

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 05 1998

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )

)

v. )

Case No. 98-08-2033

)

ROBERT RICKETSON, M.D., )

LICENSE NO. 16569, )

)

Defendant.

COMPLAINT

Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), through Stephen Washbourne, Investigator ("Complainant"), for its Complaint against the Defendant, Robert Ricketson, 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, Robert Ricketson, M.D., holds Oklahoma license no. 16569.

3. A family member of one of Defendant's patients has complained that Defendant treated the patient while impaired. After the patient's initial visit, Defendant recommended an epidural spinal injection of steroids to ease the patient's pain. When the patient presented to the local hospital for the recommended injection, the patient was not registered or expected, and the anesthesiologist scheduled to administer the injection refused upon reviewing the patient's records because the injection recommended for the patient by Defendant was contraindicated for the patient's heart medication therapy. Defendant was made aware of the patient's heart medication at the time he recommended the injection. At a follow-up visit with Defendant, Defendant advised the patient that he would have administered the injection despite the contraindication even though most physicians would not have. During this same follow-up examination, Defendant appeared to have trouble locating and working the toggle switch on his x-ray viewer and difficulty getting centered over his chair. His speech, actions and professionalism led the both patient and the family member present at the time to conclude that Defendant was impaired.

4. Defendant has written multiple prescriptions for Lortab (C-III) in the name of the Edmond Spine Center rather than a particular patient in violation of 63 Okla. Stat. §2-309 and OAC 475:30-1-2. These prescriptions were filled and returned to Defendant's office where Defendant took custody of them. Defendant admitted ingesting some of the Lortab from these improperly written prescriptions.

5. Defendant kept controlled dangerous substances in an unlocked office desk and failed to keep a dispensing log to account for all controlled dangerous substances in his possession in violation of 63 Okla. Stat. §2-307 and applicable regulations of the Oklahoma Statute Bureau of Narcotics and Dangerous Drugs Control, namely OAC 475:20-1-6, OAC 475:20-1-2, and OAC 475:25-1-3.

6. Defendant has admitted writing hydrocodone prescriptions for his wife and personally ingesting some of her hydrocodone.

7. Defendant has admitted personally ingesting hydrocodone from samples he has received from the UCB pharmaceutical company.

8. Defendant admits that he needs to take hydrocodone daily but claims it is for chronic back pain. He admits to self-treating his alleged condition.

9. During the investigation of these charges, Defendant voluntarily was evaluated for impairment at the Talbott Marsh Recovery Campus in Atlanta, Georgia. Talbott Marsh recommended that Defendant be treated for opioid abuse after concluding that Defendant had a probable chemical dependency and was in need of definitive treatment. Rather than undergoing the recommended treatment, Defendant returned to his medical practice in Hawaii.

10. Defendant has admitted that he obtained hydrocodone unlawfully and that he is impaired.

Defendant is guilty of unprofessional conduct in that he

A. Habitually uses habit-forming drugs in violation 59 Okla. Stat. §509(5) and OAC 435:10-7-4(3).

B. Confessed to a crime involving a violation of the anti-narcotic laws of the federal government or the laws of this state in violation of 59 Okla. Stat. §509(8) and 63 Okla. Stat. §2-402 and §2-406.

C. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 Okla. Stat. §509(9) and OAC 435:10-7-4(11).

D. Committed an act which is a violation of the criminal laws of the state when such act is connected with the physician's practice of medicine in violation of 59 Okla. Stat. §509(10) and 63 Okla. Stat. §2-402, §2-404, and §2-406.

E. Failed to keep complete and accurate records of purchase and disposal of controlled drugs or of narcotic drugs in violation of 59 Okla. Stat. §509(11).

F. Wrote false or fictitious prescriptions for drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs in violation of 59 Okla. Stat. §509(12).

G. 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 Okla. Stat. §509(16) and OAC 435:10-7-4(40).

H. Purchased or prescribed a regulated substance in Schedules I through V for the physician's personal use in violation of OAC 435:10-7-4(5).

I. Prescribed, sold, administered, distributed, ordered or gave a 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).

J. Violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27), 63 Okla. Stat. §2-307 and §2-309 and OAC 475:20-1-6, OAC 475:25-1-3 and OAC 475:30-1-2.

### *Conclusion*

WHEREFORE, Complainant prays 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

Stephen Washbourne 2:00 p.m.  
Stephen Washbourne, Investigator  
Oklahoma State Board of Medical  
Licensure and Supervision

STATE OF OKLAHOMA

COUNTY OF OKLAHOMA

Subscribed and sworn to before me this 5 day of October, 1998.

Garnet Owens  
Notary Public

My Commission expires:

12-20-2000

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