

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

FILED

NOV 01 2007

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

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 04-10-2890

DAVID LEE TRENT, M.D.,)
LICENSE NO. 10794)

Defendant.)

FINAL ORDER OF SUSPENSION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on November 1, 2007, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant and his counsel, Daniel Gamino, appeared not.

The Board *en banc* after hearing arguments of counsel, reviewing the pleadings and the exhibits admitted, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

Findings of Fact

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. 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.
3. Defendant, David Lee Trent, M.D., holds Oklahoma medical license no. 10794.

4. On or about September 9, 1978, the Board placed Defendant on **PROBATION** for a period of two (2) years based upon prescribing violations.

5. On or about January 8, 1993, the Board placed Defendant on **PROBATION** for a period of five (5) years based upon allegations that Defendant prescribed controlled dangerous substances without sufficient examination and without medical need.

6. On or about September 13, 1993, the Oklahoma Bureau of Narcotics and Dangerous Drugs **REVOKED** Defendant's registration to prescribe controlled dangerous drugs.

7. On or about January 20, 1996, the Board **REPRIMANDED** Defendant based upon the fact that after Defendant's OBN registration was revoked, he continued to prescribe controlled dangerous substances for five (5) months.

8. In 2003, Defendant practiced at the Latimer County General Hospital. During this time, the hospital received numerous complaints involving Defendant and his patient care. After investigating the complaints, in September 2003, the Medical Staff requested that Defendant take a three (3) month sabbatical from hospital duties during which time he was to obtain CME in certain areas. After that time, he would be allowed to reapply for hospital privileges. Defendant left the hospital as requested and as of this time, has not reapplied for hospital privileges.

9. Defendant subsequently was employed by Barry Winn, M.D. as an independent contractor for approximately one (1) year. Under this contract, Defendant worked at the Tahlequah Emergency Room and the Okmulgee Emergency Room. During this time, Defendant was the subject of numerous quality of care complaints from patients and other staff, including wrong and missed diagnoses. Due to these patient care issues and complaints, Dr. Winn asked Defendant to leave his employment.

10. Based upon these numerous quality of care complaints, in March 2005, Board staff requested that Defendant obtain an evaluation as to his current competency to safely practice medicine. By letter dated March 28, 2005, Defendant agreed to obtain the competency assessment through the Institute for Physician Evaluation ("IPE") in May 2005. Due to health problems, Defendant had to reschedule the assessment for July 2005. The IPE then rescheduled the assessment until October 2005 due to its own technical difficulties.

11. On October 13-14, 2005, Defendant obtained the competency assessment at the IPE. The IPE concluded that Defendant had **less than adequate** medical knowledge, **less than adequate** clinical reasoning and clinical judgment, **less than adequate** patient management skills, **less than adequate** knowledge of medical communication skills, and **less than adequate** knowledge of how to interpret the medical literature. Defendant had **borderline adequate** gross cognitive function on screening assessment. Based upon these findings, the IPE concluded that Defendant needed to enter a full residency training program or at a minimum, a mini-residency training program. Only after this interval of additional education, training and professional

mentoring, as well as a further assessment of his progress, should he be allowed to return to practicing independently.

12. Defendant is guilty of unprofessional conduct in that he:
 - A. 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).
 - B. 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 physician condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).
 - C. Is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).
 - D. Has 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).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to 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 is guilty of unprofessional conduct as follows:
 - A. 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).
 - B. 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 physician condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).

C. Is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).

D. Has 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).

3. The Board further found that the Defendant's license should be suspended indefinitely based upon any or all of the violations of the unprofessional conduct provisions of 59 Okla. Stat. §509 (13) and (15), OAC 435:10-7-4 (17), (18), (39) and (40).

Order


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

1. The license of Defendant, David Lee Trent, M.D., Oklahoma license no. 10794, is hereby **SUSPENDED INDEFINITELY** as of the date of this hearing, November 1, 2007, with said suspension to continue indefinitely until Defendant completes all recommendations of the Institute for Physician Evaluation program.

2. 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.

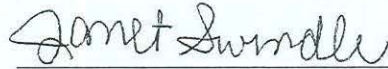
3. Defendant's suspension will be lifted, and his license will be reinstated only upon payment in full of all costs and expenses incurred by the State of Oklahoma prior to November 2, 2007.

Dated this 1 day of November, 2007.


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

CERTIFICATE OF SERVICE

I certify that on the 5 day of November, 2007, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order of Suspension to David Trent, 3220 N.E.112th Rd., Wilburton, OK 74578-0067 and to Daniel Gamino, 3315 N.W. 63rd Street, Oklahoma City, OK 73116.



Janet Swindle