

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 18 2003

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )

v. )

Case No. 03-05-2667

THOMAS F. ALGEO, M.D., )  
LICENSE NO. 13857, )

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, Thomas F. Algeo, M.D., 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 physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.*

2. Defendant, Thomas F. Algeo, M.D., holds Oklahoma license no. 13857.

3. On or about October 15, 2002, Patient JWW, a resident of the state of South Carolina, contacted LifeForce Medical Clinic ("LifeForce"), a company that employs physicians to write prescriptions for patients over the Internet, regarding obtaining drugs, including controlled dangerous substances. On or about November 12, 2002, LifeForce faxed Patient JWW's patient questionnaire and laboratory report to Defendant for his review. On or about November 14, 2002, Defendant prescribed Testosterone Cypionate gel, a controlled dangerous substance, Human Chorionic Gonadotropin ("HCG"), and 60 disposable syringes to Patient JWW, with six (6) refills each. Defendant faxed his written prescriptions to LifeForce, which then arranged to have the prescriptions filled at various Internet pharmacies. Defendant admits that he did not talk to or examine Patient JWW, but only reviewed forms filled out by the patient and lab work forwarded by LifeForce.

4. On or about November 7, 2002, Patient ADW, a resident of the state of Arizona, contacted LifeForce regarding obtaining drugs over the Internet. On or about November 17,

2002, LifeForce faxed Patient ADW's patient questionnaire to Defendant for his review. On or about November 18, 2002, Defendant prescribed Human Growth Hormone and syringes to Patient ADW. Defendant faxed his written prescriptions to LifeForce, which then arranged to have the prescriptions filled at various Internet pharmacies. Defendant admits that he did not talk to or examine Patient ADW, but only reviewed forms filled out by the patient and forwarded by LifeForce.

5. On or about January 3, 2003, Patient PSW, whose residency is unknown, contacted LifeForce regarding obtaining drugs over the Internet. On or about January 3, 2003, LifeForce faxed Patient PSW's lab report to Defendant for his review. On or about January 6, 2003, Defendant prescribed Armour Thyroid 120 mg. to Patient PSW. Defendant faxed his written prescription to LifeForce, which then arranged to have the prescription filled at an Internet pharmacy. Defendant admits that he did not talk to or examine Patient PSW, but only reviewed the lab report forwarded by LifeForce.

6. On or about March 1, 2003, Patient JWW2, a resident of Cancun, Mexico, contacted LifeForce regarding obtaining drugs, including controlled dangerous substances over the Internet. On or about March 1, 2003, LifeForce faxed Patient JWW2's patient questionnaire to Defendant for his review. On or about March 13, 2003, Defendant prescribed Testosterone Cypionate for injection, HCG, Human Growth Hormone for injection, and numerous syringes to Patient JWW2. Defendant faxed his written prescriptions to LifeForce, which then arranged to have the prescriptions filled at various Internet pharmacies. Defendant admits that he did not examine Patient JWW2, but only reviewed forms filled out by the patient and forwarded by LifeForce.

7. On or before February 2, 2003, Patient RKW, whose residency is unknown, contacted LifeForce about obtaining drugs, including controlled dangerous substances, over the Internet. On or about March 10, 2003, LifeForce faxed Patient RKW's patient questionnaire and lab report to Defendant for his review. On or about March 13, 2002, Defendant prescribed Testosterone Cypionate and syringes to Patient RKW. Defendant faxed his written prescriptions to LifeForce, which then arranged to have the prescriptions filled at various Internet pharmacies. Defendant admits that he did not talk to or examine Patient RKW, but only reviewed forms filled out by the patient and lab work forwarded by LifeForce.

8. On or about March 11, 2003, Patient RWW, whose residency is unknown, contacted LifeForce about obtaining drugs, including controlled dangerous substances, over the Internet. On or about March 14, 2003, LifeForce faxed Patient RWW's patient questionnaire and lab report to Defendant for his review. On or about March 26, 2003, Defendant prescribed Testosterone Cypionate, HCG, Human Growth Hormone, and numerous syringes to Patient RWW. Defendant faxed his written prescriptions to LifeForce, which then arranged to have the prescriptions filled at various Internet pharmacies. Defendant admits that he did not talk to or examine Patient RWW, but only reviewed forms filled out by the patient and lab work forwarded by LifeForce.

9. On or about December 16, 2002, Patient VCW, a resident of Ontario, Canada, contacted LifeForce about obtaining drugs over the Internet. On or about January 3, 2003, LifeForce faxed Patient VCW's patient questionnaire to Defendant for his review. On or about January 6, 2003, Defendant prescribed Human Growth Hormone and syringes to Patient VCW. Defendant faxed his written prescriptions to LifeForce, which then arranged to have the prescriptions filled at various Internet pharmacies. Defendant admits that he did not talk to or examine Patient VCW, but only reviewed forms filled out by the patient and forwarded by LifeForce.

10. On or about February 1, 2003, Patient ESW, whose residency is unknown, contacted LifeForce about obtaining drugs over the Internet. On or about February 5, 2003, LifeForce faxed Patient ESW's patient questionnaire to Defendant for his review. On or about February 13, 2003, Defendant prescribed Human Growth Hormone and syringes, with six (6) refills, to Patient ESW. Defendant faxed his written prescriptions to LifeForce, which then arranged to have the prescriptions filled at various Internet pharmacies. Defendant admits that he did not talk to or examine Patient ESW, but only reviewed forms filled out by the patient and forwarded by LifeForce.

