

**IN AND BEFORE THE OKLAHOMA STATE BOARD
OF MEDICAL LICENSURE AND SUPERVISION
STATE OF OKLAHOMA**

**STATE OF OKLAHOMA
EX REL. THE OKLAHOMA BOARD
OF MEDICAL LICENSURE
AND SUPERVISION,**

Plaintiff,

v.

**CHERYL D. SIMS, M.D.,
LICENSE NO. 15789,**

Defendant.

FILED

SEP 15 1999

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 99-08-2108

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 Elizabeth A. Scott, Assistant Attorney General for the State of Oklahoma, and for its Complaint against the Defendant, Cheryl D. Sims, 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, Cheryl D. Sims, M.D., holds Oklahoma license no. 15789.
3. From June 8, 1999 through June 21, 1999, Defendant's behavior at her place of employment was observed as being erratic and disoriented. On June 21, 1999, Defendant's employer ordered a drug test on all employees, including Defendant, who tested positive for Benzodiazepine (Oxazepam) and THC (marijuana).
4. As a result of Defendant's positive drug screen, she was dismissed from her employment at Advanced Medical Group on June 23, 1999.
5. On October 31, 1997, Defendant's OBN permits expired and became inactive on December 11, 1997. Regardless of this fact, on August 23, 1999, Defendant wrote prescriptions for her office manager for 60 Tylenol #4, with one (1) refill, 30 Diazepam with one (1) refill and Keflex, all without current DEA and OBN permits.

6. On August 25, 1999, Defendant met with Board Investigator Jim Birdsong at the Board offices. When asked to explain the positive drug screen that she had while employed at Advanced Medical Group, Defendant admitted that the night before the drug screen she had smoked marijuana. She also admitted that the next morning she took a pill from a friend which she thought to be Valium. She additionally admitted to Mr. Birdsong that she smokes a lot of marijuana.

7. On August 25, 1999, while at the offices of the Board, Defendant voluntarily agreed to submit a urine specimen for analysis. The specimen was submitted to St. Anthony Drug Testing Lab which by report dated August 31, 1999 showed positive levels for marijuana.

8. On August 25, 1999, Defendant executed an agreement to cease practicing medicine in the State of Oklahoma until she completed a substance abuse program. Defendant additionally agreed to cease writing prescriptions for any drugs.

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

A. Habitually uses habit-forming drugs in violation 59 Okla. Stat. §509(5) and OAC 435:10-7-4(3).

B. Confessed to a crime involving a violation of the anti-narcotic laws of the federal government or the laws of this state in violation of 59 Okla. Stat. §509(8)

C. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 Okla. Stat. §509(9) and OAC 435:10-7-4(11).

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 Okla. Stat. §509(16) and OAC 435:10-7-4(40).

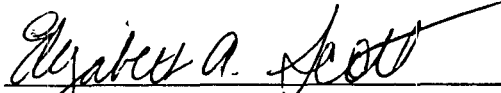
E. Purchased or prescribed a regulated substance in Schedules I through V for the physician's personal use in violation of OAC 435:10-7-4(5).

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

Conclusion

WHEREFORE, the State 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,



Elizabeth A. Scott (OBA #12470)

Assistant Attorney General

State of Oklahoma

5104 N. Francis, Suite C

Oklahoma City, OK 73102

Attorney for the Plaintiff