

which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

5. On or about May 16, 2006, the Board's investigator interviewed Defendant. When questioned about Patient JBE, Defendant admitted having a sexual relationship with her.

6. Beginning in or around 2004 and continuing through March 2006, Defendant engaged in sexual intercourse with Patient TDE. Defendant engaged in these sexual acts at the same time he was maintaining a doctor-patient relationship and prescribing controlled dangerous drugs and other dangerous drugs to this patient. During the course of the relationship, Patient TDE contracted genital herpes. At that time, Defendant admitted that he had infected Patient TDE with the disease.

7. A review of pharmacy records and Defendant's own admissions reveals that during 2005 and 2006, Defendant prescribed controlled dangerous substances and other dangerous drugs to Patient TDE, including one (1) prescription for Hydrocodone, a Schedule III controlled dangerous substance, one (1) prescriptions for Butalbital, two (2) prescriptions for Promethazine, one (1) prescription for Imitrex, one (1) prescription for Topamax, and one prescription for Cyclobenzaprine. A review of Defendant's records reveals that he kept no record of this treatment of Patient TDE, that he did not establish a legitimate medical need for the medical treatment, that he did not perform a sufficient examination prior to prescribing medications, and that he failed to maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

8. Defendant additionally admits that in April 2006, he gave Patient TDE two (2) prescriptions for Acyclovir to treat her herpes. He admits that these two (2) prescription were authorized by him in the alias name of "Brook Smith", but that they were for the use of Patient TDE.

9. 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. Engaged in physical conduct with a patient which is sexual in nature, ... in violation of 59 O.S. §509 (17).
- C. Committed an act of sexual ... misconduct or exploitation related or unrelated to the licensee's practice of medicine and surgery in violation of OAC 435:10-7-4 (23).
- D. Abused the physician's position of trust by coercion [or] manipulation ... in the doctor-patient relationship in violation of OAC 435:10-7-4(44).

- E. 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 OAC 435:10-7-4(39).
- F. 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).
- G. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- H. 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(12).
- I. Prescribed, dispensed or administered a controlled substance 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 in violation of 59 O.S. §509(16) and OAC 435:10-7-4(2) and (6).
- J. Confessed to a crime involving violation of the antinarcotics laws in violation of 59 O.S. §509(7).
- K. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).

Conclusion

WHEREFORE, plaintiff 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 the revocation or suspension of the Defendant's license to practice as a physician and surgeon in the State of Oklahoma, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a physician and surgeon in the State of Oklahoma.

Dated this 9th day of June, 2006 at 3:50 p.m.

Respectfully submitted,



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