11. On or about January 13, 2003, Patient GSW, whose residency is unknown, contacted LifeForce about obtaining drugs over the Internet. On or about January 13, 2003, LifeForce faxed Patient GSW's patient questionnaire to Defendant for his review. On or about January 15, 2003, Defendant prescribed Human Growth Hormone and syringes, with three (3) refills, to Patient GSW. Defendant faxed his written prescriptions to LifeForce, which then arranged to have the prescriptions filled at various Internet pharmacies. Defendant admits that he did not talk to or examine Patient GSW, but only reviewed forms filled out by the patient and forwarded by LifeForce.

12. On or about November 11, 2002, Patient CMW, a resident of the state of New York, contacted LifeForce about obtaining drugs over the Internet. On or about November 12, 2002, LifeForce faxed Patient CMW's patient questionnaire to Defendant for his review. On or about November 14, 2002, Defendant prescribed Human Growth Hormone and syringes, with six (6) refills, to Patient CMW. Defendant faxed his written prescriptions to LifeForce, which then arranged to have the prescriptions filled at various Internet pharmacies. Defendant admits that he did not talk to or examine Patient CMW, but only reviewed forms filled out by the patient and forwarded by LifeForce.

13. On or about October 14, 2002, Patient MHW, a resident of the state of Indiana, contacted LifeForce about obtaining drugs, including controlled dangerous substances over the Internet. On or about November 12, 2002, LifeForce faxed Patient MHW's patient questionnaire and lab report to Defendant for his review. On or about November 14, 2002, Defendant prescribed HCG, Testosterone Cypionate and syringes, with six (6) refills, to Patient MHW. Defendant faxed his written prescriptions to LifeForce, which then arranged to have the prescriptions filled at various Internet pharmacies. Defendant admits that he did not talk to or examine Patient MHW, but only reviewed forms filled out by the patient and lab reports forwarded by LifeForce.

14. On or about October 28, 2002, Patient GGW, a resident of the state of California, contacted LifeForce about obtaining drugs, including controlled dangerous substances over the Internet. On or about November 12, 2002, LifeForce faxed Patient GGW's patient questionnaire and lab report to Defendant for his review. On or about November 14, 2002, Defendant prescribed HCG, Testosterone Cypionate and syringes, with six (6) refills, to Patient GGW. Defendant faxed his written prescriptions to LifeForce, which then arranged to have the prescriptions filled at various Internet pharmacies. Defendant admits that he did not talk to or examine Patient GGW, but only reviewed forms filled out by the patient and lab reports forwarded by LifeForce.

15. Defendant admits that with respect to each of the patients set forth above, that he was paid twenty-five dollars (\$25.00) per consultation by LifeForce. Defendant further admits that he never disapproved any request for a prescription by LifeForce.

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

A. Procured, aided or abetted a criminal operation in violation of 59 O.S. §509(1).

B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11).

C. 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(14) and OAC 435:10-7-4(39).

D. Prescribed or administered a drug or treatment without sufficient examination and the establishment of a valid physician patient relationship in violation of 59 O.S. §509(13).

E. Failed 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 59 O.S. §509(19).

F. Engaged in indiscriminate or excessive prescribing, dispensing or administering of Controlled or Narcotic drugs in violation of OAC 435:10-7-4(1).

G. Engaged in gross or repeated negligence in the practice of medicine and surgery in violation of OAC 435:10-7-4(15).

H. Directly or indirectly gave or received any fee, commission, rebate, or other compensation for professional services not actually and personally rendered in violation of OAC 435:10-7-4(30).

I. Confessed to a crime involving a violation of the anti-narcotic laws of the federal government or the laws of this state in violation of 59 O.S. §509(8) and 63 O.S. §2-404 and OAC 435:25-1-3.

J. Committed an act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine in violation of 59 O.S. §509(10).

K. Prescribed a controlled substance without medical need in accordance with published standards in violation of 59 O.S. §509(17) and OAC 435:10-7-4(2) and (6).

L. Violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27), 63 O.S. §2-404, OAC 475:30-1-4 and OAC 475:25-1-3.

M. Engaged in improper management of medical records in violation of OAC 435:10-7-4(36).

N. Failed to provide a proper setting and assistive personnel for medical acts, including, but not limited to examination, surgery, or other treatment in violation of OAC 435:10-7-4(41). Adequate medical records to support treatment or prescribed medications must be produced and maintained.

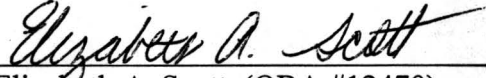
O. Has utilized his Oklahoma license for practice in another state, territory, district or federal facility and has violated any laws in the state in which he is practicing or any federal, territorial or district laws that are in effect in the location in which he is using his Oklahoma license to practice in violation of OAC 435:10-7-4(46).

### *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 medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



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Elizabeth A. Scott (OBA #12470)  
Assistant Attorney General  
State of Oklahoma  
5104 N. Francis, Suite C  
Oklahoma City, OK 73118  
Attorney for the Plaintiff

RETURN OF SERVICE BY AGENT

Received the attached and foregoing Citation and Scheduling Order in the investigation of Thomas Algeo MD, at Oklahoma City, Oklahoma, on the 17 day of September, 2003, and on the 23 day of Sept, 2003, at 10:00 o'clock A.M. served it on the within named defendant by delivering a copy to: Chris Condren, Attorney  
(name of person served)

at (address):

Pierce Couch Law firm  
1109 N. Francis  
OKC OK

Served by: Stephen Workhouse

Subscribed and sworn to before me on this 23 day of Sept, 2002.



Janet Swindle  
Notary Public

My Commission expires:

8-22-06

CASE NAME: Algeo MD  
CASE #: 03-05-2667