

**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.

**BRIAN CHRISTOPHER LEE, OTA
LICENSE NO. OA 912,**

Defendant.

FILED

MAY 13 2021

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 20-10-5938

**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 Brian Christopher Lee, OTA ("Defendant"), Oklahoma Occupational Therapy Assistant License No. OA 912, who appears in person, pro se (collectively, the "Parties"), hereby 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 admits to the allegations herein contained and further acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Occupational Therapy Practice Act ("Act"). 59 O.S. § 888.1, *et seq.*

Defendant, Brian Christopher Lee, 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 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

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

1. In Oklahoma, Defendant holds Occupational Therapy Assistant License No. OA 912.
2. On September 22, 2020, Defendant self-reported to Board staff that, one week prior, he falsely documented treatment of and billed for treatment of a patient (hereafter C.J.) whom, in fact, Defendant did not treat. Defendant indicated that he had, on September 15, 2020, traveled to the home of C.J. to provide scheduled services; however, upon his arrival, Defendant discovered C.J. was not present.
3. Medical records documenting that C.J. was, in fact, receiving inpatient hospital treatment on the date and at the time in question corroborate Defendant's admission to falsely documenting treatment of C.J. on September 15, 2020.

Conclusions of Law

4. The Board has jurisdiction over the subject matter and is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of Occupational Therapy Assistants in the State of Oklahoma. 59 O.S. §888.14, et seq. and Okla. Admin. Code 435:30-1-10.
5. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 2041(A); Okla. Admin. Code §§ 435:30-1-11, 435:1-1-4(c), 435:3-3-5, 435:3-3-6.
6. The Board is authorized to suspend, revoke or order any other appropriate conditions against the license of any Occupational Therapy Practitioner holding a license to practice in the State of Oklahoma for unprofessional conduct. 59 O.S. § 888.14(c). and Okla. Admin. Code 435:30-1-10.
9. 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.
10. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
 - a. Dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public, in violation of Okla. Admin. Code 435: 30-1-10(a)(2).

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AND SUPERVISION

- b. Fraudulent billing practices and/or violation of Medicare and Medicaid laws, in violation of OAC 435:30-1-10(a)(6).
- c. Violation of any provision(s) of the Occupational Therapy Practice Act or the rules and regulations of the board in violation of Okla. Admin. Code 435: 30-1-10(a)(28) and 59 O.S. §888.9(4) and (5).

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. **BRIAN CHRISTOPHER LEE, OTA**, Oklahoma Occupational Therapy Practitioner License No. 912 is hereby formally **REPRIMANDED**.
3. Defendant will submit to supervision in his professional capacity for a period of 6 months. Defendant's supervisor, who must be approved in advance by the Board Secretary, must provide bi-monthly reports to the Board's Compliance Officer.
4. Defendant shall pay a \$500.00 fine on the day this Order is entered.
5. 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.
6. A copy of this Order shall be provided to Defendant as soon as it is processed.

Dated this 13th day of May, 2021.



Billy Stout, M.D., Board Secretary
Oklahoma State Board
of Medical Licensure and Supervision



James M. Brinkworth, M.D., President
Oklahoma State Board
of Medical Licensure and Supervision



Brian Christopher Lee, OTA
License No. 912
Defendant



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ACKNOWLEDGMENT

STATE OF OKLAHOMA)

COUNTY OF)

ss.

This instrument was acknowledged before me on the 2nd day of April, 2021, by
Brian Christopher Lee.

Notary Public

Commission Expiration: _____

[Signature]

