

**OKLAHOMA STATE BOARD OF OSTEOPATHIC EXAMINERS
SPECIAL MEETING MINUTES**

DATE OF MEETING September 26, 2024

PLACE OF MEETING Oklahoma State Board of Osteopathic Examiners
5400 N Grand Boulevard
Oklahoma City, OK 73112

MEMBERS PRESENT Duane Koehler, D.O.
Layne Subera, D.O.
Catherine Taylor, J.D.
Katie Templeton, J.D.
LeRoy Young, D.O.

MEMBERS ABSENT Dennis J. Carter, D.O.
Chelsey Gilbertson, D.O.
D. Matt Wilkett, D.O.

ROLL CALL TO ESTABLISH QUORUM

Katie Templeton, J.D., *Vice President*, called the meeting to order at 9:00 a.m. and announced that a quorum was established.

APPROVAL OF PAST MINUTES

Ms. Templeton asked the members of the Board if they had reviewed the minutes from the Special Board Meeting of June 20, 2024.

Dr. Young moved to approve the minutes as presented.
Dr. Koehler seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, abs; Dr. Gilbertson, abs; Dr. Koehler, yes; Dr. Subera, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Wilkett, abs; Dr. Young, yes.

The motion passed.

2025 MEETING DATES

Ms. Templeton asked the members of the Board if they had reviewed the proposed dates for the 2025 calendar year.

Dr. Koehler moved to approve the 2025 meeting dates of March 13, 2025 Special, June 19, 2025, September 18, 2025, and December 11, 2025 as presented.
Ms. Taylor seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, abs; Dr. Gilbertson, abs; Dr. Koehler, yes; Dr. Subera, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Wilkett, abs; Dr. Young, yes.

The motion passed.

MID-LEVEL SUPERVISION REQUEST

Bob Abernathy, D.O.

Ms. Templeton called the matter of Bob Abernathy, D.O., to order. Dr. Abernathy appeared in person and gave testimony. Executive Director for the Board, Steven Mullins, also appeared in person to present Dr. Abernathy's request to supervise nine (9) additional mid-levels.

Dr. Koehler moved to go into Executive Session.
Ms. Taylor seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, abs; Dr. Gilbertson, abs; Dr. Koehler, yes; Dr. Subera, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Wilkett, abs; Dr. Young, yes.

The motion passed.

Dr. Koehler moved to come out of Executive Session.
Ms. Taylor seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, abs; Dr. Gilbertson, abs; Dr. Koehler, yes; Dr. Subera, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Wilkett, abs; Dr. Young, yes.

The motion passed.

Dr. Koehler moved to grant Dr. Abernathy's request with the conditions that Dr. Abernathy shall develop a list of High-risk procedures for each mid-level practitioner and the performance of such a procedure by the mid-level shall be reviewed with a business day of treatment. Dr. Abernathy shall maintain a list of approved procedures that each mid-level may perform. Dr. Abernathy shall maintain a list of all training provided to each mid-level practitioner. Dr. Abernathy shall assemble all required lists quarterly and are subject to inspection by Board staff at any time. This approval is due to a finding and acknowledgement from the Board that there is difficulty finding physicians in rural areas. Dr. Young seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, abs; Dr. Gilbertson, abs; Dr. Koehler, yes; Dr. Subera, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Wilkett, abs; Dr. Young, yes.

The motion passed.

HEARING

Joshua Livingston, D.O.

Ms. Templeton called the matter of Joshua Livingston, D.O., to order. Dr. Livingston appeared in person without counsel and acknowledged the potential implications of appearing unrepresented. Special Prosecutor for the Board, J. Patrick Quillian, P.C., also appeared in person to present the case against Dr. Livingston. Investigators for the Board, Richard Zimmer and Joshua Freeman and John Kuhn, M.D. of OHPP also appeared in person to give testimony. The Hearing proceeded and exhibits were presented. Testimony was heard from both sides.

