

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

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OCT 24 2007

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

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

Plaintiff,)

v.)

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

Defendant.)

Case No. 05-04-2945

VOLUNTARY SURRENDER OF LICENSE
IN LIEU OF PROSECUTION

State of Oklahoma)
County)

I, Alexander Theodore, M.D., being of lawful age and after first being duly sworn, depose and state as follows:

1. I hereby voluntarily surrender my Oklahoma medical license no. 11907.
2. The surrender of my license is freely and voluntarily made. I have not been subject to any coercion or duress, and I am fully aware of the consequences of the surrender of my license.
3. I am the subject of an investigation and Complaint before the Oklahoma State Board of Medical Licensure and Supervision involving allegations that if proven, would constitute grounds for disciplinary action by the Board.
4. The allegations to which I have plead guilty are as follows:
 - a. Defendant, Alexander Theodore, M.D., holds Oklahoma license no. 11907 and previously practiced in the state of Utah.

b. 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.

c. 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.

d. 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.

e. 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.”

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

i. 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).

ii. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

iii. 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).

iv. 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).

v. 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).

vi. Procured, aided or abetted a criminal operation in violation of 59 O.S. §509(1).

vii. Was convicted of a felony or of any offense involving moral turpitude in violation of 59 O.S. §509(5).

viii. Engaged in indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs in violation of OAC 435:10-7-4(1).

ix. 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).

x. 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).

xi. 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).

5. I will submit my wallet card and wall certificate as evidence of my intent to surrender my license upon locating them.

located. 

not in my possession will submit when

6. I hereby agree that I will not apply for reinstatement of my Oklahoma medical license for a minimum of one year from the entry of the Order Accepting Voluntary Surrender in Lieu of Prosecution, and that if the Board ever reinstates my Oklahoma medical license, it will be under terms of probation to be set by the Board at the time of reinstatement.

7. As a condition to accepting my surrender of license in lieu of prosecution, I acknowledge that the Board may require me to pay all costs expended by the Board for any legal fees and costs, and any investigation, probation and monitoring fees, including but not limited to staff time, salary and travel expense, witness fees and attorney fees.

DATED this 23 day of October, 2007.



Alexander Theodore, M.D.

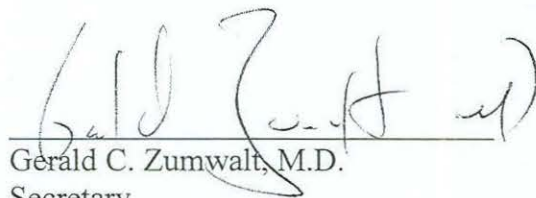


Subscribed and sworn before me this 23rd day of October, 2007.

Gina Parker
Notary Public

My commission expires on 10-3-2009

ACCEPTED:



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

Date: 11-1-07