

**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. )  
 )  
JONATHON C. WEBB, M.D., )  
LICENSE NO. 15988 )  
 )  
Defendant. )

APR - 8 2011

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 10-12-4121

**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, Jonathon C. Webb, M.D., Oklahoma license no. 15988 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, Jonathon C. Webb, M.D., holds Oklahoma license no. 15988 and practiced as a psychiatrist in Idabel, Oklahoma at the time of the events at issue.

**SUBSTANCE ABUSE ALLEGATIONS**

3. On or about September 14, 2010, employees at McCurtain Memorial Hospital in Idabel, Oklahoma became suspicious that Defendant might be impaired due to certain irregular behavior at work. Brit Messer, the CEO of McCurtain Memorial Hospital asked Defendant to submit to a drug test, which came back positive for Propoxyphene.

4. A review of the PMP revealed that Defendant had not been prescribed Propoxyphene. When questioned by the hospital's Medical Review Officer, Defendant admitted that he had taken some Darvocet prescribed to his wife. Defendant was immediately terminated by his employer.

5. On or about December 15, 2010, Board investigators interviewed Defendant, at which time he changed his story and said that the Darvocet he had taken had actually been prescribed to him by a doctor in Colorado. Defendant has been unable to submit any proof of a prescription for Darvocet from a physician in Colorado to him.

### **PRESCRIBING VIOLATIONS**

6. On or about December 16, 2010, Board investigators learned that OBN was investigating Defendant for prescribing controlled dangerous substances to his wife in her maiden name to avoid detection. A review of pharmacy records revealed that from June 2, 2008 through February 8, 2010, Defendant wrote or authorized one-hundred six (106) prescriptions to his wife for Darvocet, Lorazepam, Clonazepam and Zolpidem, Schedule IV controlled dangerous substances, for **11,050 dosage units**. Defendant admits that he kept **no chart** on this patient, that he failed to perform a complete physical examination on this patient prior to prescribing the controlled dangerous drugs, that he failed to obtain a full history of the patient, that he did not order appropriate tests, that he did not establish a legitimate medical need for the medications, and that he did not maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

7. When questioned by Board investigators as to why he wrote these prescriptions for controlled dangerous substances to his wife, he stated that he considered each of them to be "emergencies". However, over one-half (1/2) of the prescriptions written or authorized by Defendant to his wife were authorized for five (5) refills.

8. When questioned by Board investigators as to why he wrote these prescriptions in his wife's maiden name rather than her married name, he admitted that he did it to avoid scrutiny.

9. A review of pharmacy records reflects that during the time Defendant was prescribing controlled dangerous substances to his wife, she was obtaining these same medications from two (2) other physicians.

10. On or about January 25, 2011, Defendant entered into a **Stipulation and Agreed Order** with the Oklahoma State Bureau of Narcotics and Dangerous Drugs wherein he admitted that (a) he had distributed controlled dangerous substances to his spouse over several months on multiple occasions, thereby removing any reasonable claim that his actions were taken pursuant to an emergency; (b) he had failed to maintain a proper record of all controlled dangerous substances prescribed; and (c) he had prescribed controlled dangerous substances for less than a legitimate medical purpose and outside the normal practice. As a result of Defendant's admissions, his OBN permit was suspended for one-hundred twenty (120) days, he was placed on probation for five (5) years, and he paid an administrative fine in the amount of \$2,500.00.

11. 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. Prescribed, dispensed or administered 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 standards in violation of 59 O.S. § 509 (16) and OAC 435:10-7-4 (2) and (6).
  - C. Failed to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient in violation of 59 O.S. § 509 (18) and OAC 435:10-7-4(41).
  - D. Prescribed, sold, administered, distributed, ordered, or gave any 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).
  - E. 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).
  - F. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
  - G. 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).
  - H. 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).

- I. Prescribed or administered a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship in violation of 59 O.S. § 509 (12).
- J. Engaged in the indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs in violation of OAC 435:10-7-4(1).
- K. Failed to provide a proper and safe medical facility setting and qualified assistive personnel for a recognized medical act, including but not limited to an initial in-person patient examination in violation of 59 O.S. §509(20). Adequate medical records to support diagnosis, procedure, treatment or prescribed medications must be produced and maintained.
- L. Failed to establish a physician/patient relationship prior to providing patient-specific medical services, care or treatment in violation of OAC 435:10-7-4(49).
- M. Engaged in the use of any 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).
- N. 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).

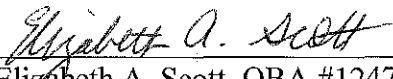
### *Conclusion*

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 8<sup>th</sup> day of April, 2011 at 8:15 a.m.

Respectfully submitted,

  
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Oklahoma State Board of Medical  
Licensure and Supervision