

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.)
)
GREGORY REECE HOLT, M.D.,)
LICENSE NO. 16114,)
)
Defendant.)

FEB 06 2009
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 08-05-3512

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, Gregory Reece Holt, 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, Gregory Reece Holt, M.D., holds Oklahoma license no. 16114.

PATIENT JGM-WRONG SITE SURGERY

3. On or about March 26, 2007, Patient JGM executed a surgical consent form authorizing Defendant to perform a **Left Knee** Arthroscopy Meniscectomy and Chondroplasty. On or about March 29, 2007, Defendant began the surgical procedure on Patient JGM by entering the **right knee**. At some point thereafter, the mistake became apparent and surgery proceeded on the **left knee** as originally planned.
4. A review of the Operative Note reveals that Defendant made no reference to the fact that he entered the wrong knee. The **only** mention in any of the medical records of this mistake is found in the anesthesia record where it is noted by the anesthesiologist that the "Right knee entered wrong site Left knee arthroscopy".

PATIENT DMM-WRONG SITE SURGERY

5. On or about April 24, 2008, Patient DMM executed a surgical consent form authorizing Defendant to perform a **Right Knee** Arthroscopy, Partial Meniscectomy. On or about April 24, 2008, Defendant began the surgical procedure on Patient DMM by entering the **left knee**. The Operative Note reflects the mistake as follows:

...the **left leg** was prepped and draped in sterile fashion. An anteromedial and anterior portal were established after infiltration with local anesthetic. The arthroscope was placed laterally and effusion was evacuated. No gross meniscal tearing was present at this moment. **We realized that the consent was for the right leg.** The knee was irrigated and no shaving or treatments were performed. The portal wounds were closed using Steri-Strips and sterile dressings placed. **I spoke to the patient's father, informed him that we had not done an operative procedure on the left knee...**

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

A. Engaged in conduct which is likely to deceive, defraud or harm the public in violation of OAC 435:10-7-4(11).

B. 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).

C. 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 O.S. §509(15) and OAC 435:10-7-4(40).

D. Engaged in gross or repeated negligence in the practice of medicine and surgery in violation of OAC 435:10-7-4(15).

E. Engaged in practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).

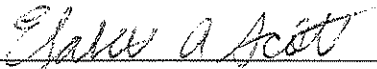
F. Used a false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).

G. Failed to maintain an office record for each patient which accurately reflects the evaluation, treatment and medical necessity of treatment in violation of 59 O.S. §509(18) and of OAC 435:10-7-4(41).

Conclusion

WHEREFORE, the Plaintiff 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,



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