

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

FILED

AUG 30 2007

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

Plaintiff)

v.)

ALEXANDER THEODORE, M.D.,)
LICENSE NO. 11907,)

Defendant.)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 05-04-2945

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, Alexander Theodore, M.D., Oklahoma license no. 11907, 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 physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.*

2. Defendant, Alexander Theodore, M.D., holds Oklahoma license no. 11907 and previously practiced in the state of Utah.

3. On or about March 31, 2005, the State filed a Complaint against Defendant based on discipline on Defendant's medical license in the State of Utah. The State of Utah had alleged that Defendant was involved in an insurance fraud and narcotics distribution scheme. Defendant's license was suspended on an emergency basis in Utah based upon these claims. Defendant subsequently admitted certain practices relating to his pain medication practice. Based upon these admissions, the Utah Board revoked his license, stayed the revocation, and placed him on probation.

4. Based upon the Utah discipline, on or about July 21, 2005, the Board entered an Order Accepting Voluntary Submittal to Jurisdiction whereby it mirrored Defendant's discipline in Utah and placed him on probation for a period of five (5) years.

5. On or about January 29, 2007, Defendant was charged in the Third Judicial District-Salt Lake City, Salt Lake County, State of Utah in the case styled, State of Utah v. Alexander Theodore, M.D., Case No. 071900746, wherein Defendant was charged with five (5) counts of knowingly and intentionally distributing a controlled dangerous substance, OxyContin, a 2nd Degree Felony. On or about April 11, 2007, Defendant entered into a plea agreement wherein he pled guilty to five (5) counts of knowingly and intentionally distributing a controlled dangerous substance, OxyContin, a 2nd Degree Felony. As part of his plea agreement, Defendant agreed to voluntarily waive his right to appeal his felony conviction.

6. Title 59 O.S. §513(A)(3) provides as follows:

“Upon proof of a final felony conviction by the courts and after exhaustion of the appellate process, the Board **shall revoke** the physician's license. If the felony conviction is overturned on appeal and no other appeals are sought, the Board shall restore the license of the physician.”

7. Defendant is guilty of unprofessional conduct in that he:

- A. 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).
- B. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- C. 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).
- D. Committed an 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).
- E. Prescribed, dispensed or administered controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribing, dispensing or administering 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).

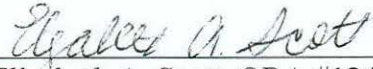
- F. Procured, aided or abetted a criminal operation in violation of 59 O.S. §509(1).
- G. Was convicted of a felony or of any offense involving moral turpitude in violation of 59 O.S. §509(5).
- H. Engaged in indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs in violation of OAC 435:10-7-4(1).
- I. Was convicted of a felony or any offense involving moral turpitude whether or not related to the practice of medicine and surgery in violation of OAC 435:10-7-4(10).
- J. Prescribed, sold, administered, distributed, ordered, or gave any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug for other than medically accepted therapeutic purposes in violation of OAC 435:10-7-4(24).
- K. Wrote 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).

Conclusion

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 the revocation or suspension of the Defendant's license to practice as a physician and surgeon in the State of Oklahoma, 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 and surgeon in the State of Oklahoma.

Dated this 30th day of August, 2007 at 11:00 a.m.

Respectfully submitted,



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