

**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.)
)
GEORGE SHAKER COHLMIA, M.D.,)
LICENSE NO. MD 15023,)
)
Defendant.)

FILED

SEP 04 2018

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 17-09-5511

VERIFIED COMPLAINT

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), for its Verified Complaint against George Shaker Cohlma, M.D. (“Defendant”), alleges and states as follows:

I. JURISDICTION

1. The Board has jurisdiction over the subject matter and 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. 59 O.S. 2011, § 480, *et seq.* and Okla. Admin. Code 435:5-1-1 *et seq.*
2. Defendant holds Oklahoma medical license no. 15023, issued on 11-3-1984.

II. ALLEGATIONS OF UNPROFESSIONAL CONDUCT

3. This case was initiated as a result of a settlement agreement involving the U.S. Attorney’s office in the Northern District of Oklahoma, the United States Drug Enforcement Agency (“DEA”), and the Defendant. According to the settlement agreement, Defendant dispensed controlled dangerous substances (“CDS”) outside of his DEA registered location and permitted employees to purchase and dispense CDS to themselves, other employees and Defendant.
4. On September 12, 2017, Board Investigator Stephen Washbourne requested and received the DEA report concerning Defendant. According to the report, the DEA office in Tulsa received information from Pharmaceutical Systems Inc. (“PSI”) of suspicious ordering of Defendant. The report shows that between April 2013 and April 2015, Defendant

ordered approximately 7,800 dosage units of CDS which were delivered to Defendant's other office in Tulsa, which was not registered - with DEA.

5. On June 8, 2015, Defendant was interviewed by DEA Investigator Nikara McNeely and the following information was obtained:
 - a. Defendant ordered Focalin, a Schedule II stimulant for his son, stating that his son had a prescription from his pediatrician and psychiatrist but was having a hard time obtaining the Focalin from area pharmacies.
 - b. Defendant ordered "headache medicine" for the employees in the office. Defendant stated that his office assistant normally placed orders and received all CDS for the office. Defendant said he does not dispense any CDS to patients.
6. The following CDS was ordered and received by Defendant:
 - a. Focalin, C-II 1,300 du's
 - b. Phentermine, C-IV 1,500 du's
 - c. Zolpidem, (Ambien) C-IV 500 du's
 - d. Temazepam, C-IV 1,000 du's
 - e. Butalbital/acetaminophen/codeine C-IV 3,500 du's
7. On June 8, 2015, DEA investigators contacted PSI and confirmed that PSI delivered CDS that were purchased with Defendant's DEA number. There was no inventory of the ordered and received CDS, as well as no CDS receipt or dispensing logs.
8. On November 3, 2017, Investigator Washbourne met with Defendant and his attorney at the Board offices. Defendant stated he ordered Focalin for his son since he was having a difficult time getting that medication from local pharmacies. He dispensed phentermine to his wife, and he said that he ordered the butalbital/codeine for the "girls" in the office for headaches.
9. When asked if he had any patient charts for these individuals, Defendant stated "no". He explained that since the "girls" in his office were going to a practitioner that prescribed the medications, that he helped them out by ordering the medications from his supplier. Defendant explained their prescriptions were not covered by the office medical insurance, so he ordered it for them. When asked if he ever consulted with any of the employee's physicians to verify what they were being prescribed and their diagnosis, Defendant stated no, but that he had seen an occasional prescription.
10. Defendant provided the names of his employees: A.T., J.W. and J.L. Defendant stated his office manager, A.T., was still employed by him and is over both offices.

