

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

IN THE MATTER OF BOB R.	)	MID-LEVEL EXCEPTION
ABERNATHY, D.O.,	)	REQUEST
Osteopathic Medical License No.	)	
2075		

ORDER GRANTING MID-LEVEL EXCEPTION

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners ("Board") at a special meeting of the Board on September 26, 2024. Bob R. Abernathy, D.O. ("Dr. Abernathy"), appeared in person at the hearing on this date. He was not represented by legal counsel.

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.

Dr. Abernathy requests authorization to supervise up to fifteen (15) Mid-level practitioners pursuant to Oklahoma Administrative Code 510:10-4-3.

The Board, after reviewing Dr. Abernathy's presentation and written request, and being fully advised, and in the interest of serving the medically underserved rural community, enters this Order **Granting** authority to supervise up to fifteen (15) Mid-level practitioners with the following conditions:

1. To ensure appropriate level of chart review, Dr. Abernathy shall develop a list of High-risk procedures, for each Mid-level practitioner. The performance of any of those procedures by the respective Mid-level practitioner shall, in each instance, be reviewed within a business day of treatment by Dr. Abernathy.
2. To ensure appropriate level of oversight, Dr. Abernathy shall maintain a list of approved procedures which each Mid-level practitioner may perform and for which Dr. Abernathy is qualified to supervise.
3. To ensure appropriate levels of competence, Dr. Abernathy shall maintain a list of all training provided to each Mid-level practitioner.
4. All required lists shall be assembled quarterly by Dr. Abernathy and are subject

to inspection by Board staff at any time.

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

IT IS HEREBY ORDERED AND EFFECTIVE this 26th day of September, 2024.



[Katie Templeton, J.D. \(Sep 30, 2024 16:46 CDT\)](#)

Katie Templeton, J.D.
Acting Board President
State Board of Osteopathic Examiners

STATE OF OKLAHOMA, ex rel.
OKLAHOMA STATE BOARD OF
OSTEOPATHIC EXAMINERS,

Petitioner,

v.

JOSHUA JAMES LIVINGSTON, D.O.
Osteopathic Medicine License No.
4209.

Respondent.

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners (“Board”) at a special meeting of the Board on September 26, 2024. The State of Oklahoma, ex rel. Oklahoma State Board of Osteopathic Examiners (“Petitioner” or the “Board”), presented its Complaint by and through J. Patrick Quillian. Joshua James Livingston, D.O. (“Dr. Livingston”), appeared in person at the hearing on this date. Although he acknowledged that he was provided the opportunity for a continuance and representation by counsel, Respondent voluntarily waived his right to a continuance and representation by legal counsel.

The matter was called for hearing. All exhibits were admitted, and witnesses were presented on behalf of all the parties. Respondent admitted that the allegations contained in the Complaint are factually true. He acknowledged that those factual allegations might properly result in sanction under the Oklahoma Osteopathic Medicine Act (“Act”). 59 O.S. § 620 et seq., but asked to have an opportunity to seek treatment through the Oklahoma Health Professionals Program (OHPP).

The Board makes the following findings of fact:

1. The Board finds that Dr. Livingston received proper and legal notice of the hearing and had the opportunity to present testimony, and did present testimony, and be represented by counsel.
2. Dr. Livingston, D.O., is the holder of a license to practice as an osteopathic physician in the State of Oklahoma, license number 4209, and the license is currently **pending renewal**.
3. The Board finds that Dr. Livingston has violated the Act when on July 1, 2024, Board investigators interviewed Dr. Livingston after the Board received multiple complaints regarding his practices. During this interview, Dr. Livingston indicated that he had used cocaine the previous Friday, June 28, 2024. Dr. Livingston admitted this fact and stated that he has used cocaine every two weeks since July 2024, and intends to continue to use cocaine every two weeks unless ordered to stop by the Board.
4. Dr. Livingston signed a contract with the Oklahoma Health Professionals Program on July 3, 2024, to address Board staff's substance abuse concerns, but he was terminated from the program on August 5, 2024, for failing to arrange an evaluation within thirty (30) days of signing the contract. Dr. Livingston admitted this fact, but offered explanation that he could not afford the OHPP costs.
5. Since August 5, 2024, Dr. Livingston refuses to cooperate with OHPP or Board Investigators in addressing his drug issues.
6. In the Past, the Board has addressed multiple complaints and allegations related to Dr. Livingston since he was licensed in 2004.
7. In 2012, a Board investigation revealed that 6,147 prescriptions of controlled dangerous substances (CDS, Schedules II-V) were issued or refilled over a three-month period in which Dr. Livingston worked an average of 11 days per month.
8. In 2012 a Board Investigation the office of the Chief Medical Examiner for the State of Oklahoma linked four (4) Probable Cause of Deaths to the same CDS prescribed by Dr. Livingston. For each of these patients, Dr. Livingston did not have a psychological function assessment, any previous medical records, no

hospital records from recent admissions, results of any MRI examination, no imaging, no alternative treatment plan, no discussion of risks or benefits of CDS and no discussion about any drug abuse, alcohol consumption, suicide or the use of tobacco. For each of these patients, the office of the Chief Medical Examiner reported the probable cause of death was an Acute Combined Drug Toxicity or Combined Drug Toxicity due to enumerated drugs for each patient.

