

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, )

JUN 09 2006

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )

v. )

Case No. 06-05-3105

JOEL BRENT MCCURDY )  
LICENSE NO. 13910, )

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, Joel Brent McCurdy, 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, Joel Brent McCurdy, M.D., holds Oklahoma license no. 13910.
3. In or around 2001, Defendant was treated at Rush Behavioral Health Center for alcohol abuse.
4. Defendant subsequently relapsed and returned to treatment at Rush Behavioral Health Center in August 2003.
5. Upon returning from Rush, Defendant entered into a contract with the Oklahoma Health Professionals Recovery Program (the "HPRP") whereby he agreed to abstain from the use of alcohol.
6. Defendant subsequently tested positive for alcohol in the spring of 2005 on a drug test administered by the HPRP.

7. From July 28, 2005 until September 1, 2005, Defendant was treated at Forest General Hospital for alcohol abuse.

8. On or about September 7, 2005, Defendant entered into a contract with the HPRP whereby he agreed to abstain from the use of alcohol.

9. On or about March 2, 2006, Defendant tested positive for alcohol on a drug test administered by the HPRP.

10. On or about March 6, 2006, Defendant tested positive for alcohol on a drug test administered by the HPRP.

11. On or about March 21, 2006, Defendant tested positive for alcohol on a drug test administered by the HPRP.

12. Defendant admits that subsequent to these three (3) positive drug tests for alcohol, he relapsed on alcohol over a three (3) week period continuing through the end of April 2006.

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

A. Habitually uses habit-forming drugs in violation 59 O.S. 407 §509(4) and OAC 435:10-7-4(3).

B. 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).

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

D. 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 physician condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).

### *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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