

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

FILED

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

Plaintiff,

v.

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

Defendant.

SEP 17 2009

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 09-03-3708

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

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 for the State of Oklahoma, and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Stacy Lynn Scroggins, P.A., Oklahoma license no. PA1066, who appears in person and through counsel, Sarah Glick, proffer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on April 20, 2009, and acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and the Physician Assistant Act.

Defendant, Stacy Lynn Scroggins, P.A., states that she is of sound mind and is not under the influence of, or impaired by, any medication or drug and that she fully recognizes her right to appear before the Board for evidentiary hearing on the allegations made against her. Defendant hereby voluntarily waives her 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 she has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with her by her legal counsel.

PARTIES' AGREEMENT AND STIPULATIONS

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

Findings of Fact

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. §519 *et seq.* The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.

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 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).
- C. 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).
- D. 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).

- E. 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).
- F. 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).
- G. 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).
- H. 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).
- I. 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).
- J. 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).
- K. 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).
- L. 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) and OAC 435:10-7-4(2) and (6).

- M. She violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- N. 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).
- O. She failed to cooperate with a lawful investigation conducted by the Board in violation of OAC 435:10-7-4(38).
- P. 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).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Physician Assistant Act, the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant, Stacy Lynn Scroggins, Oklahoma physician assistant license no. PA1066, is guilty of unprofessional conduct set forth below based on the foregoing facts:

- 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 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).
- C. 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).
- D. 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).

- E. 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).
- F. 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).
- G. 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).
- H. 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).
- I. 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).
- J. 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).
- K. 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).
- L. 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) and OAC 435:10-7-4(2) and (6).

- M. She violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- N. 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).
- O. She failed to cooperate with a lawful investigation conducted by the Board in violation of OAC 435:10-7-4(38).
- P. 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).

Order

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

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.
2. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, Defendant shall be placed on **PROBATION** for a period of **FIVE (5) YEARS** under the following terms and conditions:
 - A. Defendant will conduct her practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act and the Physician Assistant 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 interpretation is received by Defendant from the

Oklahoma State Board of Medical Licensure and Supervision.

B. Upon request of the Board Secretary, Defendant will request all hospitals in which she anticipates practicing to furnish to the Board Secretary of the Oklahoma State Board of Medical Licensure and Supervision a written statement regarding monitoring of her practice while performing services in or to that hospital.

C. Defendant will furnish to each and every state in which she holds licensure or applies for licensure and hospitals, clinics or other institutions in which she holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.

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

E. Defendant will submit for analysis biological fluid specimens to include, but not limited to, blood and urine, upon request of the Board or its designee, and Defendant will pay for the costs attendant thereto.

F. Defendant will not prescribe, administer, or dispense any medications for personal use or for that of any family member.

G. Defendant will take no medication except that which is authorized by a physician treating her for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating her of the Board Order immediately upon initiation, or continuation of treatment.

H. Defendant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances, including but not limited to alcohol.

I. Defendant shall attend ninety (90) meetings of a 12-Step program in ninety (90) days subsequent to her discharge from Talbott.

J. Defendant will sign a contract with and attend a minimum of one (1) meeting per week of the Health Professionals Recovery Program unless excused by the HPRP.

K. Applicant will additionally attend a minimum of four (4) meetings per week of a local 12-Step program.

L. Defendant shall obtain a sponsor.

M. Defendant shall enter and continue counseling with Barbara Young or another counselor approved in advance in writing by the Board Secretary, and will authorize in writing the release of any and all records of that treatment to the Board or its designee. Defendant shall additionally submit quarterly reports from her counselor to the Board Secretary for his review. Defendant will remain in treatment until both the counselor and the Board Secretary authorize her release from counseling.

N. Defendant shall utilize Michael Breedlove, D.O. or another physician approved in advance in writing by the Board Secretary as her primary care physician. Defendant shall additionally utilize Lanny Anderson, M.D. as her addictionologist. Defendant shall utilize both Dr. Breedlove and Dr. Anderson for medication management.

O. Defendant shall practice in a controlled environment approved in advance in writing by the Board Secretary and shall limit her work hours to forty (40) hours per week, no on-call duties, and no weekend duties.

P. Defendant shall not reapply for her DEA and OBN permits without first requesting and obtaining permission to do so by the Board.

Q. Defendant shall comply with all recommendations of Talbott.

R. Defendant shall return to Talbott in October 2009 and December 2009 for follow-up care or treatment.

S. Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.

T. Defendant shall promptly notify the Board of any entry into

a treatment program for substance abuse.

U. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse.

V. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of her current address.

W. Defendant will keep current payment of all assessments by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of her case, including but not limited to a \$100.00 per month probation monitoring fee.

X. Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

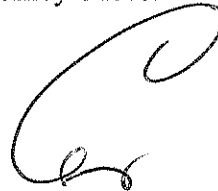
Y. Defendant shall make herself available for one or more personal appearances before the Board or its designee upon request.

Z. Defendant shall submit any required reports and forms on a timely, accurate and prompt basis to the Compliance Coordinator or designee.

AA. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

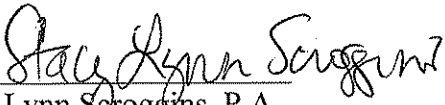
3. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

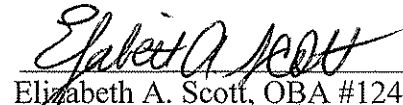
Dated this 17 day of September, 2009.

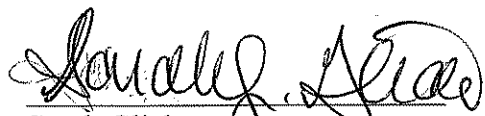


Curtis Harris, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

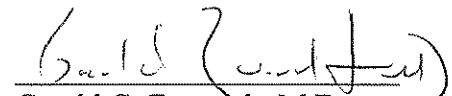
AGREED AND APPROVED


Stacy Lynn Scroggins, P.A.
License No. PA1066


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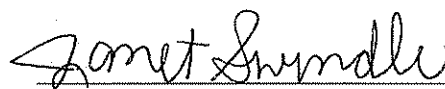
Oklahoma City, OK 73102


Gerald C. Zumwalt, M.D.,
Secretary, Oklahoma State
Board of Medical Licensure
and Supervision

Attorney for Defendant

CERTIFICATE OF MAILING

I certify that on the 18 day of September, 2009, a mailed a true and correct copy of the Order Accepting Voluntary Submittal to Jurisdiction to Sarah Glick, Scoggins & Cross, PLLC, 204 N. Robinson, Suite 3100, Oklahoma City, OK 73102


Janet Swindle