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

FILED

STATE OF OKLAHOMA, ex rel.,)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)
)
Plaintiff,)
)
vs.)
)
PATRICK ARCHER, R.C.)
R.C. LICENSE NO. 1174,)
)
)
Defendant.)

APR 16 1998

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

CASE NO. 98-03-1981

COMPLAINT

Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), through Jim Birdsong, Investigator ("Complainant"), for its Complaint against the Defendant, Patrick Archer, R.C., 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 respiratory care therapists in the State of Oklahoma pursuant to 59 Okla. Stat. §§ 480 *et seq.* and 2026 *et seq.*

2. Defendant, Patrick Archer, R.C., holds respiratory care license no. RC1174 in the State of Oklahoma.

3. On or about February 17, 1998 while working as a hospital respiratory care therapist, Defendant removed a prescription script for Lortab Plus (C-III) from a patient's chart and, using an assumed name, had the prescription filled for Defendant's own personal use. In order to obtain the drug, Defendant represented himself to the pharmacist as a friend of the patient who was filling the prescription for the patient's use. When confronted by his employer hospital, Defendant admitted the charges.

4. On or about February 27, 1998, Defendant was arrested and charged in the Arapaho County District Court for the State of Oklahoma with obtaining a controlled substance by fraud. Immediately prior to his arrest, Defendant voluntarily gave a written statement to the Clinton Police Department in which he admitted removing a prescription for Lortab from a patient chart and filling it for his own use.

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

A. He is unfit or incompetent by reason of negligence, habits, or other causes of incompetency in violation of 59 Okla. Stat. §2040(2).

B. He is addicted to, or has improperly obtained, possessed, used or distributed habit-forming drugs or narcotics in violation of 59 Okla. Stat. §2040(4).

B. He is guilty of dishonest or unethical conduct in violation of 59 Okla. Stat. §2040(5).

C. He has violated the following provisions of the rules promulgated by the Board under 59 Okla. Stat. §2040(9):

Habitual or excessive use of any drug which impairs the ability to practice with reasonable skill and safety to the patient in violation of OAC 435:10-7-4(3).

Purchasing or prescribing any regulated substance in Schedule I through V, as defined by the Uniform Controlled Dangerous Substances Act, for the practitioner's personal use in violation of OAC 435:10-7-4(5).

Conduct likely to deceive, defraud, or harm the public in violation of 435:10-7-4(11).

Using 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).

Violation of any state or federal law or regulation, relating to controlled substances, here 63 Okla. Stat. §2-407, in violation of OAC 435:10-7-4(27).

6. These allegations raise serious concerns about Defendant's ability to practice as a respiratory therapist in the State of Oklahoma with reasonable skill and safety.

WHEREFORE, Complainant prays 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 respiratory care therapist in the State of Oklahoma.

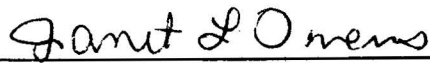
Respectfully submitted,



Jim Birdsong, Investigator
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

STATE OF OKLAHOMA)
) ss:
COUNTY OF OKLAHOMA)

Subscribed and sworn to before me this 16 day of April, 1998.



Notary Public

My Commission expires:

12-20-2000