9. In 2012, a Board Investigation revealed that Dr. Livingston was the Medical Director for the South Pointe Pain Management Clinic ("Pain Clinic"). Concurrently, Dr. Livingston was the Medical Director for the Transformation Weight Loss Clinic. The Transformation Clinic was giving HCG, Herbal Treatments and Phentermine. The Transformation Clinic was using Dr. Livingston's DEA number to purchase drugs. Dr. Livingston did not review what the Transformation Clinic was purchasing with his DEA number and did not maintain a dispensing log with the Transformation Clinic. Dr. Livingston permitted staff at Transformation Weight Loss Clinic to use his DEA number to order and purchase drugs. Dr. Livingston did not know what drugs were ordered and did not keep a log of those dispensed.
10. Due to these 2012 issues, the Board restricted Dr. Livingston's license. The Board's order specifically prohibited Dr. Livingston from administering, prescribing, or dispensing any CDS and required him to take various educational courses.
11. In September 2016, the Board denied a request from Dr. Livingston to administer Suboxone and required him to take the COMVEX Exam.
12. In 2017, the Board prohibited Dr. Livingston from supervising mid-level practitioners.
13. The Board lifted all restrictions on Dr. Livingston's license in March 2018.
14. The Board has at least four (4) pending investigations regarding Dr. Livingston's practice of medicine and personal conduct.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the subject matter and is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of osteopathic physicians in the State of Oklahoma. 59 O.S. § 620 et seq. and Okla. Admin. Code § 510: 1-1 -1 et seq.
2. The Board is authorized to suspend, revoke or order any other appropriate conditions against the license of any osteopathic physician holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. 59 O.S. § 637.1.
3. The Board concludes that the allegations as stated in the complaint, and presented through evidence to the Board at the hearing, are sufficient for a penalty of **suspension** of license to practice medicine as an osteopathic physician in Oklahoma.
4. The Board finds that Dr. Livingston has violated the Act by: (1) engaging in unprofessional conduct in his duties as an osteopathic physician (to wit: using cocaine); (2) being incapable of discharging the functions of an osteopathic physician in a manner consistent with the public's health, safety, and welfare due to the use of cocaine; and 3) being guilty of habitual addiction to cocaine, a habit-forming drug.

ORDER

IT IS THEREFORE ORDERED by the Oklahoma State Board of Osteopathic Examiners as follows: Respondent's license shall hereby and immediately be **SUSPENDED** until such time as certain conditions as outlined in this Order have been fully completed.

1. Respondent shall immediately enter into an agreement with Oklahoma Health Practitioner Program ("OHPP") to monitor for drug use. Any breach of the agreement of the OHPP agreement conditions shall constitute grounds for a complaint for revocation of the Respondent's license. Respondent shall sign a five (5) year contract with OHPP. Respondent shall abide by all recommendations of OHPP.
2. Respondent shall ensure OHPP provides quarterly reports to the Board and/or the

- Board's Compliance Officer regarding Respondent's progress and participation in OHPP, including but not limited to meeting attendance records.
3. Respondent shall be evaluated by a multi-disciplinary program, previously approved by the staff of the Board. Such evaluation shall be completed not later than March 2025. Failure to complete the required evaluation by that date shall constitute grounds for a complaint for revocation of the Respondent's license.
 4. Following completion of recommendations by the multi-disciplinary program mentioned in three (3) above, the Respondent shall appear at the next meeting of the Board. At that time, the Board shall determine if additional conditions shall be placed on the suspension order. This may include an assessment of clinical skills and fitness to practice conducted by a testing facility designated by the Board.
 5. Respondent will maintain monthly contact with his assigned Board Investigator.
 6. Respondent shall complete Quarterly Supervision Self-Reports provided by Board Staff by the tenth (10th) day of each month.
 7. Respondent shall ensure that all authorizations to release all records, reports, documents and attachments directly to the Board are signed and completed.
 8. Board staff shall have oversight of this Order on behalf of the Board, and the authority to direct Respondent to provide any and all reports, evaluations, assessments, and/or documents, relevant to this matter, including but not limited to, the signing of any authorizations necessary for the release of any and all evaluations/reports directly to the Board.
 9. Respondent will keep the Board informed of his current home and email address, as well as cell phone number. Such report to the Board shall be within ten (10) days of the change. Upon request, Respondent shall make himself available for one or more personal appearances before the Board or its authorized designee.
 10. This Order shall not guarantee that Oklahoma Osteopathic Medical License of the Respondent will be reissued to the Respondent and his license renewal is to remain tabled.
 11. Respondent shall bear the financial costs of any expenses incurred from this Order.
 12. In the event Dr. Livingston surrenders his Oklahoma license to practice osteopathic

medicine, the terms and conditions of this Order shall be tolled.

