

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

**FILED**

JUL 25 2013

STATE OF OKLAHOMA )  
EX REL. THE OKLAHOMA BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )  
Plaintiff, )  
v. )  
TIMOTHY HILL, M.D. )  
LICENSE NO. MD12712, )  
Defendant. )

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 12-08-4594

**ORDER ACCEPTING  
VOLUNTARY SUBMITTAL TO JURISDICTION**

Plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision ("Board"), by and through its attorney, Scott Randall Sullivan, Special Prosecutor, for the State of Oklahoma and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Timothy Hill, M.D., Oklahoma license no. 12712, who appears in person, offer this Agreement effective July 11, 2013, for acceptance by the Board *en banc* pursuant to *Oklahoma Administrative Code* section 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on May 24, 2013, and further acknowledges that a hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("Act").

Defendant, Timothy Hill, 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 has been reviewed and discussed with him.

**Agreements and Stipulations**

Plaintiff, Defendant and the Board staff stipulate and agree 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, Timothy Hill, M.D., holds Oklahoma license no. 12712.
3. This case was initiated on 08/06/2012 when Board Staff received an email from DEA Agent MS. DEA investigators had conducted an onsite inspection at Defendant's residence. This inspection was conducted after learning Defendant was ordering controlled dangerous substances from manufacturer Henry Schein that were being delivered to the doctor's residence. The initial e-mail from Agent MS advised Defendant had been dispensing the medication to patients without keeping a medical record.
4. During the DEA interview Defendant stated he dispensed CDS to friends, neighbors and church members, not family or himself. Defendant said he dispensed the CDS instead of writing a prescription for them because, "...some don't have money...for convenience." Defendant admitted to DEA agents he did not maintain any patient charts; just a log of the CDS and to whom they were dispensed. Defendant admitted he did not enter the CDS he dispensed into the Oklahoma Bureau of Narcotics Prescription Monitoring Program as required. The DEA inspection determined the Defendants controlled dangerous substance inventory at that time consisted of: Schedule III Medications- # 1000 Phendimetrazine 35 mg, #100 Hydrocodone 7.5 mg, Schedule IV Medications- #100 Lorazepam 2mg, #100 Diazepam 10mg, #100 Triazolam .25 mg and #15 Zolpidiem 10mg.

#### **Controlled Drug Violations**

5. On 08/23/2012 Defendant was interviewed by Board Investigator JL at the Board offices. Defendant was instructed to bring with him any invoices for CDS, his log book, and any medical records he had on the individuals he had dispensed to. Defendant provided the Board Investigator with invoices and his dispensing log book. No medical records were produced.
6. During the 08/23/2012 interview Defendant advised he had been ordering and dispensing CDS since 1988. He said he did this as a favor for his friends, neighbors and church members. He advised he did not charge them, even for the cost of the medicine. Defendant admitted he did not keep patient charts for the individuals he dispensed controlled medication to. He said he did record in his log book each person to whom he dispensed.

7. During the 08/23/2012 interview Defendant admitted he did not report the distribution of the CDS he dispensed to the Oklahoma Bureau of Narcotics Prescription Monitoring Program as required because he was not a registered user.
8. The invoices provided to Board Investigators by the Defendant showed that he had ordered and received the following controlled medications in January 2012:

<i>Butalbital</i>	<i>(#500/bottle)</i>	<i>2 bottles</i>	<i>\$50.22</i>	<i>\$100.44</i>
<i>Diazepam 10mg</i>	<i>(#90/bottle)</i>	<i>1 bottle</i>	<i>\$16.29</i>	<i>\$16.29</i>
<i>Hydrocodone 7.5</i>	<i>(#100/bottle)</i>	<i>1 bottle</i>	<i>\$23.79</i>	<i>\$23.79</i>
<i>Lorazepam 2mg</i>	<i>(#100/bottle)</i>	<i>1 bottle</i>	<i>\$6.49</i>	<i>\$6.49</i>
<i>Phendimetrazine 35mg</i>	<i>(1000/bottle)</i>	<i>1 bottle</i>	<i>\$182.99</i>	<i>\$182.99</i>
<i>Triazolam 0.25mg</i>	<i>(#100/bottle)</i>	<i>1 bottle</i>	<i>\$45.99</i>	<i><u>\$45.99</u></i>

