

IN AND BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,            )  
STATE BOARD OF MEDICAL                )  
EXAMINERS,                                )  
  )  
  )     Plaintiff,     )  
  
v.    )  
  )  
JAMES W. WARREN, M.D.,                 )  
Medical License No. 13512,             )  
  
  )     Defendant.

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Examiners en banc on January 13, 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 James W. Warren, M.D., appeared in person, pro se, for the Defendant.

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

FINDINGS OF FACT

1. That James W. Warren, M.D., holds Oklahoma Medical License No. 13512.

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 from the period from October 18, 1983, to November 29, 1983, the Defendant wrote 33 prescriptions for Schedule II drugs for various persons and that Defendant did not make any examination of those persons or establish any valid physician-patient relationship in that Defendant did not have an office for his practice, or any medical equipment or supplies; further that Defendant did not keep the normal and necessary patient records and that it was the Defendant's practice to meet some of his patients at the Golden Nugget, a bar in the Tulsa, Oklahoma, area that he frequented.

4. That from the period of October 18, 1983, to November 29, 1983, Defendant wrote some 33 prescriptions for Schedule II drugs and said drugs were in excess of the amount considered good medical practice and were dispensed without medical need in accordance with published standards.

5. That from the period of time June 30, 1983, to November 3, 1983, Defendant practiced medicine and surgery in and around the area of Tulsa, Oklahoma, without having legal possession of a current renewal certificate of registration obtained from the Oklahoma Board of Medical Examiners.

CONCLUSIONS OF LAW

1. That James W. Warren, M.D., holding Oklahoma Medical License No. 13512, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, §509, Paragraphs 13 and 17, to-wit:

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

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 James W. Warren, M.D., is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, §495b, to-wit:

"Any person practicing medicine and surgery in Oklahoma . . . without having the legal possession of a current renewal certificate of registration shall be guilty of a misdemeanor and . . . such practice shall constitute grounds for the revocation or suspension of his license or certificate to practice medicine and surgery in this state."

3. That James W. Warren, M.D., is in violation of the Rules and Regulations promulgated by this Board, specifically Section IX, Rule 6, to-wit:

"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 Medical License No. 13512 issued to the Defendant by the Oklahoma State Board of Medical Examiners is hereby suspended for a period of three months with the period of suspension to begin on January 13, 1984, and to continue for a period of three consecutive months or until such time as the Defendant is employed for the purpose of medical practice and the Secretary of the Board of Medical Examiners has reviewed the Defendant's employment situation and agrees that the period of suspension may be ended. During the above period of suspension Defendant is not allowed to practice medicine or surgery in the State of Oklahoma.

2. That at the conclusion of the period of suspension the Defendant will be placed on probation to the Oklahoma State Board of Medical Examiners for a period of five years with the following terms and conditions:

- a. Defendant will not prescribe, administer, dispense or possess any scheduled drugs.
- b. Defendant will surrender his registration for state and federal controlled dangerous substances to the proper authorities and will not apply for state and federal registration for controlled dangerous substances until the term of his probation has expired unless authorized to do so by the Oklahoma State Board of Medical Examiners.