11. After the interview, Investigator Washbourne ran a PMP report for A.T. from January 1, 2014 to the present, and as a result, contacted the Wal-Mart pharmacy #10-2880 and requested the printout and copies of prescription for A.T. written and authorized by Defendant. The report showed A.T. had received 175 CDS and non-CDS medications from Defendant from March 8, 2007 through June 4, 2015. These medications included ninety-six (96) for Xanax 2mg and twenty-one (21) butalbital/codeine. Investigator Washbourne received a number of these prescriptions signed by Defendant from the Wal-Mart pharmacy for A. [REDACTED] T. [REDACTED]
12. A.T. received the majority of her butalbital/codeine from the Wal-Mart pharmacy during the time frame of 4-4-2013 thru 4-30-2015 and her insurance covered almost all the cost.
13. Defendant later confirmed that he may have, on occasion, written or authorized Xanax prescriptions for A.T. as an accommodation to her.
14. The prescription history for Defendant's son from 12-18-2013 to 1-28-2015, showed he was receiving Adderall, a Schedule II CDS for ADHD from two psychiatrists and Focalin, also for ADHD, from Defendant.
15. Defendant's wife filled one prescription for Xanax 1mg #40 on 12-22-2014 from Defendant.
16. A.F., employee of Defendant from 9-2005 to 8-2016, filled one prescription for Promethazine-codeine, a Schedule V, from Defendant on 10-17-2014.
17. Defendant admitted to not having any medical records for his employees, son or wife.
18. Defendant signed a Settlement Agreement and Release between himself and the United States Attorney's Office on July 26, 2017. This Settlement Agreement arose from the Defendant's conduct of receiving and dispensing CDS between April 1, 2013 and June 30, 2015. Defendant denied the allegations set forth by the United States Attorney's Office, however, the Settlement Agreement was in order to avoid litigation of the alleged conduct and set forth certain terms and conditions, including that Defendant pay a Settlement Amount of \$120,000.
19. The Defendant submitted an Application for Renewal of Oklahoma License on September 22, 2017, in which his answer to the following question was "NO":
 - a. "Have you entered into an Agreement with a Federal, State, or Local jurisdictional body to avoid formal action?"

III. VIOLATIONS

20. Based on the foregoing, the Defendant is guilty of unprofessional conduct as follows:
 - a. The violation, or attempted violation, direct or indirect, of any of the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, either as principal, accessory or accomplice. 59 O.S. 2011, § 509(13);

- b. Dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public. 59 O.S. 2011, § 509(8); Okla. Admin. Code § 435:10-7-4(11);
- c. Confession of a crime involving violation of the antinarcotic laws of the federal government or the laws of this state. 59 O.S. 2011, § 509(7)(b); Violating any state or Federal law or regulation relating to controlled substances. Okla. Admin. Code 435:10-7-4(27).
 - i. Defendant ordered CDS for delivery to an un-registered location, where his office manager stored and dispensed the CDS in violation of 21 USC 823 and 21 CFR 1301.11(a).
 - ii. Defendant ordered CDS outside the course of professional practice and without a legitimate medical purpose in violation of 21 USC 843(a)(3) and 21 CFR 1306.04(a).
 - iii. Defendant failed to maintain a Biennial inventory in violation of 21 USC 827(a)(1) and 21 CFR 1304.11(c).
 - iv. The dates on which the CDS were received were not recorded and initialed on the invoices as required by 21 USC 827(a)(3) and 21 CFR 1304.21d.
 - v. Defendant failed to maintain dispensing logs of CDS in violation of 21 USC 827(a)(3) and 21 CFR 1304.22(c).
- d. Failure to keep complete and accurate records of purchase and disposal of controlled drugs or of narcotic drugs. 59 O.S. 2011, § 509(10).
- e. Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship. 59 O.S. 2011, § 509(12). Prescribing, dispensing or administering of Controlled substances 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 standard. Okla. Admin. Code § 435:10-7-4(2).
- f. Dispensing, prescribing or administering a Controlled substance or Narcotic drug without medical need. Okla. Admin. Code § 435:10-7-4(6).
- g. Failure to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient. 59 O.S. 2011, § 509(18). Improper management of medical records. Okla. Admin. Code § 435:10-7-4(36).
- h. Distributing, ordering, or giving any drug legally classified as a controlled substance or recognized as an addictive dangerous drug to a family member. Okla. Admin. Code § 435:10-7-4(26).

- i. Making a misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic re-registration of a medical license. Okla. Admin. Code § 435:10-7-4(8).

IV. CONCLUSION

Given the foregoing, the undersigned requests 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 the Defendant's professional license, including an assessment of costs and attorney's fees incurred in this action as provided by law.



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VERIFICATION

I, Stephen Washbourne, under penalty of perjury, under the laws of the State of Oklahoma, state as follows:

1. I have read the above Complaint regarding the Defendant, George Shaker Cohlma, M.D.; and
2. The factual statements contained therein are true and correct to the best of my knowledge and belief.


Stephen Washbourne, Investigator
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Date: 8-21-18
Oklahoma Co.
County, State of Execution