

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

STATE OF OKLAHOMA,

STATE OF OKLAHOMA, ex rel,	)	
OKLAHOMA STATE BOARD OF	)	
MEDICAL LICENSURE AND	)	
SUPERVISION,	)	OKLAHOMA STATE BOARD OF
	)	MEDICAL LICENSURE & SUPERVISION
Plaintiff,	)	
	)	
v.	)	
	)	
PORTER B. LESLIE, M.D.	)	CASE NO. 90-09-1131
Medical License No. 10616,	)	
	)	
Defendant.	)	

ORDER IMPOSING SUSPENSION  
FOLLOWED BY PROBATION

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on November 21, 1992, at the office of the Oklahoma Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and Porter B. Leslie, M.D., Defendant, appeared in person and by counsel, Perry T. Marrs, Jr., Short, Barnes, Wiggins, Margo & Adler, 14th Floor, Corporate Tower, 101 N. Robinson, Oklahoma City, OK 73102.

The Oklahoma Board of Medical Licensure and Supervision reviewed all exhibits, heard testimony and being fully advised in the premises, the Oklahoma Board finds and orders as follows:

FINDINGS OF FACT

1. That Defendant, Porter B. Leslie, M.D., holds Oklahoma Medical License No. 10616.
2. That the Oklahoma Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.
3. That from January 1, 1991, through March 5, 1992, Defendant wrote approximately 2,310 prescriptions for Schedule II, III, IV, and V controlled dangerous substances, for a total of 93,552 dosage units.
4. That a prescription survey conducted in reference to scheduled drugs reveals that patient B.J. received approximately 4 prescriptions for 1,560 dosage units of scheduled drugs from January 1, 1991, through July 25, 1991, for an average of 8.39 dosage units per day.
5. That the prescription survey reveals that patient G.C. received approximately 1 prescription for 549 dosage units of controlled dangerous substances on June 3, 1992, with insufficient documentation to justify the prescription.
6. That the prescription survey reveals that patient S.H. received approximately 43 prescriptions for 1,920 dosage units of controlled dangerous substances from March 18, 1991, through February 26, 1992, for an average of 5.53 dosage units per day.

7. That the prescription survey reveals that patient B.K. received approximately 17 prescriptions for 1,274 dosage units of controlled dangerous substances from May 17, 1991, through January 18, 1992, for an average of 5.14 dosage units per day.

8. That the prescription survey reveals that patient R.C. received approximately 23 prescriptions for 613 dosage units of controlled dangerous substances from June 28, 1991, through November 25, 1991, for an average of 4.09 dosage units per day.

9. That records on the aforesaid patients reveal that scheduled drugs were being prescribed in excess of the amount considered for the medical need presented.

10. That during the time in question, Defendant wrote prescriptions under DEA No. AL6666878 which was revoked by the DEA in November, 1988, and not any prescriptions under DEA No. BL2178463 which was issued to Defendant on February 28, 1990.

11. Defendant is perpetuating significant harm to public health, safety and welfare by continuing the acts and omissions set forth in the above allegations.

#### CONCLUSIONS OF LAW

1. That Porter B. Leslie, M.D., holding Oklahoma Medical License No. 10616, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1991, Sec. 509, Paragraph 17, to-wit:

"17. Prescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribing, dispensing or administering controlled substances or narcotic drugs without medical need in accordance with published standards."

2. That Porter B. Leslie, M.D., is in violation of the Rules and Regulations promulgated by this Board, specifically Rule 435:10-7-4 (1), (2) and (6), to-wit:

"(1) Indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs."

"(2) Prescribing, dispensing or administering of controlled or narcotic drugs in excess of the amount considered good medical practice."

"(6) Dispensing, prescribing or administering a controlled substance or narcotic drug without medical need."

#### ORDER

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

1. That the Defendant, Porter B. Leslie, M.D., Oklahoma Medical License No. 10616, should be and the same is hereby SUSPENDED for a period of sixty (60) days beginning November 23, 1992.

2. That following the 60-day suspension set forth above, Defendant's Oklahoma Medical License No. 10616 should be and the same is hereby reinstated under a term of PROBATION to the Oklahoma State Board of Medical Licensure and Supervision for an indefinite time under the following terms and conditions:

(a) That during the period of probation Defendant may not prescribe, administer, dispense or

possess any controlled dangerous substances or schedule drugs, except that the Defendant may prescribe controlled dangerous substances for hospital in-patients for use while those patients are in the hospital.

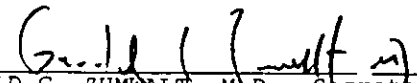
- (b) During the period of probation Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.
- (c) That Defendant shall appear before the Board or a designated member thereof whenever requested to do so.
- (d) During the period of probation Defendant will submit to the Investigation Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.
- (e) Pursuant to Title 59 O.S. Sec. 506, Defendant shall promptly pay within 30 days of receipt of invoice from the Board the costs of investigation, prosecution and probation of this case, unless the Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- (f) During the period of probation Defendant shall furnish each and every state in which he holds licensure or applies for licensure and all hospitals or clinics in which he anticipates holding any form of staff privileges, a copy of the Board Order stipulating sanctions imposed by the Board.
- (g) During the period of probation the Defendant shall not supervise a Physician Assistant.
- (h) That Defendant will conduct his practice in compliance with the Oklahoma Medical Practice Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act 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 the interpretation is received by Defendant from the Board.
- (i) That Defendant will not allow the initiation of any therapeutic regimen by any personnel under his supervision unless Defendant is in the immediate geographic vicinity of said personnel.
- (j) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.

3. That the jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

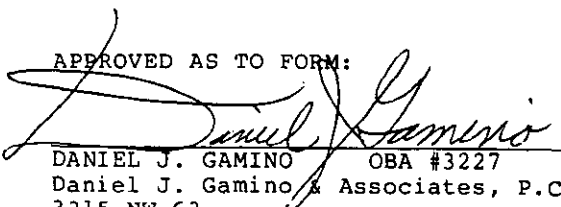
4. That failure to meet any of the above terms of probation will constitute cause for the Board to initiate

additional proceedings to suspend or revoke Defendant's Oklahoma Medical License, after additional due notice and hearing.

DATED this 3 day of Dec, 1992.

  
GERALD C. ZUMWALT, M.D., Secretary  
State Board of Medical Licensure  
and Supervision

APPROVED AS TO FORM:

  
DANIEL J. GAMINO OBA #3227  
Daniel J. Gamino & Associates, P.C.  
3315 NW 63  
Oklahoma City, OK 73116  
(405) 840-3741  
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 7 day of December, 1992, to:

Perry T. Marrs, Jr.  
Short, Barnes, Wiggins,  
Margo & Adler  
14th Floor, Corporate Tower  
101 N. Robinson  
Oklahoma City, OK 73102

  
DANIEL J. GAMINO