

IN AND BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel
STATE BOARD OF MEDICAL
EXAMINERS,

Plaintiff,

v.

TIEN-SHENG TU, M.D.,
Medical License No. 12552

Defendant

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STATE BOARD
MEDICAL EXAMINERS

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Examiners en banc on November 3, 1984, at 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the Rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff and Manville T. Buford, Attorney, appeared for the Defendant and the Defendant also appeared in person.

The Board of Medical Examiners en banc heard testimony and reviewed all exhibits and being fully advised in the premises the Board of Medical Examiners therefore finds as follows:

FINDINGS OF FACT

1. That Tien-Sheng Tu, M.D., holds Oklahoma Medical License No. 12552.
2. That the Board of Medical Examiners en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the Rules of the Board.
3. That on or around approximately October 1, 1982, October 7, 1982, October 14, 1982, October 26, 1982, and December 16, 1982, the Defendant did issue various prescriptions for Nembutal, Valium, Dalmane, and Tuinal to Mark Province, Agent Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, who was posing under the name Mark Roth; that said prescriptions were given to Mr. Province/Roth without any type of physical examination of Mr. Province/Roth and without any kind of doctor-patient relationship being established; further that the dosage units prescribed of the various substances, Nembutal 100 dosage units, Valium 90 dosage units, Dalmane 20 dosage units, Tuinal 20 dosage units were in excess of the amount considered good medical practice and were prescribed without medical need.
4. That from the period of June 1, 1982, through February 16, 1983, a period of 261 days, Dr. Tu wrote approximately 1,243 prescriptions for approximately 38,159 dosage units and 278 Schedule II, III, IV and V drugs.
5. That a prescription survey conducted in reference to certain scheduled drugs reveals that patient C.C. received 240 dosage units of Dilaudid and Valium on 8 prescriptions dated from August 14, 1982, to September 29, 1982, a period of 47 days with an average of 5 dosage units per day.
6. That a prescription survey reveals that patient D.A.B. received 49 prescriptions for a total 1,256 dosage units of Schedule II, III, IV and V drugs from the period of July 23,

1982, through February 19, 1983, a period of 222 days with an average of 5.5 dosage units per day of the aforesaid drugs.

7. That the survey reveals that patient P.H. received 27 prescriptions for 1,000 dosage units of Schedule II, III, IV and V drugs during the period of July 10, 1982, through December 13, 1982, a period of 157 days for an average of 6.36 dosage units per day.

8. The survey reveals that on several occasions, multiple prescriptions were written to the same patient on either the same day or on the following day.

CONCLUSIONS OF LAW

1. That Tien-Sheng Tu, M.D., is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, §509, Paragraphs 13 and 17, to-wit:

"13. Prescribe or administer a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship."

"17. Prescribing, dispensing or administering of 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."

2. That Tien-Sheng Tu is in violation of the Rules and Regulations promulgated by this Board, specifically Section IX, Rules 1, 2 and 6, to-wit:

"Rule 1. Indiscriminate or excessive prescribing, dispensing or administering of Controlled or Narcotic Drugs.

Rule 2. Prescribing, dispensing or administering of Controlled or Narcotic Drugs in excess of the amount considered good medical practice.

Rule 6. Dispensing, prescribing or administering a Controlled substance or Narcotic drug without medical need."

ORDER

IT IS THEREFORE ORDERED by the Board of Medical examiners of Oklahoma as follows:

1. That the Defendant, Tien-Sheng Tu, M.D., Oklahoma Medical License No. 12552, will be and is hereby placed on probation to the Oklahoma State Board of Medical Examiners for a period of five years, beginning November 3, 1984, under the following terms and conditions:

a. During the period of probation it is required that Dr. Tu comply with the Oklahoma Medical Practice Act as interpreted by the Oklahoma State Board of Medical Examiners and that he appear before the Board or its designated representative upon request.

b. During the period of probation Dr. Tu will furnish to the office of the State Board of Medical Examiners all current legal addresses and any change of address in writing, and further that Dr. Tu will advise the office of the Board of Medical Examiners of any change of employment, either parttime or fulltime.

That Dr. Tu shall not prescribe, administer or dispense any scheduled or controlled drug to any person.

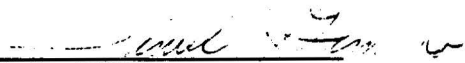
- d. That Dr. Tu shall surrender any permits, licenses or authorities issued by the Oklahoma Bureau of Narcotics and Dangerous Drugs and the United States Drug Enforcement Authority and will not re-apply for same until authorized by the Board of Medical Examiners.

That Dr. Tu will participate in continuing medical education programs on prescribing controlled, dangerous substances and relating to the general practice of medicine and report his participation in the aforesaid programs to the Oklahoma Board of Medical Examiners.



JOHNSON

APPROVED AS TO FORM:



DANIEL J. GAMINO

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of November, 1984, I mailed, postage prepaid thereon, a true and correct copy of the above and foregoing Final Order to Manville T. Buford, Attorney at Law, P.O. Box 60855, Oklahoma City, OK 73106.



Ladd A. Smith