

**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**

APR 02 2019

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 17-09-5511

**ORDER ACCEPTING  
VOLUNTARY SUBMITTAL TO JURISDICTION**

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), by and through the undersigned counsel for the Plaintiff, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, along with George Shaker Cohlma, M.D. (“Defendant”), Oklahoma medical license no. 15023, who appears in person, and through defense counsel Vicki Z. Behenna of Mulinix, Goerke & Meyer, PLLC (collectively, the “Parties”), and offer this Order Accepting Voluntary Submittal to Jurisdiction (herein, “Order” or “Agreement”) for acceptance by the Board. Okla. Admin. Code § 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant admits to the allegations herein contained and further acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (“Act”). 59 O.S. § 480, *et seq.*

Defendant, George Shaker Cohlma, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for an evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement may be reviewed and discussed with him by legal counsel prior to execution.

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Defendant herein, if any, shall not be regarded as evidence against him in a subsequent disciplinary hearing. Defendant will be free to defend himself and no

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inferences will be made from his willingness to have this Order accepted by the Board. The Parties stipulate that neither the presentation of this Order nor the Board's consideration of this Order shall be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not be grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.

### **Findings of Fact**

The Plaintiff, Defendant, and the Board staff stipulate and agree as follows:

1. In Oklahoma, Defendant holds medical license no. 15023, issued November 3, 1984.
2. 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.
3. 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.
4. 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.
5. 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

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- e. Butalbital/acetaminophen/codeine C-IV 3,500 du's
6. 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.
  7. 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.
  8. 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.
  9. 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.
  10. 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.T.
  11. 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.
  12. Defendant later confirmed that he may have, on occasion, written or authorized Xanax prescriptions for A.T. as an accommodation to her.
  13. 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.
  14. Defendant's wife filled one prescription for Xanax 1mg #40 on 12-22-2014 from Defendant.

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15. 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.
16. Defendant admitted to not having any medical records for his employees, son or wife.
17. 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.
18. 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?"

#### Conclusions of Law

19. 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. § 480 *et seq.*, 59 O.S. § 492 *et seq.* and Okla. Admin Code §§ 435:5-1-1 *et seq.*, 435:10-4-2 *et seq.*
20. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 504; Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.
21. The Board is authorized to suspend, revoke or order any other appropriate sanctions against the license of any physician or surgeon holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. 59 O.S. §§ 503, 513(A)(1). The Board's action is authorized by 59 O.S. §§ 509.1(A)(1-9), (D).
22. The Board is authorized to accept voluntary submittals to jurisdiction mutually agreed-to by parties to a disciplinary action to resolve the action without need for a hearing. 75 O.S. § 309(E); Okla. Admin. Code § 435:5-1-5.1.
23. Based on the foregoing, 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);

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- 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).

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- 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).

### Orders

**IT IS THEREFORE ORDERED** by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. Effective from the date of an approved Attorney General Opinion, the Board hereby adopts the Agreement of the Parties in this Voluntary Submittal to Jurisdiction, including the findings of fact and conclusions of law stated herein.
2. **GEORGE SHAKER COHLMIA, M.D.** is formally **REPRIMANDED**.
3. **GEORGE SHAKER COHLMIA, M.D.** is **FINED** twenty-five thousand (\$25,000) dollars, due within thirty (30) days of the effective date of an approved Attorney General Opinion.
4. **GEORGE SHAKER COHLMIA, M.D.**, shall comply with all of the following terms and conditions:

#### Standard Terms:

- a. Defendant shall conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("Act") as interpreted by the Board. Any question of interpretation regarding the Act or this Order shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Board or its authorized designee. 59 O.S. § 480, *et seq.*
- b. Defendant shall furnish a file-stamped copy of this Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision, to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.
- c. Defendant will keep the Board informed of his current address.
- d. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.
- e. Defendant shall not prescribe, administer or dispense any medications for personal use or for that of any family member or employee.
- f. Upon request, Defendant shall make himself available for one or more personal appearances before the Board or its authorized designee.

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- g. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or authorized designee.
- h. If Defendant moves his residence or practice location out of the State of Oklahoma during this Order, this Order will be tolled until such time as Defendant returns to the State of Oklahoma and begins practicing within the state. Defendant will notify the Board Secretary and Compliance Coordinator prior to moving out-of-state.
- i. Failure to meet any of the terms of this Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing. Immediately upon learning that a licensee is in violation of this Order, the Executive Director of the Board may summarily suspend the license based on imminent harm to the public and assign a hearing date for the matter to be presented at the next scheduled Board meeting.

