



STATE OF OKLAHOMA } S.S.
CLEVELAND COUNTY }

IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

FILED

FEB 07 2019

STATE OF OKLAHOMA, ex rel.,)
MIKE HUNTER,)
ATTORNEY GENERAL OF OKLAHOMA,)

Plaintiff,)

vs.)

- (1) PURDUE PHARMA L.P.;)
- (2) PURDUE PHARMA, INC.;)
- (3) THE PURDUE FREDERICK COMPANY;)
- (4) TEVA PHARMACEUTICALS USA, INC.;)
- (5) CEPHALON, INC.;)
- (6) JOHNSON & JOHNSON;)
- (7) JANSSEN PHARMACEUTICALS, INC;)
- (8) ORTHO-MCNEIL-JANSSEN)
PHARMACEUTICALS, INC., n/k/a)
JANSSEN PHARMACEUTICALS;)
- (9) JANSSEN PHARMACEUTICA, INC.,)
n/k/a JANSSEN PHARMACEUTICALS, INC.;)
- (10) ALLERGAN, PLC, f/k/a ACTAVIS PLC,)
f/k/a ACTAVIS, INC., f/k/a WATSON)
PHARMACEUTICALS, INC.;)
- (11) WATSON LABORATORIES, INC.;)
- (12) ACTAVIS LLC; and)
- (13) ACTAVIS PHARMA, INC.,)
f/k/a WATSON PHARMA, INC.,)

Defendants.)

In the office of the
Court Clerk MARILYN WILLIAMS

Case No. CJ-2017-816
Judge Thad Balkman

**THE STATE'S RESPONSE TO DEFENDANT WATSON LABORATORIES, INC.'S
MOTION TO SHOW CAUSE REGARDING STATE'S PRODUCTION OF
DOCUMENTS RESPONSIVE TO COURT'S ORDER ON DISCOVERY OF
CRIMINAL, CIVIL AND ADMINISTRATIVE PROCEEDINGS**

In response to the Court's December 20 Order (the "Order") the State produced over 2,500 documents, consisting of nearly 50,000 pages, and representing over 250 separate proceedings. And that does not include the documents the State produced from the five

relevant Agencies¹ prior to the Court's Order, many of which were the very sort of publicly filed litigation documents called for here. *See, e.g.*, OKMB-00000001 - OKMB-00003529.

This production was unprecedented. At no time until these documents reached Defendants were they all housed in a single location. It took a concerted effort from five different agencies to comply with the Court's Order. And the State got it done.

The State's search for documents was not inadequate. To the contrary: it was coordinated, methodical and thorough. Each relevant Agency *first* combined technology and institutional knowledge to identify the possible universe of relevant Health Care Professionals, and *then* physically laid eyes on those doctors' and dentists' litigation files to determine whether the particular proceeding was responsive to the Order—*i.e.*, “relat[ed] to the prescription of opioids.”² And that is just how the relevant *proceedings* were identified; that does not begin to describe the process by which these Agencies then combed through those records to identify the *documents* responsive to the Court's order—a process that included review of electronic files, archived files, and boxes in off-site, underground storage units. Nor does this account for the Herculean effort on the part of

¹ Those State Agencies include: the Office of the Attorney General, the Bureau of Narcotics, the Board of Medical Licensure and Supervision, the Board of Osteopathic Examiners, and the Board of Dentistry. *See* Dec. 20, 2018, Order at 2 (Balkman, J.) (defining “Health Care Professional” as “doctors licensed by the Oklahoma Board of Medical Licensure and Supervision, doctors licensed by the Oklahoma Board of Osteopathic Examiners, and dentists licensed by the Oklahoma Board of Dentistry”).

² *See* Dec. 20, 2018, Order at 2 (Balkman, J.) (defining the scope of relevant proceedings as those “brought by a state prosecuting or regulatory authority against any Health Care Professional relating to the prescription of opioids”).

the State's discovery vendor to then redact those documents—some of which were thousands of pages long—in order to protect the privacy of the patients referenced in them.

In sum, the State's efforts in response to the Court's Order were nothing short of extraordinary.

But rather than utilize the wealth of information it just received, Defendant Watson has decided to use that information to pick nits in the State's production. This is a shop worn drug-lawyer defense-firm tactic: try to take the eye off the ball to create delay. Indeed, much of Watson's motion is spent identifying documents it *thinks* are missing from one agency based on the documents the State *did produce* from another.³ Not only are Defendants once again wasting everyone's time filing motions about motions, but this time they're doing so based on bad hunches.

Here are the facts: The State produced documents from some 250 proceedings. Watson claims there are deficiencies in sixteen. Most of those rest on false assumptions, and those that don't have been remedied. Indeed, Defendants now have documents from every responsive proceeding at issue. If Watson believed any documents were missing, all they had to do was ask. But they didn't. The State acted in good faith⁴ and complied with the Court's Order. Watson's motion was a waste of time. Everyone's. It should be denied.

³ See, e.g., Mot. at 9 (“Given that the OBN documents [REDACTED], it is incredibly likely the Dental Board took some type of action. But the State produced no such documents.”).

⁴ After Defendants filed their Motion, the State reached out to provide the same explanations it now provides in this Response, and the State invited Watson to withdraw its Motion. The parties engaged in a good-faith discussion of the issues. As of the time of this filing, however, Watson has not taken the State up on that invitation.

I. Watson Incorrectly Assumes that every OBN Action Has a Corresponding Licensure-Board Action

Many of the proceedings Watson complains about stem from the false premise that if OBN filed an action related to opioid prescribing, then the licensure boards must have filed one too. That is not the case. Accordingly, Watson is mistaken when it claims the State failed to comply with the Court's order in not producing documents for Drs. Wyly, Hall, Russell, Clayton, and Cameron.

For Dr. Wyly, Watson claims that, because orders from the Osteopathic Board "correspond" in time with an OBN action filed against him [REDACTED] those Osteopathic Board orders must also relate to opioid prescribing and should have also been produced. Not so. The Orders cited in Watson's motion (Nov. 20, 2014 and March 19, 2015) never once mention opioids, much less that the Board's action was based on opioid prescribing. Rather, those cases were about Dr. Wyly's unsanitary practice environments and his gross negligence in administering unapproved cancer treatments. *See* Exhibit 1. Accordingly, that proceeding in front of the Osteopathic board and the documents stemming from it were not responsive to the Court's Order and were properly excluded.

For Dr. Hall, Watson simply states that [REDACTED] and that an OBN order the State produced "references an order entered by the

[REDACTED]

‘D.O. Board.’” Motion at 8. Just like the orders for Dr. Wyly, however, the Osteopathic Board’s orders about Dr. Hall say nothing about opioids, much less that the Board’s action was based on opioid prescribing. Instead, the Osteopathic Board’s orders simply state that Dr. Hall voluntarily surrendered her license in 2003; came before the Board for reinstatement in 2004; and that, in the 2004 proceeding, she was placed on probation as a result of conduct that makes no reference to opioids or her prescribing habits. *See* Exhibit 2. Accordingly, these documents were not responsive to the Court’s Order and were properly excluded.

For Dr. Russell, Watson acknowledges that the Osteopathic Board’s case against him was *not* “relat[ed] to the prescription of opioids,” but argues that it should have been produced anyway because it is a “publicly available document.”⁶ That is simply wrong. As Watson concedes, Dr. Russell’s case in front of the Osteopathic Board was about his own struggle with addiction and his attempt to practice while under the influence of controlled substances. *See* Exhibit 4. The only place where these documents ever mention Dr. Russell’s prescribing is as a condition of his probation, prohibiting him from “writing prescriptions for . . . administer[ing] or us[ing] any controlled dangerous substances in his practice for a period of one (1) year from the date of this Order.” *Id.* But limiting a doctor’s ability to interact with opioids—especially when it is in support of that doctor’s

⁶ *See* Motion at 8 ([REDACTED] Documents related to the Osteopathic Board’s disciplinary proceedings against Dr. Hall and Dr. Russell are publicly available documents. Yet, the State did not produce these documents.” (emphasis added)).

simultaneous treatment for opioid addiction—does not make the proceeding one “relating to the prescription of opioids,” as the Court’s Order specified. Dr. Russell’s case was about his addiction and his practice under the influence of opioids, not his prescribing of them. Accordingly, this case and the documents related to it were properly excluded.