13. Any violation of this Order may result in further discipline of Dr. Livingston's license to practice osteopathic medicine in the State of Oklahoma.
14. This Order constitutes final action by the Board on the date it was announced at the Board hearing.

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

Further, This Order is reportable to the National Practitioner Data Bank ("NPDB") pursuant to federal law, including but not limited to, 45 CFR Part 60.

The Order is subject to Executive Order 2019-17 and shall be submitted to the Office of the Oklahoma Attorney General for a written "review and confirmation that the action is enforcing a clearly articulated and affirmatively expressed state policy." However, such review does not impact the ability of this action to be immediately reviewed pursuant the provisions of the Oklahoma Administrative Code.

As facts may indicate any violation of this Order, or evidence given in the hearing may result in action by the Oklahoma Attorney General.

IT IS HEREBY ORDERED AND EFFECTIVE this 26th day of September, 2024.



Katie Templeton, J.D. (Sep 30, 2024 16:46 CDT)

Katie Templeton, J.D.
Acting Board President
State Board of Osteopathic Examiners

STATE OF OKLAHOMA, ex rel.
OKLAHOMA STATE BOARD OF
OSTEOPATHIC EXAMINERS,

Petitioner,

v.

CLAYTON HOWELL, D.O.,
Osteopathic Medical License
No.5398 ,

Respondent.

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners ("Board") at a special meeting of the Board on September 26, 2024. Clayton Howell, D.O. ("Dr. Howell"), appeared in person at the hearing on this date. He was not represented by legal counsel.

Dr. Howell requests modification of his Board Order dated January 17, 2024. Specifically, Dr. Howell requests that Paragraph 2 of the Order portion of the January 17, 2024 board order, which currently provides for treatment by the Professional Renewal Center (PRC) be modified. Dr. Howell requests that this paragraph be changed in compliance with the report of Julio I. Rojas, Ph.D., dated August 16, 2024, which was provided confidentially to the Board pursuant to legal privacy protections.

2. Treatment by PRC is no longer required. However, Dr. Howell must continue to be monitored by the Oklahoma Health Professionals Program (OHPP) along with aftercare therapy as directed by OHPP. Further, Dr. Howell's work restriction of 40 hours

per week shall be modified to allow moonlighting of twenty-four (24) additional hours per calendar month, provided there is no evidence it is leading to any slippage in his recovery meetings, therapy, or testing compliance.

All other provisions of the January 17, 2024 Order shall remain in effect.

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

IT IS HEREBY ORDERED AND EFFECTIVE this 26th day of September, 2024.



Katie Templeton, J.D. (Sep 30, 2024 16:46 CDT)

Katie Templeton, J.D.
Acting Board President
State Board of Osteopathic Examiners

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

**IN THE MATTER OF OCHIJE)
OKONYA, D.O., APPLICANT FOR) Case No. 2024-L009
FULL LICENSE (Osteopathic)
Medical License No. 0671R)**

**ORDER GRANTING APPLICATION FOR FULL LICENSURE IN PART, AND
PLACING CONDITIONS ON THE LICENSE**

This matter comes on for consideration before the Oklahoma State Board of Osteopathic Examiners ("Board") at a special meeting of the Board on September 26, 2024. Ochiye Okonya, D.O. ("Dr. Okonya"), appeared in person at the hearing on this date represented by legal counsel M. Todd Konsure, J.D.

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 Dr. Okonya's application for licensure and hearing testimony and evidence enters this Order Granting the Application for Licensure In Part, and Placing Conditions on the License.

IT IS HEREBY ORDERED by the Board that Dr. Okonya's application for full license is granted in part and Dr. Okonya is subject to the following terms and conditions:

1. Dr. Okonya's License to practice medicine shall be conditioned by the limitation to use such license to practice medicine only during his resident training under the supervision of the McAlester Regional Family Medicine residency program.
2. Further, 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 the. McAlester Regional Family Medicine residency program
3. Further, if Dr. Okonya is terminated from the McAlester Regional Family Medicine residency program, either voluntarily or involuntarily, this conditional license to practice medicine is automatically suspended and may not be reinstated without written application and appearance before the Board.

4. This Order is a final determination of this Board and is therefore appealable as a final order. However, the Order is not an adverse determination since it grants the application for a license and allows full unrestricted participation in the Respondent's residency program. It is therefore not subject to reporting requirements of National Practitioner Data Bank ("NPDB") pursuant to federal law, including but not limited to, 45 CFR Part 60.
5. The Board has not reached any final determination on the granting of a full license to practice medicine should Dr. Okonya successfully complete his residency program. Upon satisfactory completion of the McAlester Regional Family Medicine residency program, Dr. Okonya shall make written application for an unrestricted license and appear before the Board. Nothing in this Order shall guarantee further licensure of Dr. Okonya.

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

IT IS HEREBY ORDERED AND EFFECTIVE this 26th day of September, 2024.


Katie Templeton, J.D. (Sep 30, 2024 16:46 CDT)
Katie Templeton, J.D.
Acting Board President
State Board of Osteopathic Examiners