

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,)

OCT 02 2009

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)
)

v.)

Case No. 09-08-3831

ALDO ANTHONY BATTISTE, JR., M.D.,)
LICENSE NO. 16310,)

Defendant.)

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, Aldo Anthony Battiste, 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, Aldo Anthony Battiste, Jr., M.D., holds Oklahoma license no. 16310 and practices radiology in Oklahoma City, Oklahoma.

3. Beginning July 6, 2000 and continuing through August 18, 2000, Defendant obtained treatment for substance abuse at Rush Behavioral Health Center.

4. On or about January 16, 2001, Defendant was granted an Oklahoma medical license under terms of an Agreement for Licensure based upon a history of substance abuse. The Agreement for Licensure provides as follows:

5. Applicant will have the affirmative duty not to ingest any other substance which will cause a body fluid sample to test positive for prohibited substances.

6. Applicant will participate in and abide by his post care contracts with Rush Behavioral Health Center and the Oklahoma Physicians Recovery Group.

14. Applicant will notify the Board or its designee of any relapse, including any entry (or) re-entry into an inpatient rehabilitation, assessment, or evaluation program and shall provide to the Board or its designee written authorization for any and all records associated with said treatment, assessment or evaluation.

16. Any violation of the terms, conditions and requirements of this agreement shall constitute conclusive evidence of unprofessional conduct, which may result in disciplinary action, including suspension or revocation.

5. Subsequent to obtaining his Oklahoma medical license under terms of the Agreement for Licensure, and while under contract with the Oklahoma Health Professionals Recovery Program, Defendant continued to consume alcohol. Defendant admits that he knew he was not allowed to consume alcohol under his Agreement for Licensure or under his contract with the Oklahoma Health Professionals Recovery Program.

6. The Defendant's Agreement for Licensure was terminated in 2003.

7. Defendant continued to consume alcohol while under contract with the Oklahoma Health Professionals Recovery Program, increasing his use to 2-6 drinks per evening by 2004. Defendant quit drinking alcohol periodically, then returned to abuse in 2008 and 2009.

8. Defendant entered treatment for alcohol abuse at Talbott Recovery Campus on April 13, 2009 and was discharged June 24, 2009.

9. On or about August 4, 2003, Defendant submitted his Application for Renewal of his full medical license in the State of Oklahoma for the period September 2, 2003 through September 1, 2004. In response to the question "Have you been addicted to or abused any drug or chemical substance including alcohol?" Defendant answered "NO". Defendant answered "NO" to this same question for each of the subsequent yearly renewal periods through August 11, 2008. Defendant has admitted that he was abusing alcohol throughout this period of time.

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

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

B. 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).

C. 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).

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

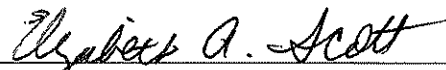
E. Engaged in fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4(8).

F. 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).

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,



Elizabeth A. Scott (OBA #12470)

Assistant Attorney General

State of Oklahoma

5104 N. Francis, Suite C

Oklahoma City, OK 73118

Attorney for the Plaintiff