

**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. )

Case No.:

16-07-5343  
**FILED**

DEC 12 2018

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

**ORDER ACCEPTING  
VOLUNTARY SUBMITTAL TO JURISDICTION**

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), by and through the undersigned counsel for the Plaintiff, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, and Lee C. Rittenhouse, M.D., (“Defendant”), Oklahoma medical license no. 12365, who appears in person, and through counsel Elizabeth Sharrock of Pierce Couch Hendrickson, Baysinger & Green, L.L.P. (collectively, the “Parties”), and offer this Order Accepting Voluntary Submittal to Jurisdiction (herein, “Order” or “Agreement”) for acceptance by the Board. Okla. Admin. Code §435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant admits to the allegations herein contained and further acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (“Act”). 59 O.S. § 480, *et seq.*

Defendant, Lee C. Rittenhouse, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for an evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement may be reviewed and discussed with him by legal counsel prior to execution.

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Defendant herein, if any, shall not be regarded as evidence against him in a subsequent disciplinary hearing. Defendant will be free to defend himself and no inferences will be

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made from his willingness to have this Order accepted by the Board. The Parties stipulate that neither the presentation of this Order nor the Board's consideration of this Order shall be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not be grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.

### **Findings of Fact**

The Plaintiff, Defendant, and the Board staff stipulate and agree as follows:

1. In Oklahoma, Defendant holds medical license no. 12365, issued July 17, 1979.

### **Prior Board Case 98-04-1994**

2. On April 23, 1998, a Complaint and Citation were each filed.
3. On May 29, 1998, a Voluntary Submittal to Jurisdiction and Order was filed ("1998 VSJ"). Defendant admitted in the 1998 VSJ, to being supervising physician for PA Waldenville, and signed and left blank prescriptions for PA Waldenville's use. After discovering that PA Waldenville had authorized large CDS prescriptions for several patients, Defendant separated from PA Waldenville and terminated his supervisory relationship. Defendant failed to advise the Board of PA Waldenville's conduct.
4. Defendant appeared before the Board *pro se* and agreed to abide by the terms and conditions of the 1998 VSJ, wherein he was also formally reprimanded.

### **Current Board Case 16-07-5343**

5. On July 28, 2016 Board Investigator, Lawrence 'Larry' Carter met with Dr. Rittenhouse to inquire about his professional activities at Lighthouse Healthcare regarding physician assistant ("PA") supervision and prescribing medications.
6. Lighthouse Healthcare was the subject of an ongoing investigation beginning in September 2015, with respect to PA supervision and prescription medication practices. Other than this action, no other actions came from that 10 month long investigation.
7. Dr. Rittenhouse 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.
8. Dr. Rittenhouse described his weekly work schedule in 2016 as follows:

Monday: Job Corps all day

Tuesday: Lighthouse Healthcare (afternoon only)

Wednesday: Job Corps all day

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Thursday: Job Corps (morning) and Lighthouse Healthcare (afternoon)

Friday: Crescent clinic all day

9. Dr. Rittenhouse was asked whether or not he sees patients at Lighthouse Healthcare. Dr. Rittenhouse said he does not regularly see patients, although he has seen some. Most of his time is spent reviewing the records of the PA visits.
10. Dr. Rittenhouse was advised that issuing prescriptions to patients he never met or evaluated was an issue requiring immediate attention, and was provided a highlighted Board of Medical Licensure and Supervision legal book containing relevant statutes, codes, and provisions of law.
11. Dr. Rittenhouse acknowledged that he now understood the requirements after reading the legal book and that he would immediately initiate efforts to comply. Lighthouse Healthcare began by having all new pain management patients have an initial appointment with Dr. Rittenhouse for establishing a physician-patient relationship and thorough evaluation. As existing pain management patients were scheduling next appointments, as many as possible were seen and evaluated by Dr. Rittenhouse, but not every existing patient could be seen on their very next appointment. One such patient that was not seen on the very next appointment was M.H.
12. On August 26, 2016, Board Investigator, Larry Carter received a call from MT, who wanted to lodge a complaint against the Lighthouse Clinic and her PA care provider. MT was upset because her medication was changed from Oxycodone 30 mg immediate release TID to Oxycodone 40 mg extended release BID.
13. MT disclosed that she has never seen a Doctor.
14. 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 Dr. Lee Rittenhouse 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 for 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.
15. These prescriptions were improperly issued after the Board served subpoenas on all three Lighthouse Healthcare facilities, and approximately two weeks after interviewing Dr. Rittenhouse, wherein after reading the law, Dr. Rittenhouse stated he would immediately change his practices so that he sees each patient before a new prescription is issued.
16. In November 2015, there were changes in the Physician's Assistant Act. Dr. Rittenhouse and Lighthouse Healthcare expressed there was resulting confusion in interpreting some of those changes and a desire to set policies and practices that are in compliance with the supervision requirements.