9. Board Investigators review of the dispensing log book provided by the Defendant showed no inventory record of the 1000 tablets of the Schedule III medication Butalbital (Fioricet) ordered and received January 2012. There was also no record of this medication being dispensed to patients. Board Investigators also noted that Butalbital was not located in the 08/02/2012 DEA inspection.
10. Board Investigators review of the dispensing log provided by the defendant also showed that Defendant received shipments of 1,000 pills of the Schedule III medication Phendimetrazine on three separate occasions (01-31-1996, 08-21-2003, and 01-23-2012) and his count was off by 1,855 pills.
11. During questioning by Board Investigators Defendant said he dispensed very little of this drug. Defendant stated the drugs expired before he dispensed them. He denied dispensing them without logging them and he denied taking them himself. He advised he threw them in the trash in the original bottle they came in.
12. Board Investigators review of the dispensing log book provided by the Defendant also shows in the most recent five year period of August 2007 thru August 2012 Defendant dispensed a total of 815 doses of Controlled Dangerous Drugs to a total of 22 patients. The controlled medication dispensed consisted of the Schedule III medications Hydrocodone and Phedimetrazine and the Schedule IV medications Diazepam, Lorazepam, Propoxyphene, Zolpidiem and Eszopiclone.

**Substance Abuse**

13. On 11-07-2012 Board Investigator JL along with Board Investigator RD met with Defendant at

the Board to discuss concerns over the possibility of Defendant abusing some of the Controlled Drugs he had been ordering.

14. During 11/07/2012 interview Defendant first denied taking for personal use any of the Controlled medications he had ordered. Defendant denied any substance abuse issues.
15. During the 11/07/2012 interview Board Investigators asked Defendant, "If a urine drug screen was obtained today, what would it show?" Defendant advised he took "...one (1) Hydrocodone 7.5mg last night and one (1) Fioricet yesterday morning." Defendant stated he had a prescription for the Hydrocodone and he obtained the Fioricet from medication he ordered to his home. When questioned about his previous statement that he had not personally used any of the Controlled medications he had ordered, defendant stated that he did not know "Fioricet" (Butalbital) was a controlled drug.
16. During the 11/07/2012 interview Board Investigators requested that Defendant obtain a substance abuse assessment. Defendant proclaimed he did not have a substance abuse issue but agreed to obtain an assessment. A list of Board approved facilities was provided. Upon request Defendant also willingly submitted to a urine drug screen which was collected by Board Investigator RD.
17. On 11-15-2012 the urine drug screen results came back positive for the barbiturate butalbital (Fioricet). It was negative for Hydrocodone. It was positive for the EtG/EtS test (alcohol present).
18. Defendant was assessed at Palmetto Addiction Recovery Center in Louisiana from 12-10-2012 through 12-13-2012. Palmetto's assessment found Defendant has an alcohol dependence, Polysubstance Dependence, Sedative Abuse, and Amphetamine Abuse. They recommend Defendant complete a long term treatment program and sign a five (5) year monitoring contract with this Board or the Oklahoma Health Professionals Program ("OHPP"). The assessment states, in part, as follows:

**"Timothy is not ready to practice medicine with skill and safety until he has successfully completed treatment, has a monitoring contract in place, has a continuing care plan in place and has met with his addictionist after treatment to assess his fitness to return to duty."**
19. Additionally, Defendant told staff at Palmetto that he had been using his personal stock of Phendimetrazine for "energy". He had denied use of this medication in all previous interviews.
20. On January 8, 2013 Defendant entered Talbott Recovery Campus for ninety (90) days of treatment which he successfully completed and was subsequently discharged on April 9, 2013.

## Conclusions of Law

21. Defendant is guilty of unprofessional conduct in that he engaged in:

- a) Dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public in violation of *Title 59 O.S. §509.8*;
- b) Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship in violation of *Title 59 O.S. §509.12*;
- c) Failure to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient in violation of *Title 59 O.S. §509.18*;
- d) Failure to provide a proper and safe medical facility setting and qualified assistive personnel for a recognized medical act, including but not limited to an initial in-person patient examination, office surgery, diagnostic service or any other medical procedure or treatment. Adequate medical records to support diagnosis, procedure, treatment or prescribed medications must be produced and maintained in violation of *Title 59 O.S. §509.20*;
- e) Purchasing or prescribing any regulated substance in Schedule I through V, as defined by the Uniform Controlled Dangerous Substances Act, for the physician's personal use in violation of *Oklahoma Administrative Code Title 435:10-7-4.(5)*;
- f) Dispensing, prescribing or administering a Controlled substance or Narcotic drug without medical need in violation of *Oklahoma Administrative Code Title 435:10-7-4.(6)*;
- g) Conduct likely to deceive, defraud, or harm the public in violation of *Oklahoma Administrative Code Title 435:10-7-4.(11)*;
- h) Prescribing, selling, administering, distributing, ordering, or giving any drug legally classified as a controlled substance or recognized as an addictive dangerous drug to a family member or to himself or herself in violation of *Oklahoma Administrative Code Title 435:10-7-4.(26)*;
- i) Violating any state or federal law or regulation relating to controlled substances in violation of *Oklahoma Administrative Code Title 435:10-7-4.(27)*;
- j) Improper management of medical records in violation of *Oklahoma Administrative Code Title 435:10-7-4.(36)*;
- k) Failure to provide a proper setting and assistive personnel for medical act, including but not limited to examination, surgery, or other treatment. Adequate medical records to support