For Dr. Clayton, Watson assumes that, because the OBN documents the State produced “show [REDACTED] [REDACTED] it is *incredibly likely* the Dental Board took some type of action.” Motion at 9 (emphasis added). But, again, the Dental Board’s actions with respect to Dr. Clayton did not “relat[e] to the prescription of opioids.” Rather, as with Dr. Russell above, Dr. Clayton’s cases in front of the Dental Board dealt with her struggle with addiction. *See* Exhibit 5 (discussing (1) a violation of 59 O.S. § 328.32(3), which authorizes discipline when a dentist is deemed incompetent to practice “by reason of persistent inebriety or addiction to drugs,” and (2) a violation of her resultant probation arising out of her consumption of alcohol). Accordingly, as with Dr. Russell above, these proceedings were not responsive to the Court’s Order and were properly excluded.

Finally, for Dr. Cameron, Watson claims that the Medical Board documents attached as Exhibit 8 to its Motion

relate to proceedings against Dr. Cameron for her improper prescription of controlled dangerous substances including opioids. Specifically, Dr. Cameron was prescribing opioids and other drugs to a patient with whom she was having a sexual relationship. Dr. Cameron also had multiple employees fill prescriptions for opioids she wrote in their names and return them to Dr. Cameron, presumably for her personal use.

At best, Watson’s description of the proceedings against Dr. Cameron is misleading.

First, the Medical Board documents Watson cites and attached as Exhibit 8 do not mention that Dr. Cameron was having employees fill prescriptions on her behalf. Rather, as with the other doctors discussed in this section, those allegations are found in [REDACTED] [REDACTED]—which the State produced, but which Watson neither cited nor appears to have attached. Thus, at the very least, Watson has again conflated the contents of records from one Agency with those from another.

Second, Watson conflates the conduct for which the Medical Board disciplined Dr. Cameron and the evidence the Board used to establish a patient-physician relationship. To be clear: the Medical Board disciplined Dr. Cameron for having a sexual relationship with one of her patients. *See* Motion at Exhibit 8. As the Conclusions of Law in her order dated May 15, 2014, state:

Defendant is guilty of **unprofessional conduct** in that she engaged in:

- a) Dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public . . .
- b) Physical conduct with a patient which is sexual in nature, or in any verbal behavior which is seductive or sexually demeaning to a patient . . .; and
- c) Commission of any act of sexual abuse, misconduct, or exploitation related or unrelated to the licensee’s practice of medicine and surgery . .

Opioids are mentioned in these documents merely as evidence that Dr. Cameron was, in fact, treating the person she was having a sexual relationship with as a patient while the affair was ongoing. *See id.* (“Defendant had begun to treat Patient JGR back in January 2013, establishing a patient/physician relationship *as evidenced by verified written prescriptions*. . . . Between June 2013 when their sexual relationship began, and July 2013 when that relationship ended, JG was prescribed the following medications by Defendant

. . .” (emphasis added)). Again, as with the other doctors discussed in this section, the action taken against Dr. Cameron by the relevant licensure board was not about her prescribing habits—she did not get in trouble with the Board because she prescribed opioids. She was disciplined because she had a sexual relationship with someone she was also treating as a patient.⁷

Again, as with the other doctors in this section, the actions by the Medical Board against Dr. Cameron did not “relat[e] to the prescription of opioids” and thus were properly excluded.

II. Watson Wrongly Assumes that every OBN Action Utilizes a Charging Document

Similar to its complaints above, Watson’s argument that the State’s production of OBN documents “appears to be incomplete” rests on the faulty assumption that every OBN order has an accompanying charging document—i.e., a “Complaint” or “Order to Show Cause and Notice of Hearing.” Not so. As with other Agencies, there are many times when a doctor will voluntarily submit to OBN’s jurisdiction without the need for a formal complaint to be filed. For example, if a doctor has already been disciplined by his or her licensure board, it is common for that doctor to voluntarily surrender their OBN registration or agree to a restriction before a formal case is filed. And, in those instances, the only document that would be filed would be the agreed order. Accordingly, the State’s

⁷ The second Medical Board action against Dr. Cameron was for violating the conditions of her probation, none of which violations related to her prescribing of opioids. *See* Motion at Exhibit 8, Order filed June 17, 2016.

production from OBN was not deficient; if the State did not produce those documents, it is because they do not exist.

III. Documents Withheld Relevant to Drs. Myers and Howell Are Subject to the Protections Surrounding Multi-County Grand Jury Matters

With regard to Drs. Myers and Howell, they were investigated and indicted by the Fifteenth Multicounty Grand Jury in 2016. *See State v. Tougas, et al.*, CF-2016-315 (Sequoyah County). While those charges were ultimately dismissed and refiled by Information, *see State v. Tougas, et al.*, CF-2016-493 (Sequoyah County), the materials provided to their attorneys were part of those original proceedings and therefore constitute “matters occurring before the multicounty grand jury.” Accordingly, those materials have been withheld pending resolution of the State’s Motion for Protective Order Regarding Discovery of Matters Occurring Before the Multicounty Grand Jury. The State’s arguments set forth therein are hereby incorporated by reference in this Response.

However, as Watson acknowledges, the publicly available materials regarding these prosecutions were produced consistent with Paragraph 1 of the Court’s December 20 Journal Entry.⁸ Thus, any hardship in not having the remaining documents is minimal.

⁸ Watson is correct that the State has not produced any materials from after 2016 related to these cases. The State conducted a thorough review of its files and did not locate any materials from this period that are responsive to Paragraph 1 of the December 20 Journal Entry.

IV. Through a Technical Error and Honest Oversight, the State Arguably Missed Three Proceedings—All of Which Defendants Now Have Documents For.

The three instances remaining, those for Drs. Collier, Egbuniwe, and Sims, are arguably within the scope of the Court's Order and should have been produced.

As for Dr. Sims, the State did not include his proceedings from the Dental Board because it believed Dr. Sims's documents had already been produced. In December, before the Court issued its Order compelling production of these litigation files, the State had already begun production of publicly-filed case documents from the Dental Board's disciplinary files, and Dr. Sims's file was included in that set. That production was posted on December 20, 2018 (the same day the Court filed the Order). Unfortunately, because of a technical error in the data transfer, many of those disciplinary files did not get produced. The State did not become aware of this error, however, until Watson filed its Motion. Had Watson notified the State, the State would have addressed the issue. But, of course, it didn't. Nevertheless, the State has offered to provide an affidavit from its discovery vendor attesting to the above facts. Moreover, the State has already rectified the error by re-producing the files that were missing from its December 20 production—including those related to Dr. Sims. Thus, Defendants have already received Dr. Sims's disciplinary file and suffer no prejudice as a result of the State's error.

