

**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.

**ANN DRAKE THOMAS, M.D.,
OKLAHOMA MEDICAL LICENSE NO. 15708,**

Defendant.

NOV 16 2000

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 00-11-2275

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, Ann Drake Thomas, M.D., Oklahoma medical license no. 15708, 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, Ann Drake Thomas, M.D., holds Oklahoma medical license no. 15708.
3. During or between the months of August 1999 and December 1999, Defendant repeatedly self-prescribed Ambien, a controlled dangerous substance, by fraudulently using the DEA number of another physician, a felony offense.
4. On or about January 10, 2000, Defendant was terminated from her employment with Wellstar Physician Group due to the fraudulent self-prescribing.
5. On or about January 14, 2000, Defendant reported her substance abuse to the Composite State Board of Medical Examiners for the State of Georgia. Defendant then began treatment with a psychiatrist who diagnosed Defendant with depression, anxiety and sleep disturbance. Defendant was then placed on medications by her psychiatrist for her medical conditions and continues treatment with her psychiatrist.

6. On or about April 22, 2000, Defendant submitted her Application for Renewal of Oklahoma Medical License. In response to the question "Are you now using any drug or chemical substance including alcohol which has an adverse impact on your ability to practice your profession" since the last renewal, Defendant answered "NO". In response to the question "Have you been denied privileges, lost privileges or received discipline by any hospital or other professional medical organization" since the last renewal, Defendant answered "NO". Finally, in response to the question "Have you had a major illness or been hospitalized within the past year", Defendant answered "NO".

7. On or about August 4, 2000, Defendant entered into a Consent Order with the Composite State Board of Medical Examiners for the State of Georgia wherein she was placed on a five (5) year Probation based upon her substance abuse and fraudulent prescribing. Defendant also received a Reprimand and was fined based upon her misconduct.

8. Title 59 O.S. §508 provides as follows:

"Whenever any license has been procured or obtained by fraud or misrepresentation...it shall be the duty of the Board to revoke such license..."

Section 508 further provides as follows:

"Use of fraudulent information to obtain a license shall be a misdemeanor offense, punishable, upon conviction, by the imposition of a fine of not less than One Thousand Dollars (\$1,000.00), or by imprisonment in the State Penitentiary for not more than one (1) year, or by both such fine and imprisonment."

9. Defendant is guilty of unprofessional conduct in that she:

- A. Was subject to disciplinary action of another state or jurisdiction based upon acts or conduct by the licensee similar to acts or conduct that would constitute grounds for action as defined in this section pursuant to OAC 435:10-7-4(31).
- B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11).
- C. Engaged in fraud or misrepresentation in applying for or procuring a medical license or in connection with applying

for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4(8).


- D. Engaged in the use of habit-forming drugs in violation of 59 O.S. §509(5) and OAC 435:10-7-4(3).
- E. Was convicted of or confessed to a crime involving violation of the antinarcotic or prohibition laws and regulations of the federal government in violation of 59 O.S. §509(8).
- 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(10).
- G. Wrote false or fictitious prescriptions 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(12).
- H. Is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use or drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition in violation of 59 O.S. §509(16) and OAC 435:10-7-4(40).
- I. 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) and (26).
- J. Used a 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).
- K. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- L. Failed to report to the Board surrender of membership on any medical staff or in any medical or professional association or society while under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section in violation of OAC 435:10-7-4(33).

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 13th day of November, 2000 at 8:45 a.m.

Respectfully submitted,


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