FILED

SEP 15 2022

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 20-09-5933

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), by and through the undersigned counsel for the Plaintiff, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, along with Phil James Green, P.A. (“Defendant”), Oklahoma Physician Assistant License no. 800, who appears in person and by and through his Counsel of Record, Randy Sewell (collectively, the “Parties”), and offer this Order Accepting Voluntary Submittal to Jurisdiction (herein, “Order” or “Agreement”) for acceptance by the Board. Okla. Admin. Code § 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (“Act”). 59 O.S. § 480, *et seq.*

Defendant, Phil James Green, 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 an 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 acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement may be reviewed and discussed with him by legal counsel prior to execution.

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Defendant herein, if any, shall not be regarded as evidence against him in a subsequent disciplinary hearing. Defendant will be free to defend himself and no inferences will be made from his willingness to have this Order accepted by the Board. The Parties stipulate

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that neither the presentation of this Order nor the Board's consideration of this Order shall be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not be grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.

Findings of Fact and Recognition of Allegations

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

1. In Oklahoma, Defendant holds PA license no. 800.
2. Patient records from 9 patients were reviewed by a medical expert, whose opinion forms the basis of this action.

Conclusions of Law

3. This Board is the duly authorized State agency empowered to license and oversee the activities of physician assistants in the State of Oklahoma pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. 2011 & Supp. 2013, §§ 480-518.1.
4. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 504; Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.
5. The Board is authorized to suspend, revoke or order any other appropriate sanctions against the license of any Physician Assistant holding a license to practice in the State of Oklahoma for unprofessional conduct. 59 O.S. 519.1 et seq. Okla. Admin. Code § 435:15-5-11 and 59 O.S. § 503 and 509.1(F). This authority is quasi-judicial 59 O.S. § 513(A)(1).
6. The Board is authorized to accept voluntary submittals to jurisdiction mutually agreed to by parties to a disciplinary action to resolve the action without need for a hearing. 75 O.S. § 309(E); Okla. Admin. Code § 435:5-1-5.1.
7. Based on the foregoing, Defendant is found to have engaged in conduct as follows
 - a. Violating any provision of the Medical Practice Act ("the Act") or the rules promulgated by the Board, in violation of Okla. Admin. Code 435:15-5-11(a)(4), specifically by violating the following subsections of the Act and rules:
 - Okla. Stat. tit. 509 §:
 - (18) failure to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient.
 - Okla. Admin. Code 435:10-7-4:
 - (36) improper management of medical records.

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Orders

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

1. The Board hereby adopts the Agreement of the Parties in this Order Accepting Voluntary Submittal to Jurisdiction, including the findings of fact and conclusions of law stated herein.
2. Defendant is hereby **REPRIMANDED**.

Specific Terms:

- a. Defendant shall not prescribe Controlled Dangerous Substances (opioids, sedative-hypnotics, stimulants) except for acute situation diagnoses and, in any such event, for no more than thirty (30) days.
- b. Defendant shall allow random review of patient charts as requested by the Board Compliance Officer. The Board Compliance Coordinator shall request a minimum of ten (10) charts per month for review.
- c. Defendant shall get prior approval from the Board Secretary for supervising physicians. Defendant will acquire a supervisor who shall review ten (10) charts per month and provide monthly reports regarding Defendant's CDS prescribing practice and records to the Compliance Coordinator.
- d. The Board or Board Secretary will review this Order for potential modifications or termination after one (1) year.

Standard Terms:


- e. Defendant shall conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("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 Defendant until clarification of interpretation is received by Defendant from the Board or its authorized designee. 59 O.S. § 480, et seq.
- f. Defendant shall keep the Board informed of his current address.
- g. Until such time as all indebtedness to the Board has been satisfied, Defendant shall reaffirm said indebtedness in any bankruptcy proceeding.
- h. Upon request, Defendant shall make himself available for one or more personal appearances before the Board or its authorized designee.

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- i. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or authorized designee.
 - j. If Defendant moves his residence or practice location out of the State of Oklahoma during this Order, this Order will be tolled until such time as Defendant returns to the State of Oklahoma and begins practicing within the state. Defendant will notify the Board Secretary and Compliance Coordinator prior to moving out-of-state.
 - k. Failure to meet any of the terms of this Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.
 - l. The Parties, the Board or its designee, or the Defendant may file a motion for a Board hearing and possible new Board order.
3. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees. Such invoice will not exceed an amount in excess of \$17,000. Defendant has two years to pay.
4. A copy of this Order shall be provided to Defendant as soon as it is processed.


Dated this 15th day of September, 2022.



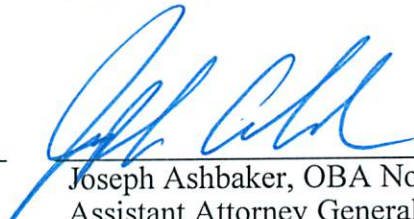
 Billy H. Stout, M.D., Board Secretary
 OKLAHOMA STATE BOARD OF
 MEDICAL LICENSURE AND SUPERVISION




 Don Wilber, M.D., President
 OKLAHOMA STATE BOARD OF
 MEDICAL LICENSURE AND SUPERVISION



 Phil James Green, P.A. Oklahoma
 License No. 800
Defendant

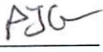


 Joseph Ashbaker, OBA No. 19395
 Assistant Attorney General
 STATE OF OKLAHOMA,
 OFFICE OF ATTORNEY GENERAL
Attorney for Plaintiff



 Randall L. Sewell, OBA No. 10953
 3100 Oklahoma Tower
 210 Park Avenue
 Oklahoma City, Oklahoma 73102
Attorney for Defendant

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ACKNOWLEDGMENT

STATE OF OKLAHOMA)
)
COUNTY OF Kay) ss.

This instrument was acknowledged before me on the 14 day of September,
2022, by [Defendant] [Signature].



Charlotte C. Pemberton-Ross
Notary Public
Commission Expiration: September 10, 2024

Certificate of Service

This is to certify that on the ¹⁶~~14~~ day of September, 2022, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. First Class Mail, and E-Mail
Randall L. Sewell, OBA No. 10953
3100 Oklahoma Tower
210 Park Avenue
Oklahoma City, Oklahoma 73102
Attorney for Defendant,
Phil James Green, PA

E-Mail
Joseph Ashbaker, AAG
State of Oklahoma
Office of Attorney General
313 N.E. 21st Street
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Attorney for Plaintiff

Phil Green, PA
223 East Blackwell
Blackwell, OK 74631
Defendant

Shelley Crowder
Shelley Crowder

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