**Specific Terms:**

- j. Defendant shall complete three (3) continuing medical education ("CME") courses, approved of in advance by the Board Secretary, consisting of **one CME course each for ethics, record keeping, and CDS prescribing**. These courses are in addition to Defendant's regular CME courses and shall be completed within one (1) year from the effective date of an approved attorney general opinion. Documentation of the completed CME courses must be provided to the Board Secretary or Compliance Coordinator.
  - k. Defendant shall be subject to periodic random review of patient charts and records by the Board Secretary or Compliance Coordinator, and Defendant shall immediately provide access thereto.
  - l. All prospective employment shall be preapproved by the Board Secretary. If Defendant desires to change his employment, type of practice, employment setting or location, he must acquire approval in advance by the Board Secretary.
  - m. Defendant agrees that Defendant and the hospital will provide the Board Secretary and Compliance Coordinator quarterly statistical reports, showing all procedures from surgery, results, and the cath lab with pre and post procedure diagnosis.
  - n. The Parties, the Board or its designee, or the Defendant can file a motion for a Board hearing and possible new Board order.
5. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

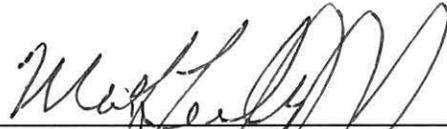
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6. A copy of this Order shall be provided to Defendant as soon as it is processed.

**This Order is subject to review and approval by the Oklahoma Attorney General, and this Order shall become final upon completion of the review by the Oklahoma Attorney General unless disapproved, in which case this Order shall be null and void.**

Dated this 6<sup>th</sup> day of March, 2019.



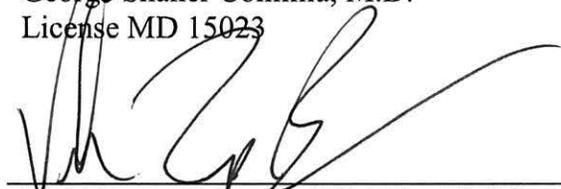
Mark S. Fixley, M.D., President  
OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION



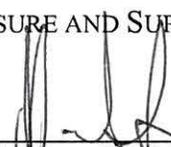
George Shaker Cohlma, M.D.  
License MD 15023



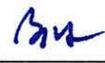
Billy H. Stout, M.D., Board Secretary  
OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION



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*Oklahoma State Board of Medical*  
*Licensure and Supervision*

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**Certificate of Service**

This is to certify that on the 3<sup>rd</sup> day of April, 2019, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail

George S. Cohlma, M.D.  
2448 E. 81<sup>st</sup> Street, Suite 4525  
Tulsa, Oklahoma 74137

***Defendant***

U.S. First Class Mail

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***Attorney for Defendant,  
George Shaker Cohlma, M.D.***

E-Mail

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***Attorney for Plaintiff,  
Oklahoma State Board of Medical  
Licensure and Supervision***



Nancy Thiemann, Legal Assistant

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OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2019-164A

Billy H. Stout, M.D., Board Secretary  
State Board of Medical Licensure and Supervision  
101 N.E. 51st Street  
Oklahoma City, OK 73105

April 1, 2019

Dear Dr. Billy H. Stout, M.D., Board Secretary:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Medical Licensure and Supervision intends to take with respect to medical doctor licensee 15023 in case number 17-09-5511. The licensee entered into a settlement agreement with the DEA for dispensing Controlled Dangerous Substances (“CDS”) outside of the registered location, allowing employees to purchase and dispense CDS to themselves and others. Further, the licensee falsified an application for renewal by denying entering into the settlement agreement. The Board proposes to formally reprimand the licensee, fine the licensee \$25,000 and require the licensee to comply with standard and specific terms, which are listed in the Order Accepting Voluntary Submittal to Jurisdiction.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act authorizes the Board to revoke a license or impose other sanctions for unprofessional conduct. 59 O.S.Supp.2018, § 503. Unprofessional conduct includes “[d]ishonorable or immoral conduct which is likely to deceive, defraud, or harm the public,” “[p]rescribing, or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship,” and “[f]ailure 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(8), (12), (18). The Board may reasonably believe that the proposed action is necessary to protect public health and prevent future violations.

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MEDICAL LICENSURE  
AND SUPERVISION

It is, therefore, the official opinion of the Attorney General that the State Board of Medical Licensure and Supervision has adequate support for the conclusion that this action advances the State's policy to ensure the adequate regulation of dangerous substances and to require that medical doctors observe minimum standards of professionalism.



MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA



AMANDA OTIS  
ASSISTANT ATTORNEY GENERAL