Defendants' also appear to have suffered little to no prejudice as a result of the State's oversight with respect to Drs. Collier and Egbuniwe. Those doctors' cases at the Medical Board were not produced because they were filed so recently that they were not swept up in the State's initial production of Medical Board disciplinary records in August

of 2018. Though their cases had been filed in July, those documents had not yet matriculated into the Medical Board's filing system and thus were not returned in response to the State's initial search for cases relevant to opioids. The State then used the list of cases identified from that original search to identify the cases relevant to the Court's Order here. Thus, because those cases were not included in the initial production, they were not included in the second, more targeted production. The State did produce documents relevant to these doctors from other agencies, including OBN and the Office of the Attorney General. Moreover, Watson has already admitted that it now possesses the Medical Board documents related to these doctors after performing "quick" and "simple" searches on the Board's website. *See* Motion at 4, 7, Exhibits 7, 10. Accordingly, Defendants suffered little to no prejudice as a result of these doctors not being included in the State's production.⁹

CONCLUSION

Defendant's Motion is a waste of time. The State's production was and remains an example of how good discovery practices work. To the extent Watson believed responsive documents were not produced, all its lawyers had to do was pick up the phone and call. Or, they could have just asked one of the State's attorneys in any one of the many depositions that take place day after day. But, of course, they didn't. With a simple conversation, Defendants would have known why certain documents were not produced,

⁹ The Medical Board's case against Dr. Egbuniwe is not yet final. The State will supplement its production with responsive documents from his case as they are filed.

and the State could have rectified the few minor errors or oversights without the need for motion practice from the parties—or intervention from the Court. Unfortunately, however, that did not happen here until after Watson filed its Motion when the State reached out to Defendant in an attempt to whittle at least one item off the agenda for a hearing that is already likely to be an all-day affair.

In the event Defendant does not accept the State’s invitation to withdraw its motion, the State has submitted ample evidence to demonstrate that its production was thorough, that it was done in good faith, and that it complied with the Court’s Order. The State thus respectfully requests that the Motion be denied.

Respectfully submitted,



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EXHIBIT 1

**IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA**

STATE BOARD OF OSTEOPATHIC)
EXAMINERS,)
STATE OF OKLAHOMA,)

Petitioner,)

v.)

Case No. 0513-53

MICHAEL WYLY, D.O.,)
Osteopathic Medical License No. 1828,)

Respondent.)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF REVOCATION

This matter comes on for hearing before the Oklahoma State Board of Osteopathic Examiners ("Board") at a regular meeting of the Board on March 19, 2015. The Board is represented by the Special Prosecutor for the Board, Richard A. Mildren of Riggs, Abney, Neal, Turpen, Orbison & Lewis. Michael Wyly, D.O. ("Dr. Wyly") appears in person without counsel at the hearing on this date.

This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

The Board, after reviewing the pleadings, testimony at the hearing and considering all of the evidence and being fully advised specifically finds the following Findings of Fact and Conclusions of Law to be true and correct and proven by clear and convincing evidence.

1. Dr. Wyly is the holder of a license to practice osteopathic medicine in the State of Oklahoma, license number 1828. Said license was summarily suspended by the Board on November 11, 2014, at an Emergency Hearing.

2. Proper notice of this hearing was served on Dr. Wyly as required by law.

3. Evidence at the hearing included that in April 2013, the Camelot Cancer Treatment Clinic in Tulsa, Oklahoma, ("Camelot Clinic") was shut down by the FDA and the FBI and the assets seized. The clinic is owned by Maureen Long. At that time Dr. Wyly had a private practice on S. Yale in Tulsa, Oklahoma. In April, 2014, the FDA and FBI again investigated the Camelot Clinic for using and administering non FDA approved medications, brand mislabeling, and fraud. At that time Dr. Wyly was serving as the medical director for the Camelot Clinic. The address stated on the website for Camelot Clinic is the address for the Fairfield Inn. (Testimony of Chief Investigator for the Board, Richard Zimmer)

3. On November 3, 2014 the Tulsa Police Department issued an Incident Report for an Unattended Death-Suspicious Death – Illegal Medical Care. The victim, Karin Kloeckener, was diagnosed with liver cancer in Florida but opted for alternative treatment by Camelot Clinic. After paying \$18,000 to Camelot, Ms. Kloeckener checked into the Fairfield Marriott in Tulsa. Dr. Wyly visited Ms. Kloeckener on October 20, 2014 and discussed the upcoming treatment. The next day a Belinda Taylor came to the Residence Inn and started the IV treatments. On October 25, 2014, Ms. Kloeckener received another treatment and became violently ill. Dr. Wyly instructed Mr. Kloeckener to take his wife to the Emergency Room. Dr. Wyly said it was liver ascites caused by the cancer. Mr. Kloeckener was instructed by Camelot personnel to inject medication into Ms. Kloeckener's IV bag while the doctors were not looking and that would reverse her condition and she would live. They provided him with the syringes. But, Mr. Kloeckener did not inject the medication. Ms. Kloeckener died on November 1, 2014. (Testimony of Chief Investigator for the Board, Richard Zimmer and Exhibit 3)

4. On November 5, 2014, the Oklahoma Department of Health issued an Emergency Order to Cease and Desist Operation of an Unlicensed Medical Facility against Camelot Clinic. Dr. Wyly is one of the named Respondents. The Cease and Desist Order includes findings that

medical treatment and procedures are being provided in unsterile environments at hotels and that medical waste is being placed in trash cans without proper precautions. (Testimony of Chief Investigator for the Board, Richard Zimmer and Exhibit 4)

5. On November 6, 2014 OSBOE's Chief Investigator received a telephone call and later an email from a Tulsa Physician outlining his treatment of a patient that was transferred to him from Camelot Clinic. On November 3, 2014, the Physician received a patient into his ICU with septic shock, hypercalcemia, dehydration, and renal failure. She had been seeking homeopathic therapy for a large head tumor. Her family stated that the administering physician was Dr. Michael Wyly with Camelot Cancer Care. She had been receiving IV DMSO and high dose vitamin C through a PICC line. Upon arrival, the PICC line was without its sterile caps and was freely hanging with a small dressing. (Testimony of Chief Investigator for the Board, Richard Zimmer and Exhibit 5)

6. At the time there were four (4) more patients being treated by Camelot Clinic at Tulsa hotels and motels. (Testimony of Chief Investigator for the Board, Richard Zimmer)

CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear this matter pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 *et. seq.*, Rules of the Board, 510 OAC § 1-1-1 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

2. The Board concludes that Dr. Wyly is in violation of the provisions of the Oklahoma Osteopathic Medicine Act, including specifically, §§ 637(A)(2)(c), (d), (e), (3), and (4).

3. The Board also concludes that such actions are grounds for imposing any sanction against Dr. Wyly's license authorized by statute and rules and regulations of the Board.

ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Osteopathic Examiners that the summary suspension of the license to practice osteopathic medicine in the State of Oklahoma, held by Michael Wyly, D.O., is hereby lifted and said license is **REVOKED**.


IT IS FURTHER ORDERED that this Order is to be disseminated to all related regulatory agencies as well as to all hospitals, pharmacies, and related entities in the area where Dr. Wyly practiced.

This Order is subject to the Oklahoma Open Records Act and is a public record.

IT IS SO ORDERED, ADJUDGED AND DECREED.

Dated this 19th day of March, 2015.

Effective on date of service: 3-26-2015



Carl B. Pettigrew, D.O.
President
State Board of Osteopathic Examiners

**IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA**

STATE BOARD OF OSTEOPATHIC)	
EXAMINERS,)	
STATE OF OKLAHOMA,)	
)	
Petitioner,)	
)	
v.)	Case No. 0513-53
)	
MICHAEL WYLY, D.O.,)	
Osteopathic Medical License No. 1828)	
)	
Respondent.)	

