

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,

Plaintiff,

vs.

STACY LYNN SCROGGINS, P.A.,
LICENSE NO. PA1066,

Defendant.

FILED

APR 20 2009

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

CASE NO. 09-03-3708

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, Stacy Lynn Scroggins, 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, Stacy Lynn Scroggins, P.A., holds Oklahoma license no. PA1066 and practices as a physician assistant in McAlester, Oklahoma.
3. In or around 2005, Defendant began abusing Hydrocodone cough syrup. She ingested medications prescribed to her children and samples she obtained from her employer, the Warren Clinic in McAlester, Oklahoma.
4. In late 2007 and early 2008, Defendant ordered Hydrocodone cough syrup and Lortab on the pretext that she was ordering it for the clinic where she worked. Instead, she paid for the drugs with her personal credit card and when they were delivered to the clinic, she took the drugs for her personal use. This occurred on at least three (3) separate occasions.
5. On or about March 28, 2008, Defendant claims that she was prescribed Propoxyphene for pain associated with her pregnancy by her personal physician, Stephen Riddel, M.D. A review of the PMP records reflects one (1) prescription for Propoxyphene by Dr. Riddel on March 28, 2008. However, from April 7, 2008 until July 30, 2008, the PMP also reflects

eighteen (18) prescriptions for Propoxyphene by Paul Thomas, M.D., Defendant's supervising physician. Defendant admits that Dr. Thomas did not prescribe controlled dangerous substances to her.

6. Defendant claims that her pain progressed and that she was eventually prescribed Hydrocodone by Dr. Riddel beginning in August 2008. A review of Dr. Riddel's records reflect five (5) prescriptions for Hydrocodone. However, a review of the PMP reflects nine (9) prescriptions for Hydrocodone from Dr. Riddel. The PMP also reflects an additional thirty-seven (37) prescriptions for Hydrocodone from Dr. Thomas, Defendant's supervising physician, between July 24, 2008 and February 23, 2009. Defendant admits that Dr. Thomas never prescribed any Hydrocodone to her and that the prescriptions in his name were all fraudulent, in that they were either forged or called in by her.

7. On or about February 24, 2009, Defendant's employer confronted her about the discovery that she had been using her supervising physician's pre-signed prescriptions to write prescriptions for Hydrocodone to herself. Defendant admitted to her employer that she had done this and that the drugs were for her personal use.

8. As a result of her admission to her employer that she had falsified prescriptions to herself, Defendant sought outpatient treatment for Hydrocodone abuse at the St. Anthony Hospital START Program. Defendant began her outpatient treatment on March 9, 2009 and completed it on April 9, 2009.

9. On or about April 14, 2009, Board Investigator Steve Washbourne interviewed Defendant over the telephone. During this interview, Investigator Washbourne asked Defendant why she had not mentioned the Propoxyphene diversion to her treatment providers at the START Program. Defendant had no explanation. During this conversation, Investigator Washbourne repeatedly advised Defendant that she needed to be completely honest with him about her substance abuse and diversion and asked her if there was anything else she needed to tell him. Defendant repeatedly advised Mr. Washbourne that she had told him everything about her abuse and diversion and that she was being completely honest with him.

10. One day later, on April 15, 2009, Defendant contacted Investigator Washbourne and admitted that she had not been truthful with him. Defendant advised Investigator Washbourne that in addition to calling in and writing prescriptions for controlled dangerous drugs to herself, she had also called in and written prescriptions for Hydrocodone in the name of her husband, David Scroggins. She stated, however, that the prescriptions to him were legitimate, in that he had legitimate back pain and that the medications were taken by him. She stated that she knew it was illegal to prescribe controlled dangerous drugs to a family member and she knew she had violated the laws prohibiting these acts.

11. Several hours later, Defendant's husband, David Scroggins, contacted Investigator Washbourne and advised him that he and Defendant had concocted the story that Defendant was prescribing to her husband to cover that fact that she was also diverting prescriptions in his name

for her personal use. Mr. Scroggins admitted that all of the medications Defendant prescribed to him were for her personal use, rather than his.

12. Based upon these admissions, Investigator Washbourne advised Mr. Scroggins to tell Defendant to submit a written statement to him setting forth all acts of misconduct and diversion of controlled dangerous substances.

