

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,)

MAY 23 2014

Plaintiff)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

v.)

Case No. 09-10-3851

SCOTT GREGORY BEARDEN, P.A.,)
LICENSE NO. PA841,)

Defendant.)

ORDER TERMINATING PROBATION
UNDER TERMS OF AGREEMENT

This matter came on for hearing before the Oklahoma State Medical Board of Licensure and Supervision on May 15, 2014, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma, pursuant to notice given as required by law and rules of the Board. Defendant, Scott Gregory Bearden, P.A., appeared in person.

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

Findings of Fact

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 rules of the Board.
2. Defendant, Scott Gregory Bearden, P.A., holds Oklahoma physician assistant license no. PA841.
3. On July 14, 2011, after a hearing before the Board *en banc*, the Board entered an Order Granting Reinstatement of License Under Terms of Probation.
4. Defendant is seeking to terminate the probation which commenced on July 14, 2011.


5. After hearing testimony the Board has determined that it is appropriate to terminate Defendant's probation under terms of Agreement dated May 23, 2014 and made effective May 15, 2014, a copy of which is attached hereto as Exhibit "A".

Order

It is therefore **ORDERED** by the Board of Medical Licensure and Supervision as follows

1. Defendant's probation, the terms of which are described in the Order Granting Reinstatement of License Under Terms of Probation dated July 15, 2011, is hereby terminated and Defendant is placed under Agreement dated May 23, 2014 and made effective May 15, 2014, a copy of which is attached hereto as Exhibit "A".

DATED this 23 day of May, 2014.



Gerald C. Zumwalt, M.D., Secretary
Oklahoma State Board Of Medical
Licensure And Supervision

Certificate of Mailing

This is to certify that on this 23rd day of May, 2014, a true and correct copy of this Order was mailed, postage prepaid, to: Scott Gregory Bearden, P.A., 9031 SW 29th, Oklahoma City, OK 73179.



Barbara J. Smith, Legal Assistant

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

STATE OF OKLAHOMA)	
EX REL. THE OKLAHOMA BOARD)	
OF MEDICAL LICENSURE)	
AND SUPERVISION,)	
)	
Plaintiff)	
)	
v.)	Case No. 09-10-3851
)	
)	
SCOTT GREGORY BEARDEN, P.A.)	
LICENSE NO. PA841,)	
)	
Defendant.)	

AGREEMENT

This Agreement is entered into by and between Gerald C. Zumwalt, Secretary of the Oklahoma State Board of Medical Licensure and Supervision, and Scott Gregory Bearden, P.A., Defendant, pursuant to the authority of 59 O.S. §480 *et seq.* and Section 435:10-4-11 of the Oklahoma Administrative Code ("OAC").

Factual Stipulations and Acknowledgements

1. On or about July 14, 2011, this Board placed Defendant on probation for a period of five (5) years with said probation currently set to expire on July 14, 2016.
2. The conditions contained herein have been agreed upon in response to questions raised during the term of Defendant's probation concerning Defendant's employment.
3. Defendant, by signing below, acknowledges and agrees that (i) Defendant is of sound mind and is not under the influence of, or impaired by, any medication or drug; (ii) Defendant has read and understands the terms of this agreement; (iii) Defendant understands that by entering into this agreement, Defendant has waived certain rights such as the right to a full hearing on the merits of this application; (iv) Defendant has agreed to and signed this agreement voluntarily; and (v) there are no verbal, written or other agreements or promises of any kind, including a

Exhibit "A"
OSBML&S v. Bearden, PA
*Order Terminating Probation
Under Terms of Agreement*

guarantee licensure, between Defendant and the Board or its staff which are not set out in this agreement.

4. The Board has jurisdiction over the subject matter herein pursuant to 59 Okla. Stat. §480 *et seq.* and the authority to approve the terms of the agreement entered into between the Board and the Defendant under 59 Okla. Stat. §492.1 and Section 435:10-4-11 of the OAC. Pursuant to OAC Section 435:10-4-11, this agreement shall **not** be considered by the Board to be a disciplinary action.

Agreements

5. In consideration of the mutual promises stated herein, the Board shall terminate the probation and issue Defendant a license to practice as a Physician Assistant under an agreement subject to the following terms and conditions:

Standard Terms:

- a) Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act and the Oklahoma Physician Assistant Practice Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Acts 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 Oklahoma State Board of Medical Licensure and Supervision.
- b) Upon request of the Board Secretary, Defendant will request all hospitals in which he anticipates practicing to furnish to the Board Secretary of the Oklahoma State Board of Medical Licensure and Supervision a written statement regarding monitoring of his practice while performing services in or to that hospital.
- c) Defendant will furnish to each and every state in which he holds licensure or applies for licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.

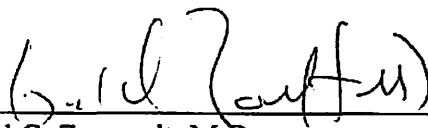
- d) Defendant shall have a workplace monitor other than his supervising physician. Defendant's workplace monitor shall be a licensed health care provider approved in advance and in writing by the Board Secretary, and shall be in the practice setting with Defendant at any time that he is treating patients.**
- e) Defendant shall comply with all recommendations of Elmhurst.**
- f) Defendant will execute such releases of medical and psychiatric records during the entire term of monitoring as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.**
- g) Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of his current address.**
- h) Defendant will keep current payment of all assessments by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of his case, including but not limited to a \$150.00 per month monitoring fee.**
- i) Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.**
- j) Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.**
- k) Defendant shall submit any required reports and forms on a timely, accurate and prompt basis to the Compliance Coordinator or designee.**
- l) Failure to meet any of the terms of this Agreement will constitute cause for the Board to initiate additional**

proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

Specific Terms:

- m) This Agreement will remain in full force and effect until July 14, 2016, the date Defendant's probation would have terminated under the Order Granting Reinstatement of License Under Terms of Probation dated July 14, 2011 and filed herein on July 22, 2011.

Executed and agreed to this 23rd day of May, 2014.



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



Scott Gregory Bearden, P.A., Defendant