FINDINGS OF FACT, CONCLUSIONS OF LAW AND EMERGENCY ORDER

This matter comes before the State Board of Osteopathic Examiners ["Board"] at an emergency hearing held on November 11, 2014, in the above-styled individual proceeding. After reviewing the Emergency Complaint and Exhibits, hearing the testimony of the Board's witness, and asking questions of the Board's witness, the Board adopts, by clear and convincing evidence, the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Michael Wyly, D.O. ("Dr. Wyly") is the holder of a license to practice osteopathic medicine in the State Of Oklahoma, license number 1828. Dr. Wyly attended Kansas City College of Osteopathic Medicine in Kansas City, Missouri from 1972 through 1976, and graduated in 1976. Dr. Wyly received his license as an osteopathic physician and surgeon in Oklahoma from the Board in 1977. As of the date of this Emergency Complaint, his license is in good standing.

2. Evidence at the hearing included that in April 2013, the Camelot Cancer Treatment Clinic in Tulsa, Oklahoma, ("Camelot Clinic") was shut down by the FDA and the FBI and the assets seized. The clinic is owned by Maureen Long. At that time Dr. Wyly had a private practice on S. Yale in Tulsa, Oklahoma. In April, 2014, the FDA and FBI again investigated the Camelot Clinic for using and administering non FDA approved medications, brand mislabeling, and fraud. At that time Dr. Wyly was serving as the medical director for the Camelot Clinic. The address stated on the website for Camelot Clinic is the address for the

Fairfield Inn. (Testimony of Chief Investigator for the Board, Richard Zimmer)

3. On November 3, 2014 the Tulsa Police Department issued an Incident Report for an Unattended Death-Suspicious Death – Illegal Medical Care. The victim, Karin Kloeckener, was diagnosed with liver cancer in Florida but opted for alternative treatment by Camelot Clinic. After paying \$18,000 to Camelot, Ms. Kloeckener checked into the Fairfield Marriott in Tulsa. Dr. Wyly visited Ms. Kloeckener on October 20, 2014 and discussed the upcoming treatment. The next day a Belinda Taylor came to the Residence Inn and started the IV treatments. On October 25, 2014, Ms. Kloeckener received another treatment and became violently ill. Dr. Wyly instructed Mr. Kloeckener to take his wife to the Emergency Room. Dr. Wyly said it was liver ascites caused by the cancer. Mr. Kloeckener was instructed by Camelot personnel to inject medication into Ms. Kloeckener's IV bag while the doctors were not looking and that would reverse her condition and she would live. They provided him with the syringes. Ms. Kloeckener died on November 1, 2014. (Testimony of Chief Investigator for the Board, Richard Zimmer and Exhibit 2)

4. On November 3, 2014, OSBOE Investigators interviewed Dr. Wyly and confirmed that he had surrendered his OBND and DEA registrations on June 27, 2014. He claimed he was not currently practicing medicine or treating patients. Investigators were seeking patient medical records on another open investigation. Dr. Wyly claimed all his medical records were in his car when it was wrecked and the vehicle including the records was crushed. (Testimony of Chief Investigator for the Board, Richard Zimmer)

5. On November 5, 2014, the Oklahoma Department of Health issued an Emergency Order to Cease and Desist Operation of an Unlicensed Medical Facility against Camelot Clinic. Dr. Wyly is one of the named Respondents. The Cease and Desist Order includes findings that medical treatment and procedures are being provided in unsterile environments at hotels and that medical waste is being placed in trash cans without proper precautions. (Testimony of Chief Investigator for the Board, Richard Zimmer and Exhibit 3)

6. On November 6, 2014 OSBOE's Chief Investigator received a telephone call and later an email from a Tulsa Physician outlining his treatment of a patient that was transferred to him from Camelot Clinic. On November 3, 2014, the Physician received a patient into his ICU with septic shock, hypercalcemia, dehydration, and renal failure. She had

been seeking homeopathic therapy for a large head tumor. Her family stated that the administering physician was Dr. Michael Wyly with Camelot Cancer Care. She had been receiving IV DMSO and high dose vitamin C through a PICC line. Upon arrival, the PICC line was without its sterile caps and was freely hanging with a small dressing. (Testimony of Chief Investigator for the Board, Richard Zimmer and Exhibit 4)

7. There are currently four (4) more patients being treated by Camelot Clinic at Tulsa hotels and motels. (Testimony of Chief Investigator for the Board, Richard Zimmer)

CONCLUSIONS OF LAW

1. The Board finds the above Findings of Fact and the following Conclusions of Law to have been proven by clear and convincing evidence. The Board further concludes that it has jurisdiction over individual(s) licensed by the Board to practice osteopathic medicine in the State of Oklahoma, the practice of osteopathic medicine in the State of Oklahoma and this individual proceeding pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. §§ 620 et seq. ["Osteopathic Act"] and the Oklahoma Administrative Procedure Act, 75 O.S. §§ 308 et seq.

2. Dr. Wyly is in violation of the Oklahoma Osteopathic Medicine Act, 59 O.S. § 637 ("Act") and specifically § 637(A)(2)(c), (d), (e), (3), and (4) of the Act, to wit:

A. The State Board of Osteopathic Examiners may refuse to admit a person or to an examination or may refuse to issue or reinstate or may suspend or revoke any license issued or reinstated by the Board upon proof that the applicant or holder of such license:

2. Has engaged in the use or employment of dishonesty, fraud, misrepresentation, false promise, false pretense, unethical conduct or unprofessional conduct, as may be determined by the Board, in the furtherance or duties of an osteopathic physician, including, but not limited to the following:

c. willfully performing inappropriate or unnecessary treatment, diagnostic, tests or osteopathic medical or surgical services,

d. delegating professional responsibilities to a person who is not qualified by training, skill competency, age, experience or licensure to perform them, noting that delegation may only occur within an appropriate doctor/patient relationship, wherein a proper patient record is maintained including, but

not limited to, at a minimum, a current history and physical,
e. misrepresenting that any disease, ailment or infirmity can be
cured by a method, procedure, treatment medicine or device,

3. Has engaged in gross negligence, gross malpractice or gross incompetence and
4. Has engaged in repeated acts of negligence, malpractice or incompetence.

3. The Board concludes that because Dr. Wyly has violated Section 637 of the Act, specifically § 637(A)(2)(c), (d), (e), (3), and (4) and that it has the authority to take emergency disciplinary action.

4. The actions of Dr. Wyly, as described in paragraphs 1-7 of the Findings of Fact and paragraphs 1-3 of the Conclusions of Law, imperatively threaten the public health, safety and welfare that require emergency action by this Board.

EMERGENCY ORDER

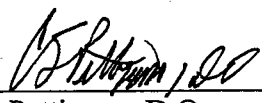
The Board, having adopted the above-described Findings of Fact and Conclusions of Law, adopts the following Emergency Order.

1. The license issued by the Board to Dr. Wyly to practice osteopathic medicine in the State of Oklahoma is **SUMMARILY SUSPENDED** pending a Hearing which is currently scheduled for December 11, 2014. Said suspension shall continue until such time as the Board determines that Dr. Wyly's practice of osteopathic medicine does not threaten the public health and safety.

2. This Order becomes effective on the date of service.

3. This Findings of Fact, Conclusions of Law and Emergency Order is a public record and subject to disclosure under the Oklahoma Open Records Act. **IT IS SO ORDERED, ADJUDGED AND DECREED.**

Dated this 11th day of November, 2014.



C. B. Pettigrew, D.O.
President
State Board of Osteopathic Examiners

EXHIBIT 2

**IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA**

IN THE MATTER OF THE INVESTIGATION OF)
Kathryn Anne Hall, D.O.,)
Osteopathic Medical License NO. 2952)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This matter comes before the State Board of Osteopathic Examiners (“Board”) at a regular meeting of the Board held on June 17, 2004 on the application for the reinstatement of the license issued by the Board to Kathryn Anne Hall, D.O. (“Dr. Hall”) to practice osteopathic medicine in the State of Oklahoma. Dr. Hall appeared in person and the Board was represented by Special Prosecutor Richard Mildren with Riggs, Abney, Neal, Turpen, Orbison & Lewis. For good cause shown, this application for reinstatement is **GRANTED**.