Dr. Koehler moved to go into Executive Session.
Dr. Young seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, abs; Dr. Gilbertson, abs; Dr. Koehler, yes; Dr. Subera, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Wilkett, abs; Dr. Young, yes.

The motion passed.

Dr. Koehler moved to come out of Executive Session.
Dr. Young seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, abs; Dr. Gilbertson, abs; Dr. Koehler, yes; Dr. Subera, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Wilkett, abs; Dr. Young, yes.

The motion passed.

Dr. Koehler moved to find that the allegations in the Complaint, paragraphs 15-18, against Dr. Livingston were proven by clear and convincing evidence.
Dr. Young seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, abs; Dr. Gilbertson, abs; Dr. Koehler, yes; Dr. Subera, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Wilkett, abs; Dr. Young, yes.

The motion passed.

Dr. Koehler moved to suspend Dr. Livingston's license indefinitely, pending completion of the items set out below. Dr. Livingston shall immediately enter into a five (5) year agreement with the Oklahoma Health Practitioner Program (OHPP) to monitor for drug use and follow their recommendations. Any breach of the agreement shall constitute ground for a complaint for revocation. Dr. Livingston shall ensure OHPP provides quarterly reports to the Board regarding progress and participation in OHPP. That Dr. Livingston shall be evaluated by a multi-disciplinary program approved by Board staff not later than March 2025. Dr. Livingston shall sign all necessary releases for these reports and evaluations to be released to the Board. Once the evaluation has been received and recommendations completed, Dr. Livingston shall appear at the next meeting of the Board to determine if additional conditions shall be placed on the suspension order. Dr. Livingston shall also comply with all standards conditions listed in his order.
Dr. Young seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, abs; Dr. Gilbertson, abs; Dr. Koehler, yes; Dr. Subera, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Wilkett, abs; Dr. Young, yes.

The motion passed.

RATIFICATION OF APPROVED LICENSES

Director of Licensing, Christi Aquino, announced that the list of licenses that had been approved since the June 2024 meeting were up for review in the Board Materials. Ms. Templeton asked the members of the Board if they had reviewed that ratification list.

Dr. Koehler moved to ratify all licenses issued since the June 20, 2024 Board meeting.
Ms. Taylor seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, abs; Dr. Gilbertson, abs; Dr. Koehler, yes; Dr. Subera, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Wilkett, abs; Dr. Young, yes.

The motion passed.

CANCELLATION OF LICENSES

Director of Licensing, Christi Aquino, announced that the list of licenses that had not been renewed by June 30, 2024 were up for review in the Board Materials. Ms. Templeton asked the members of the Board if they had reviewed the cancellation list.

Dr. Koehler moved to cancel the applicable licenses in the provided list.
Ms. Taylor seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, abs; Dr. Gilbertson, abs; Dr. Koehler, yes; Dr. Subera, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Wilkett, abs; Dr. Young, yes.

The motion passed.

LICENSURE REPORT

Director of Licensing, Christi Aquino, announced that the licensure report was available in the materials for the Board to review. She informed the Board that license issuance was steadily increasing, and so far there had been an increase of sixty-eight (68) over last year.

TABLED APPLICATION FOR LICENSURE

Ochije Okonya, D.O.

Ms. Templeton called the matter of Ochije Okonya, D.O., to order. Dr. Okonya appeared in person with counsel of record, M. Todd Konsure, J.D. Executive Director for the Board, Steven Mullins, also appeared in person to present Dr. Okonya's tabled application and supplementation information.

Dr. Young moved to grant Dr. Okonya a conditional license with the following conditions. Dr. Okonya shall only practice within his designated residency. Dr. Okonya's license to practice medicine shall not be valid for use in any location or practice that is not an integral part of his designated residency. If Dr. Okonya is terminated from his residency, the conditional license shall be automatically suspended. This also comes with the knowledge that this conditional license does not guarantee further licensure.
Ms. Taylor seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, abs; Dr. Gilbertson, abs; Dr. Koehler, yes; Dr. Subera, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Wilkett, abs; Dr. Young, yes.