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### Conclusions of Law

17. 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 pursuant to 59 O.S. § 480 *et seq.* and Okla. Admin. Code § 435:5-1-1 *et seq.*
18. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 504; Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.
19. The Board is authorized to suspend, revoke or order any other appropriate sanctions against the license of any physician or surgeon holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. 59 O.S. §§ 503, 513(A)(1); Okla. Admin. Code § 435:5-1-3. The Board's action is authorized by 59 O.S. §§ 503, 509.1(A)(2) *et seq.*, and §§ 509.1(C)-(D).
20. The Board is authorized to accept voluntary submittals to jurisdiction mutually agreed-to by parties to a disciplinary action to resolve the action without need for a hearing. 75 O.S. § 309(E); Okla. Admin. Code § 435:5-1-5.1.
21. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
  - a. Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship in violation of 59 O.S. § 509(12); 59 O.S. § 509(13).
  - b. 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).

### Orders

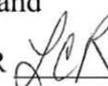
**IT IS THEREFORE ORDERED** by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. Effective from the date of an approved Attorney General Opinion, the Board hereby adopts the Agreement of the Parties in this Voluntary Submittal to Jurisdiction, including the findings of fact and conclusions of law stated herein.
2. **LEE C. RITTENHOUSE, M.D.**, is formally **REPRIMANDED**.
3. **LEE C. RITTENHOUSE, M.D.** is **FINED** five thousand (\$5,000) dollars, due within thirty (30) days of the effective date of an approved Attorney General Opinion.
4. **LEE C. RITTENHOUSE, M.D.**, shall comply with all of the following terms and

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conditions:

**Standard Terms:**

- a. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (“Act”) as interpreted by the Board. Any question of interpretation regarding the Act or this Order 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 Board or its authorized designee. 59 O.S. § 480, *et seq.*
- b. Defendant will furnish a file-stamped copy of this Order to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.
- c. Defendant will keep the Board informed of his current address.
- d. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.
- e. Defendant shall promptly notify the Board Secretary or Compliance Coordinator of any citation or arrest for traffic or for criminal offenses.
- f. Upon request, Defendant shall make himself available for one or more personal appearances before the Board or its authorized designee.
- g. Failure to meet any of the terms of this Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant’s license after due notice and hearing. Immediately upon learning that a licensee is in violation of this Order, the Executive Director of the Board may summarily suspend the license based on imminent harm to the public and assign a hearing date for the matter to be presented at the next scheduled Board meeting.

**Specific Terms:**

- h. Defendant shall complete continuing medical education (“CME”) courses, approved of in advance by the Board Secretary, consisting of **one CME course each for CDS prescribing and ethics**. These courses are in addition to Defendant’s regular CME courses and shall be completed within the first year of this Board Order. Documentation of the completed CME courses must be provided to the Board Secretary or Compliance Coordinator.
- i. Defendant shall be subject to periodic random review of patient charts and records by the Board Secretary or Compliance Coordinator, and Defendant shall immediately provide access thereto.

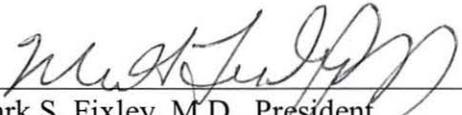
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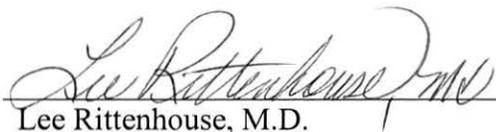
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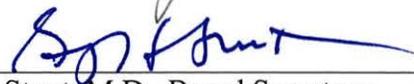
5. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.
6. A copy of this Order shall be provided to Defendant as soon as it is processed.

