

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

FILED

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

SEP 30 2004

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 04-07-2845

JOHN EDWARD PIERSING, P.A.,)
LICENSE NO. PA 1309,)

Defendant.)

COMPLAINT

COMES NOW the Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Complaint against the Defendant, John Edward Piersing, P.A., alleges and states as follows:

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physician assistants in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* and §519.1 *et seq.*
2. Defendant, John Edward Piersing, P.A., holds Oklahoma license no. PA1309.
3. On or about July 22, 2004, while working at Prague Municipal Hospital, Defendant attempted to restrain a seventeen (17) year old patient by squeezing his neck. The patient was handcuffed behind his back, and his legs and midsection were restrained by two (2) police officers. The patient then spit on Defendant, at which time Defendant delivered two (2) blows with his right fist to the left side of the patient's head. Defendant paused approximately five (5) seconds, then delivered a third and final blow to the patient's left cheekbone and eye area. The incident was witnessed by the two (2) police officers. As a result of this incident, a Police Report was filed with the Prague Police Department.

4. On or about July 22, 2004, Defendant's supervising physician withdrew his supervisory position over Defendant.

5. On or about August 24, 2004, an investigator for the Board interviewed Defendant regarding the incident. When questioned, Defendant claimed that he did not remember hitting the patient.

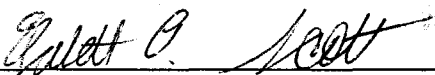
6. Defendant is guilty of unprofessional conduct in that he:

- A. 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).
- B. Engaged in practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).
- C. Is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).
- D. Violated a provision of the Medical Practice Act or the rules promulgated by the Board pursuant to OAC 435:15-5-11(7).
- E. Violated any provision of the Medical Practice Act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of OAC 435:10-7-4(39).
- F. Is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).
- G. Failed to cooperate with a lawful investigation conducted by the Board in violation of OAC 435:10-7-4(38).
- H. Was negligent while in practice as a physician assistant or violating the Code of Professional Ethics adopted by the American Academy of Physician Assistants, Inc. in violation of OAC 435:15-5-11(4).

Conclusion

WHEREFORE, the Plaintiff respectfully requests that 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 Defendant's physician assistant license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



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