

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, )

NOV 07 2008

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )

v. )

Case No. 07-01-3232

WESLEY E. PARKHURST, M.D., )  
LICENSE NO. 13405 )

Defendant. )

**FINAL ORDER OF REVOCATION**

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on November 6, 2008, 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, Tom Ferguson.

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.* 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.

2. Defendant, Wesley E. Parkhurst, M.D., holds Oklahoma license no. 13405 and is a general practitioner in Henryetta, Oklahoma.

### ***PATIENT SHD***

3. A review of Defendant's records reveals that Defendant began treating Patient SHD on or around February 3, 2003 and continuing through at least October 1, 2003. Defendant treated Patient SHD for anxiety and depression. A review of pharmacy records reflects that during this time, Defendant wrote or authorized numerous prescriptions for Hydrocodone, Butalbital, and Alprazolam, as well as for various non-controlled medications.

4. In or around April 2003, during an office visit, Defendant asked Patient SHD out on a date. Patient SHD agreed and she and the Defendant continued to date until September 2003, at which time Defendant was deployed to Iraq. During this time, Defendant and Patient SHD engaged in a sexual relationship. During the time Defendant and Patient SHD were engaging in a sexual relationship, Defendant continued to prescribe Hydrocodone and Xanax to her, but she no longer had to go to Defendant's clinic for treatment, in that he would prescribe to her when they saw each other. Defendant admits that he engaged in a sexual relationship with Patient SHD during the same time he was treating her.

### **PATIENT DAD**

5. A review of Defendant's records reveals that Defendant began treating Patient DAD on or around July 3, 1996 and continuing through at least December 17, 2003. Defendant treated Patient DAD for chronic pain and anxiety. Defendant's records reflect that during this time, Defendant prescribed Xanax, Percocet, Valium, Lortab, Tylenol #3, Soma and Tussionex to Patient DAD. During this time, Defendant asked Patient DAD out on dates, but Patient DAD refused Defendant's advances.

6. Patient DAD subsequently moved to Stroud and sought treatment from another physician.

7. In or around July 2005, Defendant contacted Patient DAD and asked if he could visit her, to which she agreed. Defendant and Patient DAD then engaged in a sexual relationship, after which time Defendant returned to Henryetta. Defendant admits that he engaged in a sexual relationship with Patient DAD.

8. Patient DAD called Defendant approximately one (1) week later, at which time he prescribed Valium #30 to her.

### **PATIENT SND**

9. A review of Defendant's records reveals that Defendant began treating Patient SND on or around February 6, 1997 and continuing through November 23, 2005. Defendant treated Patient SND for depression and pain. Early in her treatment, Patient SND advised Defendant that she was a recovering methamphetamine addict. Defendant's records reflect that

during this time, he prescribed Xanax, Zoloft, Tylenol #3, Lortab, and Diazepam to Patient SND.

10. During the time Defendant was treating Patient SND, during office visits, he frequently asked her out on dates. She eventually agreed, but did not engage in a sexual relationship at that time.

11. Beginning in or around August 2005 and continuing through November 2005, Patient SND moved in with Defendant at his request. During this time, Defendant and Patient SND engaged in a sexual relationship. Defendant continued to treat Patient SND and prescribe her Xanax and Hydrocodone during the same time he was engaging in a sexual relationship with her. Defendant admits that he engaged in a sexual relationship with Patient SND at the same time he was treating her and prescribing the controlled dangerous substances to her.

### PATIENT KWD

12. A review of Defendant's records reveals that Defendant began treating Patient KWD on or around January 5, 1994 and continuing through August 13, 2007. Defendant treated Patient KWD for chronic pain and headaches. Defendant's records reflect that during this time, he prescribed Butalbital, Valium, Tylenol #3, Soma, as well as numerous non-controlled medications to Patient KWD.

13. Defendant admits that in or around 1997, he engaged in a sexual relationship with Patient KWD at the same time he was treating her and prescribing medications to her.

14. Defendant admits that in or around November 2006, he again engaged in a sexual relationship with Patient KWD at the same time he was treating her and prescribing medications to her.

15. A review of Defendant's records reveals that Defendant last treated Patient KWD in his office in January 2006. However, pharmacy records reflect that Defendant continued to prescribe controlled dangerous substances to her until at least August 13, 2007 while she resided in Arkansas.

16. 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 physical conduct with a patient which is sexual in nature, ... in violation of 59 O.S. §509 (17).

- C. Committed an act of sexual ... misconduct or exploitation related or unrelated to the licensee's practice of medicine and surgery in violation of OAC 435:10-7-4 (23).
- D. Abused the physician's position of trust by coercion [or] manipulation ... in the doctor-patient relationship in violation of OAC 435:10-7-4(44).
- 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 59 O.S. §509 (13) and OAC 435:10-7-4(39).
- F. Prescribed, sold, administered, distributed, ordered, or gave to a habitué or addict or any person previously drug dependent, any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug in violation of OAC 435:10-7-4(25).

### *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. 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 physical conduct with a patient which is sexual in nature, ... in violation of 59 O.S. §509 (17).
- C. Committed an act of sexual ... misconduct or exploitation related or unrelated to the licensee's practice of medicine and surgery in violation of OAC 435:10-7-4 (23).
- D. Abused the physician's position of trust by coercion [or] manipulation ... in the doctor-patient relationship in violation of OAC 435:10-7-4(44).

- 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 59 O.S. §509 (13) and OAC 435:10-7-4(39).
- F. Prescribed, sold, administered, distributed, ordered, or gave to a habitué or addict or any person previously drug dependent, any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug in violation of OAC 435:10-7-4(25).


3. The Board further found that the Defendant's license should be revoked based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509 (8), (13) and (17) and OAC 435: 10-7-4 (11), (23), (25), (39) and (44).

**Order**

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

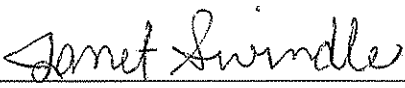
- 1. The license of Defendant, Wesley E. Parkhurst, M.D., Oklahoma medical license no. 13405, is hereby **REVOKED** as of the date of this hearing, November 6, 2008.
- 2. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

Dated this 7 day of November, 2008.

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

**CERTIFICATE OF SERVICE**

I certify that on the 12 day of November, 2008, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order Tom Ferguson, 941 E. Britton Road, Oklahoma City, OK 73114 and to Wesley Parkhurst, P.O. Box 74, Dustin, OK 74839.

  
Janet Swindle