

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,)
v.)
DAVID LEE TRENT, M.D.)
Medical License No. 10794,)
Defendant.)

FILED
1993
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND SUPERVISION

CASE NO. 88-06-601

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on January 8, 1993, 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 Defendant, David Lee Trent, M.D., appeared in person and by legal counsel, Stan Twardy, Attorney at Law, 1400 N. Shartel, Oklahoma City, OK 73103.

The Oklahoma Board of Medical Licensure and Supervision en banc reviewed the Complaint in this case, heard statements of counsel and reviewed a Voluntary Submittal to Jurisdiction and being fully advised in the premises, the Oklahoma Board finds and orders as follows:

FINDINGS OF FACT

1. That Defendant, David Lee Trent, M.D., holds Oklahoma Medical License No. 10794.

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 the Complaint herein alleged that in approximately January, 1992, Defendant did issue two prescriptions for controlled dangerous substances to a DEA undercover agent/patient J.J. in violation of Oklahoma law, without keeping required records, and without sufficient examination and establishment of a valid physician/patient relationship and without medical need, and that during 1991 and 1992, the Defendant did prescribe, administer and dispense controlled dangerous substances to additional patients without sufficient examination and establishment of a valid physician/patient relationship and without medical need.

4. That the Defendant and his legal counsel appeared before the Board and did of his own volition and decision waive and foregoing his right to appear before the Board for full evidentiary hearing as authorized by law, inasmuch as Defendant did believe that should he contest the allegations contained within the Complaint there was adequate evidence for some disciplinary action to be taken against him, and for that reason Defendant chose not to contest those allegations and did

voluntary and of his volition submit to the jurisdiction of the Oklahoma Board of Medical Licensure and Supervision as further set forth herein.

CONCLUSIONS OF LAW

1. That the Oklahoma Board of Medical Licensure and Supervision has authority to proceed pursuant to the legal authority of the Oklahoma Medical Practice Act, 59 O.S. 1991, Sec. 481 et seq., and by and through the Defendant's voluntary submittal to jurisdiction announced in open hearing on January 8, 1993.

ORDER

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

1. That the Defendant, David Lee Trent, M.D., holding Oklahoma Medical License No. 10794, should be and is hereby placed on a term of PROBATION to the Oklahoma Board of Medical Licensure and Supervision for a period of five (5) years beginning on January 8, 1993, under the following terms and conditions:

- (a) During the period of probation Defendant may prescribe controlled dangerous substances only on serially-numbered, duplicate prescription pads and shall make the copies available to Investigators of the Oklahoma State Board of Medical Licensure and Supervision at their request, to include all dispensing records on CDS and to include sample medication.
- (b) During the period of probation Defendant will not prescribe, administer or dispense any medication for his personal use or for any immediate family member, to specifically include controlled dangerous substances.
- (c) During the period of probation Defendant will meet on a quarterly basis with the Board's Medical Director and allow the Medical Director to review medical charts of the Defendant's patients selected by the Board staff, and the medical charts shall include copies of prescriptions for controlled dangerous substances, and Defendant shall follow any direction or suggestion from the Board Medical Director and Board Secretary.
- (d) That the Defendant shall initiate and continue regularly counseling with a counselor acceptable to the Board Secretary and Board Medical Director and shall authorize said physician to report to the Board periodically on the Defendant's progress, and Defendant shall continue all supportive programs recommended thereby.
- (e) That during the period of probation Defendant will complete 50 hours of continuing medical education on pharmacology and related issues to be approved in advance by the Medical Director of the Board and Board Secretary, and at least 20 hours of continuing medical education shall be successfully completed during the first year of probation.

- (f) 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.
- (g) 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.
- (h) 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.
- (i) Defendant shall appear before the Board or a designated member thereof whenever requested to do so.
- (j) 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.
- (k) 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.
- (l) During the period of probation Defendant shall keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his case.
- (m) 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.
- (n) During the period of probation the Defendant shall not supervise a Physician Assistant.
- (o) 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.

2. 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.

3. 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 15 day of January, 1993.

Gerald C. Zumwalt, M.D.

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

APPROVED AS TO FORM:

Daniel J. Gamino
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 19 day of January, 1993, to:

DAVID LEE TRENT, M.D.
c/o Stan Twardy
Attorney at Law
1400 N. Shartel
Oklahoma City, OK 73103

Janet L. Owens