The Board finds, by clear and convincing evidence, that the following Findings of Fact and Conclusions of Law are true and correct.

FINDINGS OF FACT

1. Dr. Hall was licensed, by the Board, to practice an osteopathic physician and surgeon in the State of Oklahoma, license number 2952.
2. Dr. Hall was arrested on September 29, 2003.
3. Dr. Hall surrendered her license to practice osteopathic medicine in the State of Oklahoma. The surrender of said license by Dr. Hall was voluntary and without force, threat or coercion on the part of the Board or its employees.

CONCLUSIONS OF LAW

1. The Board concludes it has jurisdiction over the practice of osteopathic medicine in the State of Oklahoma, individual(s) issued licensed by this Board to practice osteopathic medicine

in the State of Oklahoma and this individual proceeding pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 621 et seq. ("Act") and the Oklahoma Administrative Procedures Act, 75 O.S. § 309 et seq.

2. Dr. Hall is in violation of the 59 O.S. § 637(A)(2), (12) and (13) of the Act, to wit:

(A)(2) Has engaged in the use or employment of dishonesty, fraud, misrepresentation, false promise, false pretense, unethical conduct or unprofessional conduct, as may be determined by the Board, in the performance of the functions or duties of an osteopathic physician, . . .

(12) Has been guilty of habitual drunkenness . . .

(13) Has been guilty of personal offensive behavior . . .

Having adopted the above-styled Findings of Fact and Conclusions of Law, the Board adopts the following Order.

ORDER

1. The license issued to Dr. Hall to practice as an osteopathic physician and surgeon in the State of Oklahoma is placed on **PROBATION** for a period of five (5) years. Said probation is to begin with the date this Order is entered.

2. Dr. Hall shall comply successfully with any aftercare contract she executed with the Oklahoma Health Professionals Recovery Program ("Oklahoma HPRP"). Dr. Hall shall provide the Board with a copy of any reports prepared by, or prepared for, the Oklahoma HPRP. This requirement will remain in effect during the duration of Dr. Hall's probation.

3. Dr. Hall will undergo random urinary drug and alcohol testing at the request and direction of the Board and/or its representatives. Dr. Hall will provide the Board with the results of any tests taken. The costs of such tests will be the sole obligation of Dr. Hall.

4. Dr. Hall will notify the Board of any change in the professional and residential address or telephone numbers, including facsimile numbers or e-mail address, within seven (7) days of such change.

5. Dr. Hall will notify any health care entity where she is employed of this Order.

6. The Board and/or its representatives may undertake any random, unannounced visits to Dr. Hall's office or place of employment and/or residence.

7. Dr. Hall will appear before the Board at each quarterly meeting of the Board.

8. Dr. Hall is responsible for the cost of this administrative proceeding in the amount of fifteen hundred dollars (\$1,500.00).

9. Nothing shall prohibit the Board from initiating an administrative action for acts of Dr. Hall that were not a part of the acts giving rise to this Order.

10. If Dr. Hall leaves the State of Oklahoma for professional reasons and/or to reside outside the State of Oklahoma, the period of time the probation shall run is tolled and will not begin until Dr. Hall returns to the State of Oklahoma for professional reasons and/or residential purposes.

11. Dr. Hall shall complete all professional obligations required to maintain her license to practice osteopathic medicine and surgery in the State of Oklahoma in good standing. This condition includes the timely completion of all continuing medical education courses.


12. Should Dr. Hall fail to comply with any terms and conditions in this Order, the Board may hold a hearing to show cause why Dr. Hall should not be held in breach of this Order and permit the Board to take appropriate disciplinary action for this breach.

13. Dr. Hall may not petition this Board for modification of this Order for a period of two (2) years after the adoption of this Order by the Board.

14. Dr. Hall will not violate any provisions of the Oklahoma Osteopathic Medicine Act and will adhere to all rules and regulations affecting the practice of osteopathic medicine.

15. This Order is a public record and subject to disclosure under the Oklahoma Open Records Act.

Dated this 28th day of June, 2004.



Gary Clark
Executive Director
State Board of Osteopathic Examiners

**IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA**

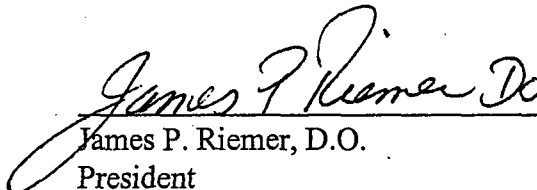
**IN THE MATTER OF THE INVESTIGATION OF)
Kathryn Anne Hall, D.O.,)
Osteopathic Medical License NO. 2952)**

ORDER

This matter comes before the State Board of Osteopathic Examiners ("Board") at a regular meeting of the Board held on March 18, 2004 on the consideration for surrender of the license issued by the Board to Kathryn Anne Hall, D.O. ("Dr. Hall") to practice osteopathic medicine in the State of Oklahoma. Dr. Hall originally surrendered her license to the Board on October 7, 2003. The Board, however, at that time took no action. The Board finds that the surrender of the license by Dr. Hall is voluntarily and without force, threat or coercion on the part of the Board or its employees. Therefore, the Board accepts the surrender by Dr. Hall of her license to practice osteopathic medicine in the State of Oklahoma.

IT IS SO ORDERED, ADJUDGED AND DECREED.

Dated this 18th day of March, 2004.



James P. Riemer, D.O.
President
State Board of Osteopathic Examiners

EXHIBIT 3

(FILED UNDER SEAL)

EXHIBIT 4

**BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA**

STATE BOARD OF OSTEOPATHIC)
EXAMINERS,)
)
) **Petitioner,**)
)
v.)
)
)
KEITH RUSSELL, D.O.,)
Osteopathic Medical License # 1969,)
)
) **Respondent**)

Case No. 2002-0599

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This matter comes before the State Board of Osteopathic Examiners ("Board") for an Emergency Hearing on a Complaint filed by the Special Prosecutor for the Board, Richard A. Mildren of Riggs, Abney, Neal, Turpen, Orbison & Lewis, against Keith Russell, D.O. ("Dr. Russell"). This Emergency Hearing was held with the Board by telephonic means. The Special Prosecutor for the Board appeared for the Board. Dr. Russell was not present.

The Board finds, by clear and convincing evidence, the following Findings of Fact and Conclusions of Law are true and correct.

FINDINGS OF FACT

1. Keith Russell, D.O. ("Dr. Russell") is the holder of a license issued by the Board to practice as an osteopathic physician and surgeon in the State of Oklahoma, license number 1969. As of the date of this Emergency Hearing, Dr. Russell's license to practice as an osteopathic physician and surgeon was in good standing.

2. Dr. Russell was working with the Oklahoma Department of Corrections at the correctional facility in Sayre, Oklahoma. On or about January 17, 2002, Dr. Russell attempted to treat

inmates at the correctional facility and nearly "fell over" the inmates because he was physically impaired.

Dr. Russell submitted to a urine chemistry test at the request of his employment agency, Oklahoma On Call, Inc. The sample was taken for the urine chemistry test on January 17, 2002. The report for the urine chemistry test was printed on January 18, 2002. The test showed that Dr. Russell tested positive for:

- a. Benzodiazpine
- b. Barbiturates
- c. Opiates; and
- d. Tricyclics-urine.

3. Dr. Russell agreed to check himself into the Palmetto Addiction Recovery Center ("Center"). He presented himself for treatment at the Center on February 4, 2002. Following admission at the Center, he received numerous evaluations and the Center established numerous diagnoses including, but not limited to:

Axis I: Opiate Dependence
Sedative/Hypnotic Dependence
Alcohol Dependence
Nicotine Dependence
Major Depressive Dependence, recurrent, moderate
Anxiety Disorder with Social Anxiety

4. Dr. Russell suddenly and unexpectedly left the center on May 12, 2002. Dr. Russell was contacted by officials at the Center and asked to return. He declined.

