

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,)

SEP 15 2011

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff)

v.)

Case No. 10-09-4089

RICHARD LEE CAMPBELL, M.D.,)
LICENSE NO. 15908,)

Defendant.)

VOLUNTARY SUBMITTAL TO JURISDICTION

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 for the State of Oklahoma and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Richard Lee Campbell, M.D., Oklahoma license no. 15908, who appears in person and through counsel, John Zelbst, offer this Agreement effective September 15, 2011, for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on June 10, 2011, and further acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

Defendant, Richard Lee Campbell, 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 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 has been reviewed and discussed with him and his legal counsel.

PARTIES' AGREEMENT AND STIPULATIONS

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

Findings of Fact

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, Richard Lee Campbell, M.D., holds Oklahoma license no. 15908.

3. In September 2010, Board Investigators received information that Defendant was leaving blank pre-signed prescriptions in his office for use by his employees, and that an employee was using these pre-signed prescriptions to give herself and a friend controlled dangerous substances without Defendant's permission. When questioned by Board Investigators, Defendant admitted that he does leave pre-signed prescriptions in his office for the use of his nurse practitioner and his nursing staff to "increase efficiency", so that he would not have to stop and sign prescriptions during the day.

4. As a result of this practice, Defendant's PA, Sallee LaFave, PA1661, was able to prescribe Xanax, Ambien and Phentermine to herself on eight (8) occasions on the pre-signed prescriptions without Defendant's permission.

5. PA LaFave additionally was able to prescribe Phentermine to her friend, Patient LRD, on two (2) occasions by utilizing Defendant's pre-signed prescriptions and giving them to her friend. Patient LRD was never a patient of either Defendant or PA LaFave. The prescriptions given to Patient LRD were given without the knowledge or consent of Defendant.

6. Title 21 CFR §1306.05 provides as follows:

Manner of issuance of prescriptions.

(a) All prescriptions for controlled substances shall be dated as of, and signed on, the day when issued and shall bear the full name and address of the patient, the drug name, strength, dosage form, quantity prescribed, directions for use, and the name, address and registration number of the practitioner.

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

- A. 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).
- B. Committed any act which is a violation of the criminal laws of any state when such act in connected with the physician's practice of medicine in violation of 59 O.S§509(9).
- C. Confessed to a crime involving violation of the antinarcotic or prohibition laws and regulations of the federal government or the laws of this state in violation of 59 O.S§509(7).
- D. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- E. Aided or abetted, directly or indirectly, the practice of medicine by any person not duly authorized under the laws of this state in violation of 59 O.S. §509(14) and OAC 435:10-7-4(21).
- F. 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).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Based on the foregoing facts, Defendant, Richard Lee Campbell, Oklahoma license 15908, is guilty of the unprofessional conduct set forth below:

- A. 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).
- B. Committed any act which is a violation of the criminal laws of any state when such act in connected with the physician's practice of medicine in violation of 59 O.S§509(9).

- C. Confessed to a crime involving violation of the antinarcotic or prohibition laws and regulations of the federal government or the laws of this state in violation of 59 O.S. §509(7).
- D. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- E. Aided or abetted, directly or indirectly, the practice of medicine by any person not duly authorized under the laws of this state in violation of 59 O.S. §509(14) and OAC 435:10-7-4(21).
- F. 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).

Order

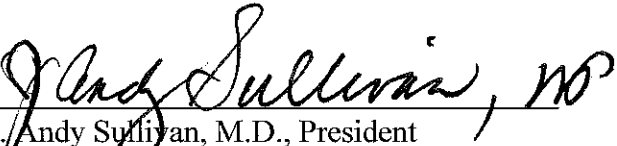
IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.
2. Defendant, Richard Lee Campbell, M.D., Oklahoma license no. 15908, is hereby **PUBLICLY REPRIMANDED**.
3. Defendant shall pay an **ADMINISTRATIVE FINE** in the amount of **\$15,000.00** to be paid on or before November 15, 2011.
4. Beginning September 15, 2011 and continuing through November 15, 2011, Defendant shall not prescribe, order, authorize, administer or dispense any drugs in Schedules I through V. This limitation applies to both new prescriptions and refills. Additionally, Defendant shall not pre-sign or post date any prescriptions for controlled dangerous drugs to be filled during this time.
5. On or before October 15, 2011, Defendant shall complete a course on prescribing controlled dangerous substances and proper documentation for the prescribing of controlled dangerous substances at a facility approved in advance in

writing by the Board Secretary. Defendant shall provide to the Board Secretary proof of completion of said course.

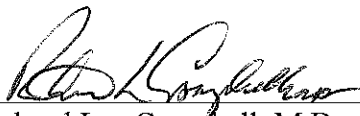
6. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

Dated this 15 day of September, 2011.




J. Andy Sullivan, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

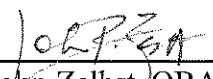
AGREED AND APPROVED:



Richard Lee Campbell, M.D.
License No. 15908

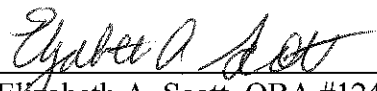


Gerald C. Zumwalt, M.D.
Secretary and Medical Advisor to the
Board



John Zelbst, OBA#9991
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P.O. Box 365
Lawton, OK 73502-0365

Attorney for Defendant




Elizabeth A. Scott, OBA #12470
Assistant Attorney General
State of Oklahoma
101 N.E. 51st Street
Oklahoma City, OK 73105

Attorney for the Oklahoma State Board
of Medical Licensure and Supervision

CERTIFICATE OF MAILING

I certify that on the 16th day September 2011, I mailed a true & correct copy of the Voluntary Submittal to Jurisdiction to John Zelbst, PO Box 365, Lawton, Oklahoma 73502.


Janet Swindle, Secretary