

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

FILED

OCT 02 2009

STATE OF OKLAHOMA, ex rel., )  
OKLAHOMA STATE BOARD OF )  
MEDICAL LICENSURE AND )  
SUPERVISION, )

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )

vs. )

CASE NO. 08-12-3638

JOEL ALLAN ORMSBY, P.A. )  
LICENSE NO. PA1148, )

Defendant. )

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, Joel Allan Ormsby, 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, Joel Allan Ormsby, P.A., holds Oklahoma license no. PA1148 and Previously practiced as a physician assistant in Alva, Oklahoma.

3. On or about February 27, 2009, the State filed a Complaint against Defendant based upon a long history of substance abuse which resulted in several accidents and two (2) arrests for DUI.

4. On July 23, 2009, Defendant appeared before the Board at which time the Board entered an Order Accepting Voluntary Submittal to Jurisdiction whereby Defendant was placed on a **FIVE (5) YEAR PROBATION**. The Order provides as follows:

A. Defendant will conduct his 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.

5. The provision cited above has not been modified or deleted but remains in full force and effect as a term and condition of Defendant's licensure under the terms of the Order Accepting Voluntary Submittal to Jurisdiction.

6. While Defendant holds a valid physician assistant license under terms of probation, he does not have a current application to practice on file with the Board signed by him and any supervising physician. In the absence of a current application to practice on file, Defendant may not practice as a physician assistant pursuant to 59 O.S. §519.6 (A).

7. On or about August 17, 2009, Defendant called the Walgreens Pharmacy in Stillwater, Oklahoma and attempted to call in a prescription for Tramadol for patient RAS. Defendant used the name "Kirt Bierig, D.O." as his supervising physician.

8. The Walgreens pharmacist attempted to confirm the prescription through Dr. Bierig's office but was advised that he did not supervise Defendant and had not authorized the Tramadol prescription.

9. The Walgreens pharmacist additionally recognized Patient RAS as a known Tramadol abuser, so the pharmacist contacted Defendant about the prescription. Defendant then came to the pharmacy and identified himself as Joel Ormsby, P.A. Defendant advised the pharmacist that he had not really examined the patient but that he was "doing a favor for a friend of a friend".

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

- A. He 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. He 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. He 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).

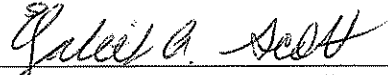
- D. He has confessed to a crime involving violation of the laws of this state in violation of 59 O.S. §509(7).
- E. He has violated or attempted to violate, directly or indirectly, any of the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, either as a principal, accessory or accomplice in violation of 59 O.S. §509(13).
- F. He 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).
- G. He 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).
- H. Failed to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient in violation of 59 O.S. §509 (18) and OAC 435:10-7-4(41).

11. 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 2nd day of October, 2009.

Respectfully submitted,



Elizabeth A. Scott (OBA #12470)

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Attorney for State ex rel.

Oklahoma Board of Medical Licensure and  
Supervision