5. Following Dr. Russell's decision not to return, officials at the Center prepared a report and recommended:

1. Keith Russell is not in a stable state of recovery and is not capable of returning to the practice of medicine with sound judgment, skills and safety. I do not recommend he do so until he has re-entered and completed a long term residential chemical dependency program skilled at dealing with medical professionals. He may even need several months of observation in recovery or half way house placement thereafter to reach a state of stability sufficient to establish your confidence in his ability to practice medicine

with skill and safety.

2. We are willing to provide some level of "rescue" treatment for Keith if he immediately returns to Palmetto and negotiates a treatment commitment contract with us (prior to re-admission) that also satisfies you.
3. I do not believe Keith is a good candidate for outpatient treatment at this time. He has not truly taken step one and is entrenched in his quest to maintain his isolation from others and avoid genuine requests for help and assistance. He seems to currently "tolerate" assistance, while attempting to avoid significant change in his life and belief systems. He needs to live in a residential environment for a reasonable chance for a true change to occur.

6. The Board finds the actions of Dr. Russell, as described above, imperatively threaten the public health, safety and welfare and require emergency action by this Board.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the practice of osteopathic medicine in the State of Oklahoma, this emergency proceeding and individuals licensed by the Board to practice as an osteopathic physician and surgeon in the State of Oklahoma, pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 et seq., as amended and the Oklahoma Administrative Procedures Act 75 O.S. § 316 et seq.

2. As a result of the Findings of Fact, as described in paragraphs one (1) through seven (7) above, the Board finds that Dr. Russell is in violation of 59 O.S. §637 (A)(2), (8) and (12) to wit:

A. The State Board of Osteopathic Examiners may refuse to admit a person for examination or may refuse to issue or reinstate or may suspend or revoke any license issued or reinstated by the Board upon proof that the applicant or holder of such license:

2. Has engaged in the use or employment of dishonesty or fraud, misrepresentation, false promise, false pretense, unethical conduct or unprofessional conduct, as may be determined by the Board, in the performance of the functions or duties of an osteopathic physician,

8. Is incapable, for medical or psychiatric or any other good cause, of discharging the functions of osteopathic physicians in a manner consistent with the public's health, safety, and welfare;

12. Has been guilty of habitual addiction to the use of morphine, cocaine, or other habit forming drugs.

3. The Board, because Dr. Russell is in violation of 59 O.S. § 637(A)(2), (8), and (12) of the Oklahoma Osteopathic Medicine Act, has jurisdiction pursuant to 59 O.S. § 637 and § 637.1 of the Oklahoma Osteopathic Medicine Act to take emergency disciplinary action against Dr. Russell.

ORDER

The Board, having adopted, the above-described Findings of Fact and Conclusions of Law by clear and convincing evidence, adopts the following Order.

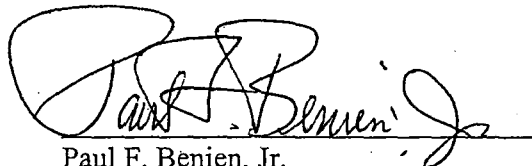
IT IS SO ORDERED, ADJUDGED, AND DECREED:

1. The license to practice as an osteopathic physician and surgeon in the State of Oklahoma issued by the Board to Dr. Russell is **SUMMARILY SUSPENDED**, effective immediately on May 31, 2002.

2. Dr. Russell is ordered to pay the administrative costs of this proceeding in an amount equal to one thousand one hundred sixty dollars (\$1160.00)

3. This order is a matter of public record and subject to disclosure under the Oklahoma Open Records Act.

Dated this 27th day of June, 2002.



Paul F. Benien, Jr.
President
State Board of Osteopathic Examiners

**BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA**

STATE BOARD OF OSTEOPATHIC)
EXAMINERS,)

Petitioner,)

v.)

Case No. 2002-0599

KEITH RUSSELL, D.O.,)
Osteopathic Medical License # 1969,)

Respondent)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This matter comes before the State Board of Osteopathic Examiners ("Board") for a hearing held on December 12, 2002 before the Board upon the application for reinstatement of the license to practice as an osteopathic physician and surgeon in the State of Oklahoma filed by Keith Russell, D.O. ("Dr. Russell"). The Special Prosecutor for the Board, Richard A. Mildren of Riggs, Abney, Neal, Turpen, Orbison & Lewis, appeared. Dr. Russell appeared and was not represented by an attorney.

The Board finds the following Findings of Fact and Conclusions of Law are true and correct.

FINDINGS OF FACT

1. Dr. Russell was the holder of a license issued by the Board to practice as an osteopathic physician and surgeon in the State of Oklahoma, license number 1969. At of an emergency hearing held before the Board in May of 2002, the Board issued an Order suspending, on an emergency basis, the license issued by the Board to Dr. Russell to practice as an osteopathic physician and surgeon in the State of Oklahoma and found that the actions of Dr. Russell imperatively threatened the public health, safety and welfare that required the emergency action taken by the Board. The Board found that Dr. Russell had violated 50 O.S. § 637 (A)(2), (8) and (12) of the Oklahoma Osteopathic Medicine Act.

2. Dr. Russell waived his right, as permitted by 59 O.S. § 637(B) and 75 O.S. § 319, to have a hearing on the emergency suspension.

3. Dr. Russell checked himself into the Palmetto Addiction Recovery Center ("Center") on February 4, 2002. Dr. Russell received numerous evaluations and the Center established numerous diagnoses including a dependency to opiates, sedative/hypnotic, alcohol, nicotine and major depressive dependency and anxiety disorder with social anxiety. Dr. Russell unexpectedly and prematurely left the Center on May 12, 2002. Dr. Russell declined to return to the Center.

Following Dr. Russell's decision not to return to the Center, officials with the Center issued a report and recommended, in part:

"Keith Russell is not in a stable state of recovery and is not capable of returning to the practice of medicine with sound judgment, skills and safety. I do not recommend he do so until he has re-entered and completed a long term residential chemical dependency program skilled at dealing with medicals profession."

4. Dr. Russell was admitted to the Rush Behavioral Health Professionals Program ("Rush") on ~~August~~ ^{SEPTEMBER} 16, 2002 for alcohol, benzodiazopine and opioid dependence. Dr. Russell was discharged on November ~~11~~ ⁸, 2002. The Discharge Summary issued by Rush made a number of recommendations. The prognosis in the Discharge Summary stated: "Good if he adheres to the above recommendations."

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the practice of osteopathic medicine in the State of Oklahoma, this emergency proceeding and individuals licensed by the Board to practice as an osteopathic physician and surgeon in the State of Oklahoma, pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 et seq., as amended and the Oklahoma Administrative Procedures Act 75 O.S. § 316 et seq.

ORDER

The Board, having adopted, the above-described Findings of Fact and Conclusions of Law by clear and convincing evidence, adopts the following Order.

IT IS SO ORDERED, ADJUDGED, AND DECREED:

1. The license to practice as an osteopathic physician and surgeon in the State of Oklahoma issued by the Board to Dr. Russell is REINSTATED with all privileges except as provided by this Order. Furthermore, said license issued by the Board to Dr. Russell is placed on PROBATION for a period of five (5) years. Both the reinstatement and probationary period are to begin immediately on December 12, 2002.

2. Dr. Russell will adhere to the Oklahoma Physicians Recovery Program which will include regular Caduceus group involvement, 12-step recovery with sponsorship and random urine monitoring. Dr. Russell will report to the Board his participation in the Oklahoma Physicians Recovery Program on a quarterly basis.