13. On or about April 16, 2009, Defendant submitted a written statement to Investigator Washbourne whereby she admitted diverting controlled dangerous drugs by writing or authorizing prescriptions in her name, in the name of her husband, David Scroggins, and also in the name of Colby Scroggins, one of her children. Defendant admitted that although these prescriptions were allegedly authorized by Paul Thomas, M.D., Defendant's supervising physician, she fraudulently wrote or authorized the prescriptions and that the drugs obtained through all of these prescriptions were for her personal use.

14. Based upon these new admissions, Investigator Washbourne obtained a new PMP and learned that Defendant fraudulently wrote or authorized sixty-two (62) prescriptions for Hydrocodone, Propoxyphene, Carisoprodol and CoughTuss Liquid in the name of her husband, David Scroggins.

15. The PMP also revealed numerous prescriptions allegedly written or authorized by Defendant's supervising physician, Paul Thomas, M.D. in the names of four (4) of her children, including fourteen (14) prescriptions for Hydrocodone and CoughTuss Liquid in the name of Colby Scroggins, sixteen (16) prescriptions for Hydrocodone and CoughTuss Liquid in the name of Emma Scroggins, thirteen (13) prescriptions for Hydrocodone and CoughTuss Liquid in the name of Jillian Scroggins, and thirty (30) prescriptions for Hydrocodone and Tussionex in the name of Travis Scroggins. Dr. Thomas denies prescribing these controlled dangerous substances to Defendant's children.

16. The PMP additionally revealed nine (9) prescriptions between April 18, 2007 and January 29, 2008 to Defendant for Phentermine by Paul Thomas, M.D., Defendant's supervising physician. Dr. Thomas denies ever prescribing Phentermine to Defendant.

17. In her April 16, 2009 written statement to Investigator Washbourne, Defendant did not reveal the fraudulent prescriptions she wrote or authorized in the names of Emma Scroggins, Jillian Scroggins or Travis Scroggins. Defendant additionally did not reveal the fraudulent prescriptions for Phentermine she obtained in 2007 and 2008.

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

- A. She 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. She has 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).
- C. She 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 OAC 435:10-7-4(39).
- D. She habitually uses intoxicating liquors or habit-forming drugs in violation of OAC 435:15-5-11(a)(1), 59 O.S. §509(4) and OAC 435:10-7-4(3).
- E. She 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(15) and OAC 435:10-7-4(40).
- F. She has engaged in the commission of 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).
- G. She has violated or attempted to violate, directly or indirectly, any of the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, either as a principal, accessory or accomplice in violation of 59 O.S. §509(13).
- H. She has 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).
- I. She has failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).
- J. She has confessed to a crime involving violation of the antinarcotic or prohibition laws and regulations of the federal government and the laws of this state in violation of 59 O.S. §509(7).

- K. She failed to keep complete and accurate records of the purchase and disposal of controlled drugs or narcotic drugs in violation of 59 O.S. §509(10).
- L. She wrote a false or fictitious prescriptions 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(11).
- M. She 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(12).
- N. She 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(16).
- O. She 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 (12).
- P. She engaged in the indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs in violation of OAC 435:10-7-4(1).
- Q. She 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 standard in violation of OAC 435:10-7-4(2) and (6).
- R. She violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

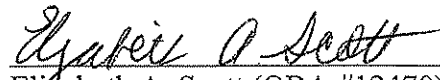
- S. She prescribed, sold, administered, distributed, ordered, or gave any drug legally classified as a controlled substance or recognized as an addictive dangerous drug to a family member or to himself or herself in violation of OAC 435:10-7-4(26).
- T. She failed to cooperate with a lawful investigation conducted by the Board in violation of OAC 435:10-7-4(38).
- U. She purchased or prescribed any regulated substance in Schedule I through V, as defined by the Uniform Controlled Dangerous Substance Act, for the physician's personal use in violation of OAC 435:10-7-4(5).

23. 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 20th day of April, 2009.

Respectfully submitted,



Elizabeth A. Scott (OBA #12470)

Assistant Attorney General

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Attorney for State ex rel.

Oklahoma Board of Medical Licensure and
Supervision