

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

FILED

JUL 21 2006

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

Plaintiff,)

v.)

ROBERT EDGAR FARROW, M.D.,)
LICENSE NO. 13179)

Defendant.)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 06-02-3070

FINAL ORDER OF REPRIMAND

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on July 20, 2006, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and through counsel, Amy Kempfert.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

Findings of Fact

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. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.
3. Defendant, Robert Edgar Farrow, M.D., holds Oklahoma license no. 13179.

4. A review of Defendant's records reveals that Defendant began treating Patient KFE in or around 1987. On or about March 1, 1994, Patient KFE revealed to Defendant that she was in the process of getting a divorce. Defendant's records reflect that by the time of Patient KFE's appointment on August 14, 1994, she was engaged to Defendant. Defendant subsequently began prescribing numerous controlled dangerous drugs to Patient KFE, including six (6) prescriptions for Adipex, a Schedule IV controlled dangerous drug, and one (1) prescription for Midrin, a Schedule IV controlled dangerous drug. Defendant married Patient KFE on or before December 21, 1995.

5. A review of Defendant's records reveals that after he married Patient KFE, he continued to prescribe controlled dangerous drugs to her. These prescriptions include five (5) prescriptions for Vicodin, Fioricet, Buprenex, Codimal DH and Tussionex, Schedule III controlled dangerous drugs, two (2) prescriptions for Valium and Pondimin, Schedule IV controlled dangerous drugs, and fourteen (14) prescriptions for Adipex, a Schedule IV controlled dangerous drug.

6. Patient KFE's chart reflects that the "medical necessity" for the Adipex in 1997 was that Patient KFE wanted to lose five (5) pounds before a trip with Defendant. Patient KFE subsequently lost too much weight and became ill. However, after numerous illnesses over several years, Defendant again prescribed Adipex to his wife as recently as October 6, 2005.

7. On or about February 21, 2006, Patient KFE was arrested and charged in Muskogee County with Possession of Marijuana. During a search of Patient KFE's car, the police found numerous controlled dangerous drugs, including Sonata, Lorcet, Diazepam, Hydrocodone and Marijuana, as well as other dangerous drugs, including Lotrel and Flexeril.

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

- A. Prescribed, sold, administered, distributed, ordered, or gave 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 OAC 435:10-7-4(26).
- B. 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 59 O.S. §509 (13) and OAC 435:10-7-4(39).
- C. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

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

- A. Prescribed, sold, administered, distributed, ordered, or gave 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 OAC 435:10-7-4(26).
- B. 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 59 O.S. §509 (13) and OAC 435:10-7-4(39).
- C. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

3. The Board further found that the Defendant's license should be reprimanded based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509 (13) and OAC 435: 10-7-4 (26), (27) and (39).

Order

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

1. Defendant, Robert Edgar Farrow, M.D., Oklahoma license no. 13179, is hereby **FORMALLY REPRIMANDED**.

2. Defendant shall pay an **ADMINISTRATIVE FINE** in the amount of \$5,000.00 to be paid on or before August 20, 2006.

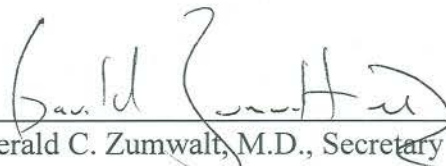
3. Within one (1) year of the date of this Order, Defendant shall obtain **CONTINUING MEDICAL EDUCATION** approved in advance by the Board Secretary for a minimum of ten (10) hours on prescribing controlled

dangerous substances. Defendant shall provide to the Board Secretary proof of completion of the continuing medical education.

4. For one (1) year from the date of this Order, Defendant will keep triplicate, serially numbered prescriptions of all controlled dangerous substances readily retrievable, in numerical order, and will furnish copies to investigators or other authorized agents of the Board immediately upon request.

5. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.


Dated this 21 day of July, 2006.



Gerald C. Zumwalt, M.D., Secretary
Oklahoma State Board of
Medical Licensure and Supervision

CERTIFICATE OF SERVICE

I certify that on the 21 day of July, 2006, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Amy E. Kempfert and Sean H. McKee, Best & Sharp, 100 W. 5th Street, Suite 808, Tulsa, OK 74103-4225 and to Robert Edgar Farrow, 218 N. Main, Eufaula, OK 74432-0730.



Janet Swindle