3. Dr. Russell will continue with his individual psychotherapy and medication management treatment with his current psychiatrist. If Dr. Russell desires to retain another psychiatrist for such treatment, he will notify the Board of such change and the replacement psychiatrist.

4. Dr. Russell will continue with neurofeedback treatment. Dr. Russell will report to the Board his participation with such neurofeedback treatment on a quarterly basis.

5. Dr. Russell's practice as an osteopathic physician and surgeon in the State of Oklahoma must be in a general type of practice with minimal accessibility to mood altering addicting substances.

6. Dr. Russell will not be able to write or prescribe any prescriptions for controlled dangerous substances for a period of one (1) year from the date of this Order. Dr. Russell will not be able to administer or use any controlled dangerous substances in his practice for a period of one (1) year from the date of this Order.

7. Dr. Russell is ordered to pay the administrative costs of this proceeding in an amount equal to one thousand seven hundred eighty dollars (\$1780.00).

8. Dr. Russell will notify all health care entities and/or hospitals where he has privileges of this Order and provide these entities and hospitals with a copy of this Order.

9. If Dr. Russell leaves the State of Oklahoma to reside and/or practice osteopathic medicine on a regular basis in another state or jurisdiction, this period of probation will be tolled and the time that this period of probation will commence again will be when Dr. Russell returns to the State of Oklahoma to reside and/or renew or continue his practice of osteopathic medicine.

10. Dr. Russell will appear before the Board when requested by the Board.

11. If Dr. Russell fails to comply with any of the conditions set forth in this Order, the Board may hold a show cause hearing as to why Dr. Russell should not be held in breach or violation of this Order and take appropriate action, if necessary. Dr. Russell will receive notice and have an opportunity to appear and present testimony and evidence at said show cause hearing.

12. Nothing in this Order will preclude the Board from initiating another administrative action against Dr. Russell on allegations that were not a part of the acts giving rise to this Order.

13. This Order is a matter of public record and subject to disclosure under the Oklahoma Open Records Act.

Dated this 21st day of January, 2003.



E. Joseph Sutton, II, D.O.
President
State Board of Osteopathic Examiners

EXHIBIT 5

**BEFORE THE BOARD OF DENTISTRY
STATE OF OKLAHOMA**

IN RE: INVESTIGATION OF)
MARY NEELY CLAYTON, D.D.S.)

Case 08-107

Respondent.)

AGREED ORDER OF PROBATION

This matter comes on for consideration before the Board of Dentistry, State of Oklahoma ("Board") on the ~~10th~~ day of ~~September~~ 2008.

I. AGREED FINDINGS OF FACT

Respondent Mary Neely Clayton, D.D.S. ("Respondent"), hereby agrees with the Board of Dentistry of Oklahoma ("Board") as follows:

1. Respondent holds Oklahoma Dental License No. 4965, issued June 16, 1990. Respondent currently practices in Choctaw, Oklahoma.
2. Respondent agrees that if evidence was presented, there is clear and convincing evidence of violations of Title O.S. Section 328.32 (3).
3. Respondent agrees that if evidence were presented, there is clear and convincing evidence respondent entered into a five-year contract with the Oklahoma Health Professionals Program, but failed to comply with contract resulting in a report to the Board by the Oklahoma Health Professionals Program dated August 5, 2008.

II. CONCLUSION OF LAW

The Board hereby finds and, as evidenced by signature appearing below, Respondent admits and agrees the following conclusions of law are true and correct:

1. The Board has jurisdiction of this matter by virtue of the provisions of the State Dental Act, 59 O.S., 328.1 et.seq., as amended, and specifically 59 O.S., Section 328.32 & 328.44a. By virtue of the provisions of 59 O.S. Supp., 328.15, the Board has the power and authority to promulgate rules to carry out the provisions of the State Dental Act as the Board deems necessary and proper to protect the dental health of the public. By virtue of the provisions of 59 O.S. Supp., Section 328.43a, the Board is charged with enforcement of the provisions of the State Dental Act.
2. Respondent admits to violations of Title 59 O.S. Section 328.32 (3) as provided by this order with terms and conditions.

III. AGREED ORDER OF PROBATION

1. As evidenced by her signature on this order, Respondent agrees to a four-year probation to commence after Board adoption and an administrative penalty of One Thousand Five Hundred Dollars (\$1,500.00) to be paid to the Oklahoma Board of Dentistry within thirty (30) days from adoption.
2. During the period of probation, Respondent will abstain from consuming any intoxicating substances, licit or illicit, specifically including alcohol or controlled dangerous substances unless authorized by a recognized treating physician. Any legitimate medication prescribed or dispensed by treating physician(s) will be reported to the Board in writing within ten (10) days. Respondent will immediately provide an executed release of medical records to the Oklahoma Board of Dentistry. Respondent agrees all medical records shall be reviewed by the Board or its agents at any time during the probation period.
3. During the period of probation, Respondent shall notify the Board office regarding any relapse within five (5) days.
4. During the period of probation, Respondent will randomly submit biological fluid specimens, specifically saliva, urine, and blood for analysis upon request by the Board or the Board's agent. Respondent agrees to pay the cost of collection, testing and analysis of the specimens. Respondent will sign a release authorizing a laboratory to submit findings of testing direct to Board or its agents.
5. During the period of probation, Respondent will notify the Board in writing of any new dental office or satellite office wherein the practice of dentistry occurs within ten days should the address change from the Choctaw location.
6. During the period of probation, respondent will submit all names of all employees. All employees shall be given a copy of the "Order" and copies of the State Dental Act and the Rules and Regulations for review. Respondent shall supply names of all new employees within fifteen (15) days of employment direct to the Oklahoma Board of Dentistry. At any time during the probation period, the Board's agent or a member of the Board shall be allowed to interview each and every employee during a probation check.
7. During the period of probation, Respondent will appear before the Board when requested to do so after twenty (20) days notice. All written notices shall include date, time, and location.
8. During the period of probation and thereafter, for as long as her dental license and registration remain affective, will adhere to all provisions of the State Dental Act and Rules and Regulations promulgated by the Board.
9. Respondent shall be prohibited from seeking any modification of any term or condition of this Order until completion of the four-year probation.

IT IS FURTHER ORDERED AND AGREED that Mary Neely Clayton, D.D.S. be placed on a four (4) year probation and issued an administrative penalty of \$1,500.00. Any future violation(s) may result in additional action by the Board.


Mary Neely Clayton, D.D.S.


BRUCE D. HORN, D.D.S.

President, Oklahoma Board of Dentistry
201 North East 38th Terrace, #2
Oklahoma City, Oklahoma 73105
Telephone (405) 524-9037
Facsimile (405) 524-2223

IV. ACKNOWLEDGEMENT AND WAIVER OF RIGHT OF HEARING

I, Mary Neely Clayton, D.D.S., hereby acknowledges that I have read in its entirety the foregoing AGREED ORDER OF PROBATION (herein referred to as the "Order"), that I understand its content; and that I executed the Order freely, voluntarily, and with no mental reservation whatsoever. While acknowledging my rights to a hearing as provided in the State Dental Act, specifically 59 O.S. 1996, 328.43a and 328.44a, Administrative Procedures Act, the Rules of the Board, or any other applicable law,

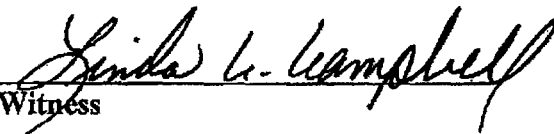
1. I HEREBY WAIVE MY RIGHT TO A HEARING in this matter. FURTHERMORE:
2. I do not contest the facts and conclusions of law as set forth in this Order are true and correct.
3. I acknowledge that I have had ample opportunity to consult with my attorney about this matter prior to executing this Order.
4. I understand that this Order is a record of a public body and is therefore subject to inspection and copying by members of the public.
5. I understand that the Board will consider and adopt this Order at a meeting open to the public.
6. I understand that the Board will report this Order to the National Practitioner Data Bank in compliance with Title IV of Public Law 99-660, the Health Care Quality Improvement Act of 1986 otherwise known as the National Practitioner Data Bank.
7. I understand that I may request permission to appear before the Board at the time the Board considers this Order.
8. I acknowledge and attest that no member of the Board, nor any employee, nor attorney of the Board, has coerced, intimidated, or pressured me, in any way whatsoever, to execute this Order.

