

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,

Plaintiff,

v.

JAMES THOMAS QUINLAN, M.D.,
LICENSE NO. 15587,

Defendant.

JUL 28 2006

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 06-03-3078

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, James Thomas Quinlan, 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.*

2. Defendant, James Thomas Quinlan, M.D., holds Oklahoma license no. 15587 and is a practicing ophthalmologist in Ada, Oklahoma.

3. In or around June 2005, while working at the hospital in Ada, Oklahoma, some Lortab fell out of Defendant's pocket. The Lortab had been previously prescribed to him due to prior foot and shoulder surgeries in 2004. Defendant admitted that he had been taking two to three pills per day. As a result of this incident, the hospital required that he submit to random drug screens, that he not ingest any controlled dangerous substances, and that he regularly meet with a therapist and a psychiatrist.

4. In or around March 2006, while in Columbia, Missouri, Defendant ingested Vodka, Ambien and Lortab. Defendant admits that the Ambien had not been prescribed to him but was prescribed to his fiancée. Defendant was later found at a convenience store where he was disoriented and babbling. The police were called and he was taken to the emergency room where he tested positive for Ambien and Lortab. The hospital released him the next morning.

5. Upon returning to Ada, Oklahoma, his employer and the Board were notified of the incident in Missouri, at which time he agreed to obtain an assessment at Talbott Recovery Campus. While at Talbott, Defendant admitted that he had been using Ambien on a nightly basis for three to four months, using samples as well as Ambien prescribed to his fiancée. He additionally admitted that while he had used Lortab prescribed to him after his surgery in 2004, he had also diverted it on two to three occasions by writing prescriptions in other people's names, which he then picked up for his own personal use.

6. Defendant is guilty of unprofessional conduct in that he:

A. Is habitually intemperate or habitually uses habit-forming drugs in violation 59 O.S. §509(4) and OAC 435:10-7-4(3).

B. 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).

C. 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).

D. Is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physician condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).

E. Confessed to a crime involving violation of the antinarcotics laws and regulation of the federal government or the laws of this state in violation of 59 O.S. §509(7).

F. Committed any 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. Purchased or prescribed any regulated substance in Schedule I through V, as defined by the Uniform Controlled Dangerous Substances Act, for the physician's personal use in violation of OAC 435:10-7-4(5).

H. Dispensed, prescribed or administered a Controlled substance or Narcotic drug without medical need in violation of 59 O.S. §509(16) and OAC 435:10-7-4 (2) and (6).

I. 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).

J. Prescribed, sold, administered, distributed, ordered, or gave any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug to a family member or to himself in violation of OAC 435:10-7-4(26).

K. Violating any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

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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