

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

FILED

JAN 19 2023

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.*)
OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.) Case No. 22-06-6132
)
STEVE BRYAN SKARKY, M.D.,)
LICENSE NO. MD 23464,)
)
Defendant.)

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision ("Board"), by and through the undersigned counsel for the Plaintiff, as represented by the Secretary of the Board, Billy H. Stout, M.D., and Steve Bryan Skarky, M.D. ("Defendant"), Oklahoma medical license no. 23464, who appears in person, and through counsel Elizabeth A. Scott, Crowe & Dunlevy, PC (collectively, the "Parties"), offer this Order Accepting Voluntary Submittal to Jurisdiction (herein, "Order" or "Agreement") for acceptance by the Board. Okla. Admin. Code § 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant admits to some of the allegations herein contained and further acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("Act"). 59 O.S. § 480, *et seq.*

Defendant, Steve Bryan Skarky, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for an evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement may be reviewed and discussed with him by legal counsel prior to execution.

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Defendant herein, if any, shall not be regarded as evidence against him in a subsequent disciplinary hearing. Defendant will be free to defend himself and no inferences will be made from his willingness to have this Order accepted by the Board. The Parties stipulate that neither

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the presentation of this Order nor the Board's consideration of this Order shall be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not be grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.

Findings of Fact

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

1. In Oklahoma, Defendant holds medical license no. 23464.
2. On December 6, 2022, a Verified Complaint ("2022 Complaint") and Citation were each filed by the Board. Hearing was set for March 16, 2023.
3. This action initially arose from a complaint alleging Defendant had a sexual relationship with a patient. The allegation was made the sexual relationship occurred while Defendant was still treating the patient.
4. The board subsequently received a similar complaint from a separate patient. This patient, E.S., stated that Defendant had a sexual relationship with her while she was a patient of Defendant.
5. Defendant has admitted to having sexual relationships with two patients as well as prescribing to a person he met at an online dating site and with whom he did not have a valid doctor patient relationship.

Conclusions of Law

6. 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 physicians and surgeons in the State of Oklahoma. 59 O.S. § 480 *et seq.* and Okla. Admin. Code §§ 435:5-1-1 *et seq.*
7. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 504; Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.
8. The Board is authorized to suspend, revoke or order any other appropriate conditions against the license of any physician or surgeon holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. 59 O.S. §§ 503, 513(A)(1). The Board's action is authorized by 59 O.S. § 509.1.
9. The Board is authorized to accept voluntary submittals to jurisdiction mutually agreed to by parties to a disciplinary action to resolve the action without need for a hearing. 75 O.S. § 309(E); Okla. Admin. Code § 435:5-1-5.1.

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10. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
- a. Engaging in physical conduct with a patient which is sexual in nature, or in any verbal behavior which is seductive or sexually demeaning to a patient, in violation of 59 O.S. §509(17).
 - b. Failure to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient, in violation of 59 O.S. §509(18).
 - c. Conduct likely to harm the public, in violation of Okla. Admin. Code § 435:10-7-4(11).
 - d. Commission of any act of sexual abuse, misconduct, or exploitation related or unrelated to the licensee's practice of medicine and surgery, in violation of Okla. Admin. Code § 435:10-7-4(23).
 - e. Improper management of medical records, in violation of Okla. Admin. Code § 435:10-7-4(36).
 - f. Failure to establish a physician/patient relationship prior to providing patient-specific medical services, care, or treatment, in violation of Okla. Admin. Code § 435:10-7-4(49).

Orders

IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The Board hereby adopts the Agreement of the Parties in this Order Accepting Voluntary Submittal to Jurisdiction, including the findings of fact and conclusions of law stated herein.
2. STEVE BRYAN SKARKY, M.D license is hereby suspended for a period of six (6) months. Defendant will be given credit for time he has not practiced so his suspension is completed.
3. Defendant shall be placed on PROBATION for a period of five (5) years.
4. Defendant shall not treat any female patients. Upon successful completion of the five (5) year probationary period, Defendant may request the Board to modify this restriction. Prior to making any request for modification of the Order, Defendant shall return to Professional Renewal Center for a follow-up session which should be at least three (3) full days (8:00 a.m. to 5:00 p.m.).

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5. STEVE BRYAN SKARKY, M.D shall comply with all the following probationary terms and conditions:

Specific Terms:

- a. Defendant shall sign a five (5) year contract with Oklahoma Health Professionals Program ("OHPP").
- b. Defendant shall abide by all recommendations of OHPP, including but not limited to attendance at Caduceus meetings.
- c. Defendant shall ensure OHPP provides quarterly reports to the Board Secretary and the Board's Compliance Coordinator regarding Defendant's progress and participation in OHPP, including but not limited to meeting attendance records.
- d. Defendant shall participate in community-based recovery meetings such as Sex Addicts Anonymous or a similar sex related recovery group. Defendant shall comply with the following:
 - (i) Attend at a minimum four (4) meetings per week;
 - (ii) Obtain a sponsor and participate in step work with the Sponsor; and
 - (iii) Defendant shall provide monthly meeting attendance records to the Board Secretary and the Board's Compliance Coordinator.
- e. Defendant shall establish a therapeutic relationship with a psychiatrist who shall be preapproved by the Board Secretary. Defendant shall execute appropriate releases and ensure the psychiatrist provides monthly updates to the Board Secretary and the Board's Compliance Coordinator.
- f. Defendant shall establish a therapeutic relationship with a therapist and participate in weekly individual therapy session with such therapist. The therapist shall be preapproved by the Board Secretary. Defendant shall execute appropriate releases and ensure the psychiatrist provides monthly updates to the Board Secretary and the Board's Compliance Coordinator.
- g. Defendant shall obtain a primary care physician who shall be preapproved by the Board Secretary.
- h. Defendant's practice is subject to the following conditions:
 - (i) Defendant shall refrain from solo practice and practice only in a group setting that provides structure and ongoing oversight.
 - (ii) Defendant shall meet weekly with a workplace mentor. The mentor shall provide Defendant with clear policies, procedures and expectations and monitor his compliance with he same. The monitor shall be pre-approved by the Board Secretary. Defendant shall ensure the mentor provides monthly reports to the Board Secretary and the Board's Compliance Coordinator.