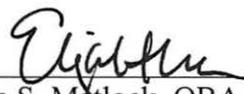
**This Order is subject to review and approval by the Oklahoma Attorney General, and this Order shall become final upon completion of the review by the Oklahoma Attorney General unless disapproved, in which case this Order shall be null and void.**

Dated this 8<sup>th</sup> day of November, 2018.

  
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 Mark S. Fixley, M.D., President  
 OKLAHOMA STATE BOARD OF MEDICAL  
 LICENSURE AND SUPERVISION

  
 \_\_\_\_\_  
 Lee Rittenhouse, M.D.  
 License MD 12365

  
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 Billy H. Stout, M.D., Board Secretary  
 OKLAHOMA STATE BOARD OF MEDICAL  
 LICENSURE AND SUPERVISION

  
 \_\_\_\_\_  
 Malinda S. Matlock, OBA No. 14108  
 Elizabeth R. Sharrock, OBA No. 16934  
 PIERCE, COUCH, HENDRICKSON, BAYSINGER  
 & GREEN, L.L.P.  
 P.O. Box 26350  
 Oklahoma City, Oklahoma 73126  
 (405) 235-1611 Telephone  
 (405) 235-2904 Facsimile  
[mmatlock@piercecouch.com](mailto:mmatlock@piercecouch.com)  
[hhopper@piercecouch.com](mailto:hhopper@piercecouch.com)  
**Attorney for Defendant,**  
**Lee Rittenhouse, M.D.**

  
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 Marc S. Pate, OBA No. 10567  
 Grant Cody OBA No. 32753  
 Assistant Attorneys General  
 OKLAHOMA STATE BOARD OF MEDICAL  
 LICENSURE AND SUPERVISION  
 101 N.E. 51<sup>st</sup> Street  
 Oklahoma City, Oklahoma 73105  
 (405) 962-1400  
 (405) 962-1499 Facsimile  
[marc.pate@oag.ok.gov](mailto:marc.pate@oag.ok.gov)  
[grant.cody@oag.ok.gov](mailto:grant.cody@oag.ok.gov)  
**Attorneys for Plaintiff**

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**Certificate of Service**

This is to certify that on the 13<sup>th</sup> day of December, 2018, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail

Lee C. Rittenhouse, M.D.  
1114 Fenwick Place  
Oklahoma City, Oklahoma 73116

***Defendant***

Malinda S. Matlock  
Elizabeth R. Sharrock  
PIERCE, COUCH, HENDRICKSON,  
BAYSINGER & GREEN, L.L.P.  
P.O. Box 26350  
Oklahoma City, Oklahoma 73126  
(405) 235-1611 Telephone  
(405) 235-2904 Facsimile  
[mmatlock@piercecouch.com](mailto:mmatlock@piercecouch.com)  
[hhopper@piercecouch.com](mailto:hhopper@piercecouch.com)

***Attorney for Defendant,  
Lee C. Rittenhouse, M.D.***

  
\_\_\_\_\_  
*Legal Assistant*

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OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2018-473A

Billy H. Stout, M.D., Board Secretary  
State Board of Medical Licensure and Supervision  
101 NE 51st Street  
Oklahoma City, OK 73105

December 4, 2018

Dear Dr. Billy H. Stout, M.D., Board Secretary:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Medical Licensure and Supervision intends to take pursuant to a consent agreement with medical licensee 12365 in case 16-07-5343. The licensee admitted to issuing prescriptions for patients that only the physician's assistant had examined. The Board proposes to formally reprimand the licensee, impose a fine of \$5,000, and require the licensee to comply with all standard and specific terms, including completing additional continuing medical education courses.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act authorizes the Board to suspend or revoke a license and order other appropriate sanctions against a licensee for unprofessional conduct, which includes "[p]rescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship" and "[t]he violation, or attempted violation, direct or indirect, of any of the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act." 59 O.S.Supp.2017, §§ 503, 509(12-13); OAC 435:10-7-4(31). The Board may reasonably believe that the proposed action is necessary to deter future violations.

It is, therefore, the official opinion of the Attorney General that the State Board of Medical Licensure and Supervision has adequate support for the conclusion that this action advances the State's policy of protecting the health, safety, and well-being of the citizens of Oklahoma.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Amanda Otis in black ink.

AMANDA OTIS  
ASSISTANT ATTORNEY GENERAL

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OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE  
AND SUPERVISION