treatment or prescribed medications must be produced and maintained in violation of *Oklahoma Administrative Code Title 435:10-7-4.(41)*; and

- l) 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 in violation of *Oklahoma Administrative Code Title 435:10-7-4.(49)*.

### Order

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

1. The Board en banc hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction; and
2. It is **ORDERED** that the Defendant will pay an **ADMINISTRATIVE FINE** in the amount of **\$10,000.00**. Said administrative fine is to be paid in full within two (2) years from the date of this Order;
3. Defendant's license is hereby **SUSPENDED** for a period of six (6) months retroactive to December 18, 2012 and ending June 18, 2013;
4. Defendant will not prescribe any CDS during the term of his probation; and
5. Defendant is hereby placed on **PROBATION** for a term of five (5) years and said probation shall have the following provisions:

**Standard Terms:**

- a) Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision 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 designee.
- b) Defendant will furnish a 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 not supervise allied health professionals that require surveillance of a licensed physician.
- d) Defendant will keep the Board informed of his current address.
- e) Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his case unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- f) Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.
- g) Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.
- h) Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or designee.
- i) Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Coordinator to obtain copies of medical records and authorize the Compliance Coordinator to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.
- j) Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify license after due notice and hearing.

**Specific Terms:**

- k) Defendant shall submit for analysis biological fluid specimens including, but not limited to, blood and urine, upon request of the Board or its designee, and Defendant will pay for the costs attendant thereto.
- l) Defendant will not prescribe, administer or dispense any medications for personal use.
- m) Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating him of this Board

Order immediately upon initiation, or continuation, of treatment.

- n) Defendant shall have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances.
- o) Defendant shall follow all guidelines and recommendations as set forth in the Talbott Recovery Campus Continuing Care Plan.
- p) Defendant shall sign a contract with Oklahoma Health Professionals Program (“OHPP”).
- q) Defendant shall attend an Alcoholics Anonymous meeting at least four (4) times weekly and Defendant will attend a Caduceus meeting at least once weekly.
- r) Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.
- s) Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses.
- t) Defendant shall execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Coordinator or other Board designee to obtain copies of medical records and authorize the Compliance Coordinator or other Board designee to discuss Defendant’s case with Defendant’s treating physicians and/or any physicians holding Defendant’s records.
- u) Defendant shall request all hospitals, clinics and other facilities in which he practices to furnish to the Board a written statement monitoring his practice.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.




\_\_\_\_\_  
G. David Casper, M.D., President  
Oklahoma State Board of Medical  
Licensure and Supervision



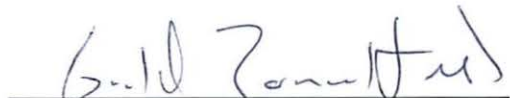


Timothy Hill, MD  
License No. MD12712

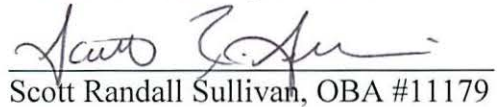


G. Derek Chance, OBA #19065  
Babbit, Mitchell & Chance, PLLC  
9905 S. Pennsylvania Avenue  
Oklahoma City, OK 73159

Attorney for Defendant



Gerald C. Zumwalt, M.D., Secretary  
Oklahoma State Board Of Medical  
Licensure And Supervision



Scott Randall Sullivan, OBA #11179  
101 N.E. 51<sup>st</sup> Street  
Oklahoma City, OK 73105

Attorney for Oklahoma State Board of  
Medical Licensure and Supervision

**CERTIFICATE OF SERVICE**

This is to certify that on this 2nd day of August, 2013, a true and correct copy of this order was emailed to Timothy Hill, M.D. at timothy\_hill\_facep@yahoo.com.



Barbara J. Smith, Legal Assistant