

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

FILED

DEC 11 2003

STATE OF OKLAHOMA, ex rel.,)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

vs.)

CASE NO. 03-04-2660

JUSTIN DANIEL BOYCE, P.A.)
LICENSE NO. PA1000,)

Defendant.)

COMPLAINT

COMES NOW the plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Complaint against the Defendant, Justin Daniel Boyce, P.A., alleges and states as follows:

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physician assistants in the State of Oklahoma pursuant to 59 Okla. Stat. §§ 480 *et seq.* and 887.1 *et seq.*

2. Defendant, Justin Daniel Boyce, P.A., holds Oklahoma license no. PA1000.

3. Beginning in or around May 2002, Defendant began to abuse alcohol.

4. On or about April 27, 2003, Defendant presented to a Walgreen's pharmacy in Oklahoma City a prescription he had forged in the name of Sherry Boyce for Xanax allegedly written by Richard Myers, D.O. The pharmacist contacted Dr. Myers and confirmed that no prescription had been written by him to Sherry Boyce.

5. Based upon this incident, on or about April 27, 2003, the pharmacist at Walgreen's contacted the police and Defendant was arrested in Oklahoma City, State of Oklahoma. Defendant was subsequently charged with Obtaining a Controlled Dangerous Substance by Fraud. At the time of his arrest, the police searched the Defendant's car and found a blank prescription pad which contained several blank prescriptions with Dr. Myers' alleged signature on them. The police also found numerous prescription bottles, some of which still

contained medications. The prescriptions were made out to several Boyce family members, as well as to Nancy and Calvin Hillman.

6. Defendant has admitted that he had previously had his relatives fill prescriptions he had forged and that they had returned the drugs to him for his personal use.

7. Based on the allegations stated above, Defendant is guilty of unprofessional conduct as follows:

- A. He has violated a provision of the Medical Practice Act or the rules promulgated by the Board pursuant to OAC 435:15-5-11(a)(7).
- B. He has engaged in dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11).
- C. He has violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(14) and OAC 435:10-7-4(39).
- D. He habitually uses intoxicating liquors or habit-forming drugs in violation of OAC 435:15-5-11(a)(1), 59 O.S. §509(5) and OAC 435:10-7-4(3).
- E. He is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition in violation of 59 O.S. §509(16) and OAC 435:10-7-4(40).
- F. Purchased or prescribed a regulated substance in Schedules I through V for the physician's personal use in violation of OAC 435:10-7-4(5).
- G. Prescribed, sold, administered, distributed, ordered or gave a drug legally classified as a controlled substance or recognized as an addictive dangerous drug to a family member or to himself or herself in violation of OAC 435:10-7-4(26).

- H. Prescribed, sold, administered, distributed, ordered or gave any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug for other than medically accepted therapeutic purposes in violation of OAC 435:10-7-4(24).
- I. Committed any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine in violation of 59 O.S. §509(10).
- J. Violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27) and 63 O.S. §§2-402, 2-404, 2-406 and 2-407 and OAC 435:25-1-3 and OAC 435:30-1-3.
- K. Wrote a false or fictitious prescription for any drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs in violation of 59 O.S. §509(12).
- L. Prescribed or administered a drug or treatment without sufficient examination and the establishment of a valid physician patient relationship in violation of 59 O.S. §509(13).
- M. Prescribed, dispensed or administered controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribed, dispensed or administered controlled substances or narcotic drugs without medical need in accordance with published standards in violation of 59 O.S. §509(17) and OAC 435:10-7-4(2) and (6).
- N. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).
- O. Procured, aided or abetted a criminal operation in violation of 59 O.S. §509(1).


- P. Was convicted of or confessed to a crime involving violation of the antinarcotics or prohibition laws and regulations of the federal government or the laws of this state in violation of 59 O.S. §509(8).
- Q. Failed 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(19).

8. These allegations raise serious concerns about Defendant's ability to practice as a physician assistant in the State of Oklahoma with reasonable skill and safety.

WHEREFORE, plaintiff requests that the Board conduct a hearing, and upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a physician assistant in the State of Oklahoma.

Dated this 17th day of December, 2003.

Respectfully submitted,


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Oklahoma Board of Medical Licensure and
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