

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

FILED

NOV 06 2008

STATE OF OKLAHOMA  
EX REL. THE OKLAHOMA BOARD  
OF MEDICAL LICENSURE  
AND SUPERVISION,

Plaintiff

v.

PAUL ANTHONY HOWARD, M.D.,  
LICENSE NO. 9517,

Defendant.

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 08-02-3456

**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, Paul Anthony Howard, M.D., Oklahoma license no. 9517, who appears in person and through counsel, Timothy G. Best and Darin S. Rohrer, offer this Agreement as a settlement offer subject to the provisions of 12 O.S. §2408 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 some of the allegations in the Complaint and Citation filed herein on April 9, 2008, 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").

Defendant, Paul Anthony Howard, M.D., 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 acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with him by his legal counsel.

## ***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 and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §§ 480 *et seq.*
2. Defendant, Paul Anthony Howard, M.D., holds Oklahoma license no. 9517 and practices as a plastic surgeon in Tulsa, Oklahoma.
3. On or about February 5, 2008, Defendant performed plastic surgery on Patient TFW. The surgery consisted of a Mastopexy, a Rytidoplasty, a Quadrilateral Blepharoplasty and a Mid-Face Suspension. The surgery lasted approximately nine (9) hours. After the surgery, Defendant authorized two (2) prescriptions for Lortab 7.5 mg. #40, and one (1) prescription for Keflex. Defendant's records reflect that he has continued to treat Patient TFW on five (5) separate occasions after the surgery in his office.
4. Beginning in or around June 2007 and continuing through the present time, Defendant engaged in a sexual relationship with Patient TFW. Defendant admits that he engaged in these sexual acts at the same time he was maintaining a doctor-patient relationship by performing surgery, treating Patient TFW in his office, and prescribing controlled dangerous substances and other dangerous drugs to this patient.
5. Defendant is guilty of unprofessional conduct in that he:
  - A. Engaged in physical conduct with a patient which is sexual in nature, ... in violation of 59 O.S. §509 (17).
  - B. Committed an act of sexual ... misconduct or exploitation related or unrelated to the licensee's practice of medicine and surgery in violation of OAC 435:10-7-4 (23).
  - C. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509 (13) and OAC 435:10-7-4(39).

### *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. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Based on the foregoing facts, Defendant, Paul Anthony Howard, M.D., Oklahoma license 9517, is guilty of the unprofessional conduct set forth below:

- A Engaged in physical conduct with a patient which is sexual in nature, ... in violation of 59 O.S. §509 (17).
- B. Committed an act of sexual ... misconduct or exploitation related or unrelated to the licensee's practice of medicine and surgery in violation of OAC 435:10-7-4 (23).
- C. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509 (13) and OAC 435:10-7-4(39).

### *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. Defendant, **PAUL ANTHONY HOWARD, M.D.**, Oklahoma license no. 9517 is hereby **FORMALLY REPRIMANDED**.

3. The license of Defendant, **PAUL ANTHONY HOWARD, M.D.**, Oklahoma license no. 9517, is hereby placed on **PROBATION** beginning November 6, 2008 and continuing for a period of **TWO (2) YEARS** under the following terms and conditions:

- A. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act 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 comply with all recommendations of The Meadows.

E. Defendant will not treat himself or his family or any significant other, and will not prescribe, administer, or dispense any medications for personal use or for that of any family member or significant other.

F. Defendant will execute such releases of medical and psychiatric records during the entire term of probation 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 \$100.00 per month probation 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 Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

M. Defendant will not supervise allied health professionals that require surveillance of a licensed physician.


N. Defendant shall obtain individual counseling to address boundary issues at least one (1) time every three (3) months under the direction of a therapist approved in advance in writing by the Board Secretary, and will authorize in writing the release of any and all records of that treatment to the Board or its designee. Defendant shall additionally submit quarterly reports from his therapist to the Board Secretary for his review. Defendant shall continue in therapy to address boundary issues for the entire term of his probation.

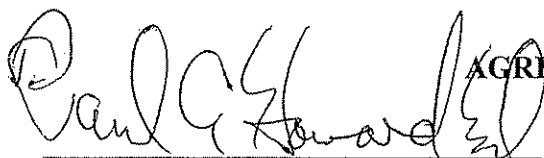
O. Within the first year of probation, Defendant shall complete a Boundaries Class at a facility approved in advance by the Board Secretary. Defendant shall provide to the Board Secretary proof of completion of said class.

4. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

5. A copy of this written order shall be sent to Defendant as soon as it is processed.

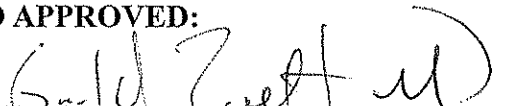
Dated this 6 day of November, 2008.

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

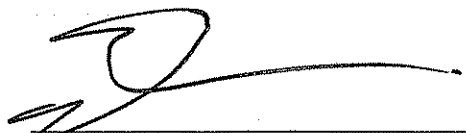


Paul Anthony Howard, M.D.  
License No. 9517

**AGREED AND APPROVED:**




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



Timothy G. Best, OBA #12560  
Darin S. Rohrer, OBA #17495  
Best & Sharp  
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Tulsa, OK 74103-4225  
018/582-1234

Attorney for the Defendant

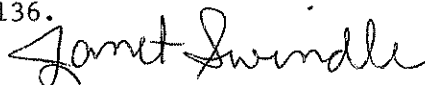


Elizabeth A. Scott, OBA #12470  
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State of Oklahoma  
5104 N. Francis, Suite C  
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405/848-6841

Attorney for the Oklahoma State Board  
Of Medical Licensure and Supervision

**CERTIFICATE OF SERVICE**

I certify that on the 12th day of November 2008, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Timothy S. Rohrer, 100 W. 5th St Suite 808, Tulsa, Ok 74103 and Paul Howard, MD 6465 S. Yale Ave #614, Tulsa, OK 74136.



Janet Swindle, Secretary