The motion passed.

COMPLIANCE

Ms. Templeton called for Compliance Office Freeman to give testimony regarding the compliance docket. Compliance Officer Freeman reported that those on active monitoring were all fully compliant and asked that the Board consider an annual appearance from all individuals on active monitoring, provided they stay fully compliant.

Dr. Koehler moved to approve Compliance Office Freeman's recommendation, acknowledging that any non-compliant individual will be brought before the Board. Ms. Taylor seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, abs; Dr. Gilbertson, yes; Dr. Koehler, yes; Dr. Subera, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Wilkett, abs; Dr. Young, yes.

The motion passed.

MOTIONS TO MODIFY

Clayton Howell, D.O.

Ms. Templeton called the matter of Clayton Howell, D.O., to order. Dr. Howell appeared in person without counsel. Executive Director for the Board, Steve Mullins, also appeared in person to present Dr. Howell's Motion to Modify Probation. The Board discussed Dr. Howell's request with him.

Dr. Young moved to grant Dr. Howell's Motion to Modify Probation as presented. Dr. Howell shall be permitted to moonlight for twenty-four (24) hours per calendar month and PRC is no longer required. Dr. Koehler seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, abs; Dr. Gilbertson, abs; Dr. Koehler, yes; Dr. Subera, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Wilkett, abs; Dr. Young, yes.

The motion passed.

CONTINUED MATTERS

It was announced that the following matters had been continued until the December 2024 meeting.

Ladd Atkins, D.O.

Joe Tre' Landrum, D.O.

R. Troy Lehman, D.O.

Dawn Rachelle Wilson, D.O.

CE BROKER

CE Broker Representatives, Deb Carter and Kelly Parker, appeared via Teams to provide the Board with an update regarding the Oklahoma rollout and provided an overview of features.

STAFF REPORTS

Director Mullins:

Financial Report / Budget

Mr. Mullins announced that fiscal year spending was currently under budget, but with the budgeted expenses for the office move, they would be more in line with the budget by the next quarter.

Agency Investigative Report

Mr. Mullins informed the Board that the investigative report shows that the backlog of cases has been reduced significantly since January 2024.

December Tulsa Meeting – Hotel Choice

Mr. Mullins stated that in the materials was a selection of Tulsa hotels and asked which the Board would prefer for the December meeting. The consensus was that the Ambassador would be preferred, and staff was directed to contact them for a rooming block.

EXECUTIVE SESSION

Ms. Templeton called for the scheduled Executive Session to discuss the below.

- CRNA Investigation
- Out of State Licensing Investigation
- Rules Proceeding Discussion
- Clean-up Bill Discussion

Discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual or employee pursuant to 25 O.S. § 307 (B)(1).

Dr. Young moved to go into Executive Session. Dr. Koehler seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, abs; Dr. Gilbertson, abs; Dr. Koehler, yes; Dr. Subera, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Wilkett, abs; Dr. Young, yes.

The motion passed.

Dr. Young moved to come out of Executive Session. Dr. Koehler seconded the motion.

Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, abs; Dr. Gilbertson, abs; Dr. Koehler, yes; Dr. Subera, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Wilkett, abs; Dr. Young, yes.

The motion passed.

Dr. Koehler moved to increase Executive Director, Steven Mullins, salary to \$159,931. Dr. Young seconded the motion.
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Ms. Templeton called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, abs; Dr. Gilbertson, abs; Dr. Koehler, yes; Dr. Subera, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Wilkett, abs; Dr. Young, yes.

The motion passed.

TOUR OF ONSITE OFFICE COMPLEX

Board staff showed the Board and any interested member of the public the new office space that was being re-modeled.

OLD BUSINESS

No old business was discussed.

NEW BUSINESS

No new business was discussed.

ADJOURNMENT

The meeting was adjourned by consensus at 1:00 pm.