9. I understand that this Order is not in force and effect and is not binding on the Board unless and until adopted by the Board and executed by the Board's president.

10. I understand that this Order shall not be amended or changed unless specifically authorized by the Board of Dentistry in an open meeting.

Dated this 8th day of September, 2008.


MARY NEELY CLAYTON, D.D.S.


Witness

BEFORE THE OKLAHOMA BOARD OF DENTISTRY
STATE OF OKLAHOMA

IN RE: THE INVESTIGATION OF)
MARY NEELY CLAYTON, D.D.S.)
Respondent)

CASE NO. 08-107

AMENDED AGREED ORDER OF PROBATION

This matter comes on for consideration before the Board of Dentistry, State of Oklahoma ("Board"), on February 27, 2009.

I. FINDINGS OF FACT

Respondent **Mary Neely Clayton, D.D.S.** ("Respondent"), hereby agrees with the Board of Dentistry of Oklahoma ("Board") as follows:

1. Respondent holds Oklahoma Dental License No. 4965, issued June 16, 1990. Respondent currently practices in Choctaw, Oklahoma.
2. Respondent entered into an Agreed Order of Probation on September 19, 2008, which included a four (4) year probation, an administrative penalty, abstinence from the consumption of alcohol, and other terms and conditions.
3. Respondent admits that on December 18, 2008, she tested positive for the consumption of alcohol and she self-reported the test results to the Board.
4. Respondent agrees that if evidence were presented, there is clear and convincing evidence she failed to comply with the terms and conditions of an order imposing probation in violation of Title 59, O.S., Section 328.32(A)(37).

II. CONCLUSIONS OF LAW

The Board hereby finds and, as evidenced by signature appearing below, Respondent admits and agrees the following conclusions of law are true and correct:

1. The Board has jurisdiction of this matter by virtue of the provisions of the State Dental Act, 59 O.S., as amended, and specifically 59 O.S., Section 328.32 & 328.44a. By virtue of the provisions of 59 O.S. Supp., 328.15, the Board has the power and authority to promulgate rules to carry out the provisions of the State Dental Act as the Board deems necessary and proper to protect the dental health of the public. By virtue of the provisions of 59 O.S. Supp., Section 328.43a, the Board is charged with enforcement of the provisions of the State Dental Act.
2. Respondent admits to violations of Title 59, O.S., Section 328.32(A)(37).

III. ORDER OF PROBATION & ADMINISTRATIVE PENALTY


Respondent agrees to serve an additional one (1) year of probation until September 19, 2013. The entire probation period shall commence immediately upon adoption of this Order by the Board. Respondent agrees to an administrative penalty of Three Thousand Dollars (\$3,000.00). Penalty shall be paid to the Oklahoma Board of Dentistry within thirty (30) days from adoption of this Order. The Respondent will further agree to the following terms and conditions:

1. During the period of probation, Respondent shall abstain from consuming any intoxicating substances, licit or illicit, specifically including alcohol or controlled dangerous substances unless authorized by a recognized treating physician. Any legitimate medication prescribed or dispensed by treating physician(s) shall be reported to the Board in writing within ten (10) days. Respondent shall immediately provide an executed release of medical records to the Oklahoma Board of Dentistry. Respondent agrees all medical records may be reviewed by the Board or its agents at any time during the probationary period.
2. During the period of probation, Respondent shall notify the Board office regarding any relapse within five (5) days.
3. During the period of probation, Respondent shall randomly submit hair and biological fluid specimens, specifically saliva, urine, and blood for analysis upon request by the Board or the Board's agent. Respondent agrees to pay the cost of collection, testing and analysis of the specimens. Respondent shall sign a release authorizing a laboratory to submit findings of testing direct to the Board or its agents.
4. During the period of probation, Respondent shall notify the Board in writing of any new dental office or satellite office wherein the practice of dentistry occurs within ten (10) days should the address change from the Choctaw location.
5. During the period of probation, Respondent shall submit all names of all employees to the Board. All employees shall be given a copy of the "Order" and copies of the State Dental Act and Rules and Regulations for review. Respondent shall supply names of all new employees within fifteen (15) days of employment directly to the Oklahoma Board of Dentistry. At any time during the probation period, the Board's agent or member of the Board shall be allowed to interview each and every employee during a probation check.
6. During the period of probation, Respondent shall attend recognized Alcoholics Anonymous ("AA") meetings three (3) times per week and report such meetings in writing to the Board monthly. Respondent shall continue to attend sessions with her current Counselor at least one (1) meeting per month. The Counselor shall provide the Board with a written progress report each month. A change in Counselors shall be subject to approval by the Review Panel.
7. During the period of probation, Respondent shall appear before the Board when requested to do so after twenty (20) days written notice. All written notices shall include date, time and location.
8. During the period of probation and thereafter, Respondent will adhere strictly to all provisions of the State Dental Act and all Rules and Regulations promulgated by the Board.

IT IS THEREFORE ORDERED AND AGREED that Mary Neely Clayton, D.D.S. be placed on probation until September 19, 2013 and assessed and administrative penalty of \$3,000.00 with terms and conditions as outlined above. Any future violation(s) may result in additional action by the Board.



MARY NEELY CLAYTON, D.D.S.



BRUCE D. HORN, D.D.S., PRESIDENT
Oklahoma Board of Dentistry
201 North East 38th Terrace, Suite 2
Oklahoma City, Oklahoma 73105
Telephone (405) 524-9037
Facsimile (405) 524-2223

**ACKNOWLEDGEMENT AND WAIVER
OF RIGHTS TO HEARING**

MARY NEELY CLAYTON, hereby acknowledges that I have read in its entirety the foregoing AMENDED AGREED ORDER OF PROBATION (herein referred to as the "Order"), that I understand its content; and that I executed the Order freely, voluntarily and with no mental reservation whatsoever. While acknowledging my rights to a hearing as provided in the State Dental Act, specifically 59 O.S. Supp 2000, Section 328.43a and 328.44a, Administrative Procedures Act, the Rules and Regulations of the Board, or any other applicable law,

I HEREBY WAIVE MY RIGHT TO A HEARING in this matter. Futhermore:

1. I agree and admit to the facts and conclusions of law as set forth in this Order.
2. I acknowledge that I have had ample opportunity to consult with my attorney about this matter prior to executing this Order.
3. I understand that this Order is a record of a public body and is therefore subject to inspection and copying by members of the public.
4. I understand that the Board will consider and adopt this Order at a meeting open to the public.
5. I understand that the Board will report this Order to the National Practitioner Data Bank in compliance with Title IV of Public Law 99-660, the Health Care Quality Improvement Act of 1986 otherwise known as the National Practitioner Data Bank.
6. I understand that I may request permission to appear before the Board at the time the Board considers this Order.
7. I acknowledge and attest that no member of the Board, nor any employee, nor attorney of the Board, has coerced, intimidated, or pressured me, in any way whatsoever, to execute this Order.
8. I understand this Order is not in force and effect and is not binding on the Board unless and until adopted by the Board and executed by the Board's President.
9. I understand that this Order shall not be amended or changed unless specifically authorized by the Board of Dentistry in an open meeting.

DATED this 2nd day of February, 2009.



MARY NEELY CLAYTON



Witness