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In the event the original Mentor becomes unavailable, for any reason, a replacement shall be named by the Board Secretary who is acceptable to the Defendant. If the Parties are unable to agree to a mentor within thirty (30) days, then either party may make application before the Board for the approval of a replacement Mentor for the purposes stated herein.

- (iii) Defendant shall participate in quarterly monitoring polygraphs to be administered by a company pre-approved by the Board's Compliance Coordinator.

- i. All of Defendant's prospective employment related to the medical field and any workplace setting shall be approved of in advance by the Board Secretary during any period that he is working in Oklahoma, which includes locum tenens and telemedicine. If Defendant desires to change his employment, the proposed working environment must be approved of in advance by the Board Secretary.

Standard Terms:

- j. Defendant shall conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("Act") as interpreted by the Board. Any question of interpretation regarding the Act or this Order shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Board or its authorized designee. 59 O.S. § 480, *et seq.*
- k. Defendant shall furnish a file-stamped copy of this Order stipulating terms imposed by the Board, to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he/she holds or anticipates holding any form of staff privileges or employment.
- l. Defendant will keep the Board informed of his current address.
- m. Defendant will keep current payment of all assessments by the Board for prosecution, investigation and monitoring of his case, which shall include, but is not limited to, a fee of one hundred fifty dollars (\$150.00) per month during the term of probation, unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- n. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any bankruptcy proceeding.
- o. Defendant will not supervise allied health professionals, physician assistants, or advanced nurse practitioners, that require surveillance of a licensed medical practitioner. Okla. Admin. Code § 435:5-1-8.

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- p. Defendant shall promptly notify the Board Secretary or Compliance Coordinator of any citation or arrest for traffic or for criminal offenses.
 - q. Upon request, Defendant shall make himself available for one or more personal appearances before the Board or its authorized designee.
 - r. Defendant will execute such releases of medical and psychiatric records during the entire term of this Order as necessary for use by the Board Secretary and/or Compliance Coordinator to obtain copies of medical records and assessments and authorize the Board Secretary and/or Compliance Coordinator to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.
 - s. If Defendant moves his residence or practice location out of the State of Oklahoma during this Order, this Order will be tolled until such time as Defendant returns to the State of Oklahoma and begins practicing within the state. Defendant will notify the Board Secretary and/or Compliance Coordinator prior to moving out-of-state.
 - t. Failure to meet any of the terms of this Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.
 - u. Immediately upon learning that a licensee is in violation of a Board-ordered probation, the Executive Director of the Board may summarily suspend the license based on imminent harm to the public and assign a hearing date for the matter to be presented at the next scheduled Board meeting. 59 O.S. § 506(B).
6. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.
7. A copy of this Order shall be provided to Defendant as soon as it is processed.

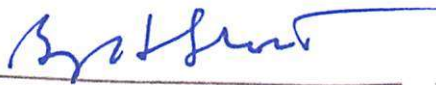
Dated this 19th day of January, 2023. ↗

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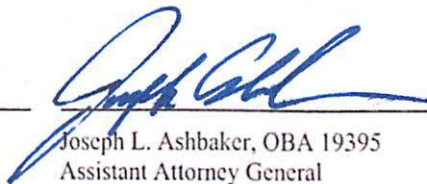
Billy H. Stout, M.D., Board Secretary
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION



Steven Katsis, M.D., President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION



Steve Bryan Skarky, M.D.
License MD 23464
Defendant



Joseph L. Ashbaker, OBA 19395
Assistant Attorney General
STATE OF OKLAHOMA,
OFFICE OF ATTORNEY GENERAL
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Page 7 of 8

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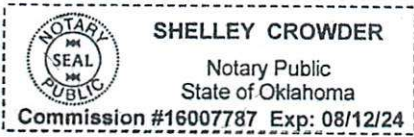


Order Accepting Voluntary Submittal to Jurisdiction: 22-06-6132
Steve Bryan Skarky, MD 23464

ACKNOWLEDGMENT

STATE OF OKLAHOMA)
) ss.
COUNTY OF Oklahoma)

This instrument was acknowledged before me on the 19th day of January,
2023, by Steve Bryan Skarky.



Shelley Crowder
Notary Public
Commission Expiration: August 12, 2024

Certificate of Service

This is to certify that on the 19th day of January, 2023, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail
Steve Bryan Skarky, M.D.
P.O. Box 20768
Oklahoma City, Oklahoma 73156
Defendant

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Shelley Crowder
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