

**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 30 2005

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

**Plaintiff,** )

**v.** )

**Case No. 05-09-2995**

**HANH NGOC TRUONG, M.D.,** )  
**LICENSE NO. 13991,** )

**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, Hanh Ngoc Truong, 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.*

Defendant, Hanh Ngoc Truong, M.D., holds Oklahoma license no. 13991

3. On or about February 4, 2005, Patient TFW, a confidential informant for the District 3 Drug Task Force for the State of Oklahoma, traveled with undercover police officer STW to Defendant's residence in Mangum, Oklahoma. At that time, Patient TFW purchased a prescription for forty (40) Darvon for \$20.00 from Defendant. Patient TFW asked Defendant to write the prescription in his cousin's name, Patient CCW. Defendant then wrote the prescription in the name of Patient CCW and gave it to confidential informant Patient TFW. At no time did Defendant perform a physical examination on Patient TFW or Patient CCW, nor did Patient TFW or Patient CCW give Defendant any medical reason for the prescription. A review of Defendant's records reveals that Defendant never performed a physical examination on either of these patients, that he did not establish a legitimate medical need for the medical treatment, that he did not establish a valid physician patient relationship prior to prescribing the medications, and that he failed to maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of these patients. Defendant admits he has no patient chart on Patient TFW or Patient CCW.

4. On or about February 11, 2005, confidential informant Patient TFW and undercover police officer STW again traveled to Defendant's residence in Mangum, Oklahoma. At that time, Patient TFW purchased two (2) prescriptions for forty (40) Darvon each, for a total of \$40.00 from Defendant. Patient TFW asked Defendant to write the prescriptions in his name and in his cousin's name, Patient CCW. Defendant then wrote the prescriptions in the names of Patient TFW and Patient CCW and gave them to confidential informant Patient TFW. At no time did Defendant perform a physical examination on Patient TFW or Patient CCW, nor did Patient TFW or Patient CCW give Defendant any medical reason for the prescription. A review of Defendant's records reveals that Defendant never performed a physical examination on either of these patients, that he did not establish a legitimate medical need for the medical treatment, that he did not establish a valid physician patient relationship prior to prescribing the medications, and that he failed to maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patients.

5. Defendant subsequently met with representatives of the District 3 Drug Task Force and the Oklahoma State Bureau of Narcotics at which time they advised him that the incidents on February 4, 2005 and February 11, 2005 had been recorded. At that time, Defendant agreed to surrender his OBN and DEA registrations.

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

D. Prescribed a drug without sufficient examination and establishment of a valid physician patient relationship in violation of 59 O.S. §509(12).

E. 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(7).

F. 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(9).

G. 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(18) and 435:10-7-4(41).

H. Violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

I. Prescribed, dispensed or administered a controlled substance or narcotic drugs in excess of the amount considered good medical practice, or prescribed, dispensed or administered controlled substances or narcotic drugs without medical need in accordance with published standards in violation of 59 O.S. 509(16) and OAC 435:10-7-4(2) and (6).

J. Engaged in the indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs in violation of OAC 435:10-7-4(1).

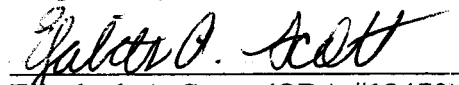
K. Wrote a false or fictitious prescription for any drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs in violation of 59 O.S. 509(11).

L. 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).

### *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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