

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,)

JAN 12 2012

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 10-12-4142

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

Defendant.)

VOLUNTARY SURRENDER OF LICENSE
IN LIEU OF PROSECUTION

State of Texas)
)
LAMAR County)

I, Jonathon C. Webb, M.D., being of lawful age and after first being duly sworn, depose and state as follows:

1. I hereby voluntarily surrender my Oklahoma medical license no. 15988.
2. The surrender of my license is freely and voluntarily made. I have not been subject to any coercion or duress, and I am fully aware of the consequences of the surrender of my license.
3. I am the subject of a Complaint filed by the Oklahoma State Board of Medical Licensure and Supervision involving allegations that if proven, would constitute grounds for disciplinary action by the Board.
4. The allegations I admit are true are as follows:
 - A. 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

B. 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.

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

D. On or about December 15, 2010, Board investigators interviewed Defendant, at which time he stated 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

E. 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.

F. 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 "emergency". However, over one-half (1/2) of the prescriptions written or authorized by Defendant to his wife were authorized for five (5) refills.

G. 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.

H. 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 without Defendant's knowledge.

I. 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.

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

- i. 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).
- ii. 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).
- iii. 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).
- iv. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- v. 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).
- vi. 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)
- vii. Purchased or prescribed any regulated substance in Schedule I through V, as defined by the Uniform

Controlled Dangerous Substances Act, for the physician's family member in violation of OAC 435:10-7-4(26).

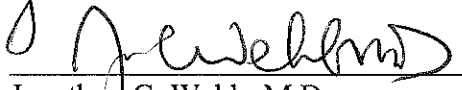
5. I believe that I am presently physically or mentally unable to practice medicine and surgery with reasonable skill and safety and wish to voluntarily retire from the practice at this time.

6. I hereby submit my wallet card and wall certificate as evidence of my intent to surrender my license.

7. I hereby agree that I will not apply for reinstatement of my Oklahoma medical license for a minimum of one year from the entry of the Order Accepting Voluntary Surrender in Lieu of Prosecution, and that if the Board ever reinstates my Oklahoma medical license, it will be under terms of probation to be set by the Board at the time of reinstatement.

8. As a condition to accepting my surrender of license in lieu of prosecution, I acknowledge that the Board may require me to pay all costs expended by the Board for any legal fees and costs, and any investigation, probation and monitoring fees, including but not limited to staff time, salary and travel expense, witness fees and attorney fees.

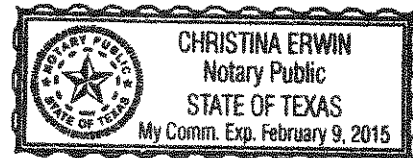
DATED this 10 day of January 2012.


Jonathon C. Webb, M.D.


Subscribed and sworn before me this 10 day of January, 2012.


Notary Public

My commission expires on 2-9-2015.



ACCEPTED:


Gerald C. Zumwalt, M.D.
Secretary
Oklahoma State Board of Medical
Licensure and Supervision