

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

STATE OF OKLAHOMA, *ex rel.*)
OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
)
LEE RITTENHOUSE, M.D.,)
LICENSE NO. MD 12365,)
)
Defendant.)

FILED

APR 19 2018

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 16-07-5343

VERIFIED COMPLAINT

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), for its Complaint against Lee Rittenhouse, M.D. (“Defendant”), alleges and states as follows:

I. AUTHORITY

1. The Board has jurisdiction over the subject matter and 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. 59 Okla. Stat. § 480, *et seq.* and Okla. Admin. Code § 435:5-1-1 *et seq.*
2. In Oklahoma, Defendant holds medical license number 12365. The acts and omissions complained of herein were made while Defendant was acting as a physician pursuant to the medical license conferred upon him by the State of Oklahoma. Such acts and omissions occurred within the physical territory of the State of Oklahoma.

II. ALLEGATIONS OF PROFESSIONAL MISCONDUCT

3. On July 28, 2016, Board Investigator Lawrence ‘Larry’ Carter met with Defendant to inquire about his professional activities at Lighthouse Healthcare regarding physician assistant (“PA”) supervision and prescribing medications.
4. Lighthouse Healthcare had been an ongoing investigation beginning in September of 2015, regarding PA supervision and prescription medication practices.
5. Defendant explained that around Christmas of 2015, Lighthouse Healthcare began using an e-prescribing system that allowed him to approve and send prescriptions for patients remotely.

6. Defendant described his weekly work schedule as follows:
 - Monday: Job Corps all day
 - Tuesday: Lighthouse Healthcare (afternoon only)
 - Wednesday: Job Corps all day
 - Thursday: Job Corps (morning) and Lighthouse Healthcare (afternoon)
 - Friday: Crescent clinic all day
7. Defendant was asked whether or not he sees patients at Lighthouse Healthcare. Defendant said he normally does not see patients, although he has seen a few. Most of his time is spent reviewing the records of the PA visits.
8. Defendant was advised that issuing prescriptions to patients he had never met or evaluated was an issue requiring immediate attention, and was provided a highlighted Board law book.
9. Defendant said that he understood the requirements after reading the law book and that he would start going to Lighthouse Healthcare all day on Tuesday until he had seen all of the pain patients that would require schedule II prescriptions and that in the meantime, he would not issue any more prescriptions to patients he had not seen.
10. On August 26, 2016, Board Investigator Larry Carter received a call from MT, who wanted to file a complaint against the Lighthouse Healthcare clinic and her PA care provider. MT was upset because her medication was changed from Oxycodone 30 mg immediate release to Oxycodone 40 mg extended release.
11. MT disclosed that she has never seen a doctor.
12. Following the call Investigator Carter checked the Oklahoma PMP system for MT and found that she fills most of her prescriptions at Lassiter Drug in Del City. The last prescriptions she filled were on August 12, 2016, for Clonazepam (a schedule IV CDS) and an unknown drug. The PMP records reflect that Defendant was the prescriber on both prescriptions. Investigator Carter called Lassiter Drug to find out the specific drug that was listed as "unknown." The pharmacist pulled the prescription and said it was Oxycodone ER (extended release) 40 mg, a schedule II CDS, which would have required a written prescription signed by a physician rather than a PA.
13. These prescriptions were issued after the Board served subpoenas on all three Lighthouse Healthcare facilities, and approximately two weeks after interviewing Defendant, wherein after reading the law, Defendant stated he would immediately change his practices so that he sees each patient before a new prescription is issued.

III. VIOLATIONS

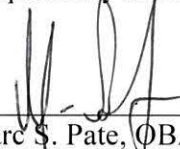
14. Based on the foregoing, Defendant is guilty of professional misconduct as follows:
 - a. Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship; 59 O.S. § 509(12);

- b. The violation, or attempted violation, direct or indirect, of any of the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, either as a principal, accessory or accomplice; 59 O.S. § 509(13);
- c. Aiding or abetting, directly or indirectly, the practice of medicine by any person not duly authorized under the laws of this state; 59 O.S. § 509(14) and Okla. Admin. Code § 435:10-7-4(22);
- d. Failure to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient; 59 O.S. § 509(18) and Okla. Admin. Code § 435:10-7-4(36);
- e. Failure to establish a physician/patient relationship prior to providing patient-specific medical services, care or treatment, except in a clearly emergent, life threatening situation. Okla. Admin. Code § 435:10-7-4(49).

IV. CONCLUSION

Given the foregoing, the undersigned requests 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 and any other appropriate action with respect to the Defendant's professional license, including an assessment of costs and attorney's fees incurred in this action as prescribed by law.

Respectfully submitted,

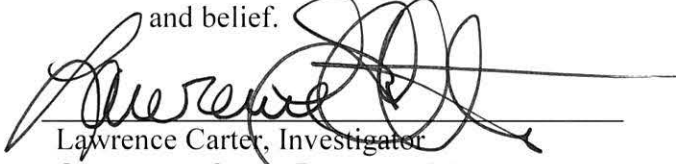


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VERIFICATION

I, Lawrence Carter, under penalty of perjury, under the laws of the State of Oklahoma, state as follows:

1. I have read the above Complaint regarding Defendant, Lee Rittenhouse, M.D., and
2. The factual statements contained therein are true and correct to the best of my knowledge and belief.



Lawrence Carter, Investigator
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Date: 19 April 2018
Oklahoma County
County, State of Execution