

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

FILED

JUL 25 2024

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.*)
 OKLAHOMA STATE BOARD)
 OF MEDICAL LICENSURE)
 AND SUPERVISION,)
)
 Plaintiff,)
)
 v.)
)
 ALAN AKIRA HASEGAWA, M.D.,)
 LICENSE NO. MD 17409,)
)
 Defendant.)

Case No. 21-06-6018

**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 the Executive Director of the Board, Sandra Harrison, along with Alan Akira Hasegawa, M.D. (“Defendant”), Oklahoma medical license no. 17409, who appears in person, and through counsel David A. Russell, of Rodolf & Todd, and 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 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, Alan Akira Hasegawa, 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

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Parties stipulate that neither 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. 17409, originally issued July 31, 1990. It currently is in "inactive" status.
2. On or about June 26, 2023, Board staff subpoenaed updated records. Upon receiving the updated records, they were sent to an expert, Dr. Britta Ostermeyer, M.D., for review. Ultimately, Dr. Ostermeyer reviewed five (5) patient records.
3. Dr. Ostermeyer rendered opinions in which she felt there were issues in her review raising questions regarding Dr. Hasegawa's prescriptions of benzodiazepines in the care and treatment of those patients.
4. Dr. Ostermeyer alleged that the Defendant's care of those five patients deviated from the standard of care. Dr. Hasegawa disagreed and hired his own expert witness to review the above cases and Dr. Ostermeyer's opinions.
5. Dr. Hasegawa's expert reviewed the records of the five patients at issue and disagreed with Dr. Ostermeyer's opinions. He found that Dr. Hasegawa did not deviate from the standard of care.

Conclusions of Law

6. The Board has jurisdiction over the subject matter and is the 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, the State alleged that Defendant is guilty of unprofessional conduct as follows:
 - a. Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship and not prescribing in a safe, medically accepted manner, in violation of 59 O.S. §509(12) and Okla. Admin. Code § 435:10-7-4(2).
 - b. Prescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice, in violation of 59 O.S. §509(16)(a).
 - c. Indiscriminate or excessive prescribing, dispensing or administering of Controlled or Narcotic drugs, in violation of Okla. Admin. Code § 435:10-7-4(1).
 - d. Negligence in the practice of medicine, in violation of Okla. Admin. Code § 435:10-7-4(15).
11. Dr. Hasegawa denies all the above allegations and retained an expert prepared to rebut these allegations.
12. The Board has not reached findings of fact regarding guilt of professional misconduct.
13. There is no action being taken upon Dr. Hasegawa's currently inactive license as an operation of law.

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. **ALAN AKIRA HASEGAWA,, M.D.** shall comply with all of the following terms and conditions:
 - a. Defendant, Alan Akira Hasegawa, M.D., has relinquished his license, retired and has closed his medical practice. His license currently is inactive status.
 - b. If Dr. Hasegawa wishes to have his license returned to active status, he shall obtain a clinical skills assessment with an emphasis on prescribing from a Board approved facility with prior approval from the Secretary of the Board. He must sign all necessary waivers for the Secretary of the Board to receive the results and provide collateral information. Upon completion of such evaluation, Dr. Hasegawa shall appear before the Board to get approval for reinstatement.

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- 3. 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.
- 4. A copy of this Order shall be provided to Defendant as soon as it is processed.


Dated this 25th day of July, 2024.



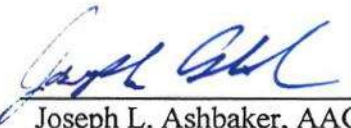
 Billy H. Stout, M.D., Board Secretary
 OKLAHOMA STATE BOARD OF MEDICAL
 LICENSURE AND SUPERVISION




 Trevor Nutt, President
 OKLAHOMA STATE BOARD OF MEDICAL
 LICENSURE AND SUPERVISION



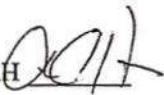
 Alan Akira Hasegawa, M.D.
 License MD 17409
Defendant

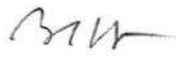


 Joseph L. Ashbaker, AAG, OBA 19395
 STATE OF OKLAHOMA
 OFFICE OF ATTORNEY GENERAL
**Attorney for Plaintiff,
 Oklahoma State Board of Medical
 Licensure and Supervision**



 David A. Russell, OBA 15104
 Rodolf & Todd
 15 EAST 5TH STREET, 6TH FLOOR
 TULSA, OK 74103
**Attorney for Defendant,
 Alan Akira Hasegawa, M.D.**

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ACKNOWLEDGMENT

STATE OF OKLAHOMA)

COUNTY OF Tulsa)

ss.

This instrument was acknowledged before me on the 19 day of July,
2024, by [Defendant] Alan AKIRA HASEGAWA, M.D.

Nancy L. Holliday
Notary Public
Commission Expiration: 12-10-24



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Certificate of Service

This is to certify that on the 25th day of July, 2024, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail

Alan Akira Hasegawa, M.D.
6655 Yale Ave.
Tulsa, Oklahoma 74136

Defendant

U.S. First Class Mail, and E-Mail

David A. Russell, OBA 15104
Rodolf & Todd
15 EAST 5TH STREET, 6TH FLOOR
TULSA, OK 74103
(918) 295-2100 Main
(918) 295-7800 Facsimile
david@rodolftodd.com
***Attorney for Defendant,
Alan Akira Hasegawa, M.D.***

E-Mail

Joseph L. Ashbaker, AAG, OBA 19395
STATE OF OKLAHOMA
OFFICE OF ATTORNEY GENERAL
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105
(405) 522-2974
Joe.ashbaker@oag.ok.gov
***Attorney for Plaintiff,
Oklahoma State Board of Medical
Licensure and Supervision***



Shelley Crowder

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