

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

**FILED**

JUN 22 2010

STATE OF OKLAHOMA )  
EX REL. THE OKLAHOMA BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )

Plaintiff )

v. )

LEONARDO HERMAN CLARAVALL, M.D., )  
LICENSE NO. 10412, )

Defendant. )

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 09-03-3705

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, Leonardo Herman Claravall, M.D., Oklahoma license no. 10412, 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 physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.*
2. Defendant, Leonardo Herman Claravall, M.D., holds Oklahoma license no. 15171.

PRIOR DISCIPLINARY ACTIONS

3. On or about January 23, 1998, the Board entered a Voluntary Submittal to Jurisdiction and Agreed Order whereby Defendant's license was **SUSPENDED** for a period of **SIXTY (60) DAYS**, to be followed by a **FIVE (5) YEAR** term of **PROBATION** due to a finding that he prescribed a drug without sufficient examination and the establishment of a valid physician/patient relationship, he aided or abetted the unlicensed practice of medicine, he engaged in gross or repeated negligence, he allowed another person to use his physician's license to practice medicine and that he failed to maintain effective controls against the diversion of controlled dangerous substances. Specifically, Defendant allowed his sisters, as well as his

brother-in-law to examine patients, dispense controlled drugs to the patients, and to hold themselves out as licensed physicians when they were not in fact licensed in any state. These actions occurred primarily when Defendant was not on the premises. Defendant's probation ended March 23, 2003.

4. On or about September 17, 2009, the Board entered a Voluntary Submittal to Jurisdiction whereby Defendant's license was **SUSPENDED** for a period of **SIXTY (60) DAYS**, to be followed by a **FIVE (5) YEAR** term of **PROBATION** due to a finding that Defendant had prescribed controlled dangerous substances for almost five (5) years after his OBN permit had expired and for over one (1) year after his DEA permit had expired. Defendant had continued to prescribe controlled dangerous substances after being advised not to do so by OBN Agent Mark Stewart and by Board Investigator Steve Washbourne. Defendant additionally had prescribed controlled dangerous substances to numerous patients without documentation of a legitimate medical need for the medications.

### **CURRENT UNPROFESSIONAL CONDUCT ALLEGATIONS**

#### **VIOLATION OF DEA REGISTRATION LAWS AND BOARD ORDERED PROBATION**

5. Defendant's September 17, 2009 Probation provides as follows:

A. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision...

N. Defendant will not prescribe, administer, dispense or possess any drugs in Schedules II through III.

O. Upon completion of the continuing medical education set forth in paragraphs D and E above, Defendant may come before the Board and request that his probation be modified to allow him to prescribe controlled dangerous substances in Schedules II and III.

6. The above provisions have not been modified and remain in full force and effect.

7. On or about December 1, 2009, Defendant surrendered his DEA permit to DEA authorities. Without a valid DEA permit, Defendant was unable to prescribe any controlled dangerous substances.

8. On or about February 1, 2010, Defendant met with Board Compliance Officer Gary Ricks and with Board Secretary, Gerald C. Zumwalt, M.D. Dr. Zumwalt advised Defendant that under his Board Order, he was allowed to prescribe Schedule IV and V

medications. However, in order to prescribe Schedule II and III medications under his Board Order, he would need to appear before the Board and request that his probation be modified. Defendant advised Board staff that he was content to prescribe only Schedule IV and V medications. Defendant did not advise Board staff that he had surrendered his DEA permit and was not allowed to prescribe any controlled dangerous substances at that time.

9. On or about June 7, 2010, Board investigators learned that Defendant had not only been prescribing Schedule IV controlled dangerous substances without a valid DEA permit, but that he also had been prescribing Schedule III controlled dangerous substances without having obtained a modification of his probation by the Board to allow him to prescribe Schedule III controlled dangerous substances and without a valid DEA permit. Board investigators, along with DEA representatives, met with Defendant, at which time he admitted that he had been prescribing Schedule III and Schedule IV controlled dangerous substances without a valid DEA permit.

10. Defendant's conduct in late 2009 and early 2010 where he prescribed controlled dangerous substances without being in possession of a valid DEA permit is the identical unprofessional conduct that previously occurred and resulted in his September 17, 2009 suspension and probation.

11. On or about June 10, 2010, Lylè R. Kelsey, Executive Director of the Oklahoma State Board of Medical Licensure and Supervision, **SUMMARILY SUSPENDED** Defendant's license under the authority of 59 O.S. §506(B) based upon Defendant's violation of his probation.

12. A review of pharmacy records reflects that from December 1, 2009, the day Defendant surrendered his DEA permit, until May 6, 2010, Defendant prescribed or authorized one-hundred fifty-four (154) prescriptions for Alprazolam, Zolpidem, Carisoprodol, Meridia, Phentermine and Propoxyphene, Schedule IV controlled dangerous substances, for **8,073 dosage units**, all without being in possession of a valid DEA permit.

13. A review of pharmacy records reflects that from December 1, 2009, the day Defendant surrendered his DEA permit, until May 18, 2010, Defendant prescribed or authorized seventy-one (71) prescriptions for Phendimetrazine, Bontril, and Butalbital with Codeine, Schedule III controlled dangerous substances, for **5,674 dosage units**, all without being in possession of a valid DEA permit and without having obtained a modification of his probation by the Board to allow him to prescribe Schedule III controlled dangerous substances.

14. Defendant is guilty of unprofessional conduct in that he:

- A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. § 509 (8) and OAC 435:10-7-4 (11).

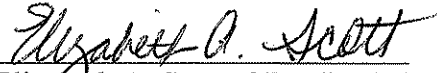
- B. Engaged in practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).
- C. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509 (13) and OAC 435:10-7-4(39).
- D. 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(9).
- E. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- F. Is unable to practice medicine with reasonable skill and safety to patients by reason of age ... or any other type of material or as a result of any mental or physician condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).
- G. Confessed to a crime involving the violation of the antinarcotic or prohibition laws and regulations of the federal government or the laws of this state in violation of 59 O.S. 509(7).
- H. Is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).

***Conclusion***

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 the revocation or suspension of the Defendant's license to practice as a physician and surgeon in the State of Oklahoma, 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 and surgeon in the State of Oklahoma.

Dated this 22nd day of June, 2010 at 12:30 p.m.

Respectfully submitted,



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