

IN AND BEFORE THE OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,        )  
OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE AND  
SUPERVISION,                        )

Plaintiff,

v.

CASE NO. 95-06-1718

MICHAEL JAMES BABB, M.D.  
Medical License No. 14271,

Defendant.

COMPLAINT

COMES NOW Steve Washbourne, Investigator for the Oklahoma State Board of Medical Licensure and Supervision, being first duly sworn upon oath and states:

1. That Michael James Babb, M.D., holding Oklahoma Medical License No. 14271, is in violation of the Oklahoma Medical Practice Act, 59 O.S. Supp. 1995, Sec. 509, Paragraphs 8, 9, 10, 11, and 13, to-wit:

"8. Conviction or confession of a crime involving violation of the laws of this state."

"9. Dishonorable or immoral conduct which is likely to deceive or defraud the public."

"10. The commission of any act which is a violation of the criminal laws of this state when such act is connected with the physician's practice of medicine. A complaint, indictment or confession of a criminal violation shall not be necessary for the enforcement of this provision. Proof of the commission of the act while in the practice of medicine or under the guise of the practice of medicine shall be unprofessional conduct."

"11. Failure to keep complete and accurate records of purchase and disposal of controlled drugs or of narcotic drugs."

"13. Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship."

2. That Defendant Babb is also in violation of the rules and regulations promulgated by this Board, specifically Rule 435:10-7-4, Paragraphs (6), (24), and (27), to-wit:

"(6) Dispensing, prescribing or administering a controlled substance or narcotic drug without medical need."

"(24) Prescribing, selling, administering, distributing, ordering, or giving any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug for other than medically accepted therapeutic purposes."

"(27) Violating any state or federal law or regulation relating to controlled substances."

3. That from approximately September, 1994, to April 18, 1995, Defendant did write prescriptions for controlled dangerous substances and certain non-controlled substances to one J.S. without sufficient examination and without establishing a valid physician-patient relationship.

4. That prescriptions written by Defendant to J.S. during the aforesaid time include the following, to-wit:

<u>Date</u>	<u>Pharmacy/Town</u>	<u>Drug</u>
9/8/94	Baker Drug, Cushing	Zovirax Ointment 5%
10/29/94	Perkins Drug, Perkins	24 Midrin
12/3/94	Perkins Drug, Perkins	24 Midrin
1/31/95	Wal-Mart, Stillwater	30 Lortab 5
1/31/95	Wal-Mart, Stillwater	30 Norflex 100mg.
3/2/95	Baker Drug, Cushing	20 Xanax .25
4/16/95	Mays Drug, Stillwater	30 Anaprox
4/16/95	Mays Drug, Stillwater	30 Darvocet N100
4/18/95	Baker Drug, Cushing	30 Lortab
4/18/95	Baker Drug, Cushing	24 Atarin

5. That Defendant failed to keep complete and accurate records of purchase and disposal of controlled dangerous substances.

6. That Defendant's acts herein, in part, constitute violation of the laws of Oklahoma, 63 O.S. Supp. 1995, Sec. 2-401.

That Defendant's acts of adultery with J.S. on or about February 7, 1995, April 4, 1995, and May 17, 1995, constitute violation of the criminal laws of Oklahoma, 21 O.S. 1991, Sec. 871, and were connected with the Defendant's practice of medicine in that Defendant and J.S., a nurse at Cushing Hospital, worked together in a professional capacity on patients and members of the public.

8. That Defendant Babb was perpetuating significant harm to public health, safety and welfare by the acts and omissions set forth in the above allegations.

WHEREFORE, Complainant prays this Board to conduct a hearing and upon proof of the allegations contained herein that such disciplinary action be taken by the Board as is authorized by law.

Steve Washbourne  
STEVE WASHBOURNE, Investigator  
Oklahoma State Board of  
Medical Licensure and Supervision

Subscribed and sworn to before me this 25 day of March, 1996.

Garnet L. O'Neil  
Notary Public

My Commission expires:  
12-20-96