

IN AND BEFORE THE OKLAHOMA STATE BOARD
OF MEDICAL LICENSURE AND SUPERVISION
STATE OF OKLAHOMA

FILED

JAN 21 1999

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA,)
EX REL., THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE AND)
SUPERVISION,)

Plaintiff,)

vs.)

ROBERT RICKETSON, M.D.,)
LICENSE NO. 16569,)

Defendant.)

Case No. 98-08-2033

VOLUNTARY SUBMITTAL TO JURISDICTION AND ORDER

The Plaintiff, the State of Oklahoma, ex rel., The Oklahoma Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Susan Moebius Henderson, Assistant Attorney General for the State of Oklahoma and the staff of the Board, as represented by the Executive Director of the Board, Lyle Kelsey, and the Defendant, Robert Ricketson, M.D., license number 16569, who appears in person and through his attorney, Edward L. White, proffer this Agreement for acceptance by the board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads no contest only to those allegations set forth below alleged in the Complaint and Citation filed herein on October 5, 1998, and acknowledges that hearing before the Board would result in some sanction under applicable statutes.

Defendant states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug, and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board, and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with him by his legal counsel.

Based on Defendant's plea of no contest and the parties' agreement, as stated herein, the Board enters the following Findings of Fact, Conclusions of Law and Order as follows:

Findings of Fact

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians in the State of Oklahoma pursuant to 59 O.S. § 480 *et seq.*

2. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.

3. Defendant holds physician license number 16569 in the State of Oklahoma. He is currently practicing medicine in the State of Hawaii under the terms and conditions of a Treatment Contract entered pursuant to his treatment at the Rush Behavioral Health Center and pursuant to an Order of Continuance filed in this matter on November 6, 1998.

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 475:30-1-3. These prescriptions were filled and returned to Defendant's office where Defendant took custody of them. Defendant ingested some of the Lortab from these improperly written prescriptions.

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

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

7. Defendant regularly took hydrocodone from approximately January of 1997 to June of 1998 while self-treating his chronic back pain.

8. Defendant received inpatient treatment at Rush Behavioral Health Center, Downers Grove, Illinois, from November 2nd to December 11th, 1998. Upon leaving treatment, Defendant entered into an After-Care Contract with RUSH and has been an active participant in the Oklahoma Physicians Recovery Group.

9. Defendant has cooperated in all respects with this investigation.

Conclusions of Law

1. The Oklahoma Board of Medical Licensure and Supervision has jurisdiction in the matter under the Oklahoma Medical Practice Act, 59 O.S. § 481 *et seq.*, as amended.

2. The Act grants the Board power and jurisdiction to enforce the provisions of the Act as the Board deems necessary to protect the health, safety, and welfare of the public.

3. The Defendant, by reason of the above facts, has engaged in unprofessional conduct as follows in that he:

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

B. 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).

C. 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).

D. Prescribed, 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 in violation of OAC 435:10-7-4(26).

E. 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 475:20-1-2, OAC 475:20-1-6, OAC 475:25-1-3 and OAC 475:30-1-3.

ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Medical Licensure and Supervision that:

1. The Board *en banc* hereby adopts the Agreement of the parties in this Voluntary Submittal to Jurisdiction.

2. The medical license of Defendant, Robert Ricketson, M.D., Oklahoma medical license no. 16569, is SUSPENDED for sixty (60) days. Defendant shall be given credit toward completion of the period of suspension for the time spent in evaluation and treatment at Talbott Recovery Campus in Atlanta, Georgia and at the Rush Behavioral Health Center in DuPage, Illinois. Given application of these credits and the passage of time, Defendant's license shall be automatically reinstated effective February 1, 1999.

3. Following reinstatement, Defendant, Robert Ricketson, M.D., shall be placed on PROBATION under the following terms and conditions for a period of probation to begin five (5) years from the date of reinstatement:

A. Defendant will not receive, possess, dispense or administer any controlled drugs in Schedules II-V or any addictive

drugs, including any samples, in an office or out-patient setting but may possess, dispense or administer controlled drugs in Schedules II-V and addictive drugs in a hospital or other institutional setting.

- B. Defendant may prescribe controlled drugs in Schedules II-V or any addictive drugs only if he keeps duplicate, serially numbered prescriptions of all controlled dangerous substances and addictive drugs (or all substances) readily retrievable, in numerical order and will furnish copies to investigators or other authorized agents of the Board immediately upon request.
- C. Defendant will request all hospitals, clinics and other facilities in which he practices to furnish at the request of the Board or its designee a written statement monitoring his practice.
- D. Defendant will submit for analysis biological fluid specimens including, but not limited to, blood and urine, upon request of the Board or its designee, and Defendant will pay for the costs attendant thereto.
- E. Defendant will not possess, prescribe, administer or dispense any medications for personal use or for use by his family or friends.
- F. Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating him of this Board Order immediately upon initiation, or continuation, of treatment. Additionally, Defendant shall engage the services of a physician for on-going comprehensive assessment and management of his back pain.
- G. Defendant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances.
- H. Defendant will abide by the post care contract and all recommendations from Rush Behavioral Health Center, DuPage, Illinois, and will return to Rush for follow-up treatment as recommended by Rush.

- I. During the first year of probation Defendant will attend at least three 12-step meetings weekly with the Oklahoma Physicians Recovery Group or another approved 12-step program. After the first year, Defendant will attend periodic meetings of an approved 12-step program as recommended by the Oklahoma Physicians Recovery Group. During the entire term of probation, Defendant will obtain and work with a 12-step sponsor and will abide by all recommendations made by the Oklahoma Physicians Recovery Group or any approved successor to that group.
- J. Defendant will obtain a practice monitor approved by the Board or its designee who will periodically discuss and review randomly selected patient charts from Defendant's practice in order to monitor the medical care being provided by Defendant.
- K. Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse or alcohol.
- L. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse or alcohol.
- M. As soon as practicable following the entry of this order, Defendant will begin counseling with Richard Swink, Ph.D, (or any other counselor, therapist or psychiatrist subsequently approved by the Board or its designee) and will continue such counseling until he is discharged from treatment by such approved counselor, therapist or psychiatrist and submits acceptable written evidence of the discharge to the Board or its designee. Defendant will authorize in writing the release of any and all records of that treatment to the Board.
- N. Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.

- O. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Board. Any question of interpretation regarding the Act or this order shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Board or its designee.
- P. Defendant will furnish a copy of this order to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.
- Q. Defendant will not supervise allied health professionals.
- R. Defendant will keep the Board informed of his current address.
- S. Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his case.
- T. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.
- U. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.

3. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs, and shall keep current all payments for monitoring her compliance with this agreement.

Dated this 21 day of January, 1999.



Eric E. Frische, M.D., President
Oklahoma State Board of Medical
Licensure and Supervision

AGREED AND APPROVED:

R Ricketson

Robert Ricketson, M.D.
License No. 16569

Gerald C. Zumwalt

Gerald C. Zumwalt, M.D.
Secretary & Medical Advisor
Lyle Kelsey, Executive Director
Oklahoma State Board of
Medical Licensure and Supervision

Edward L. White

Edward L. White, OBA #16549
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Susan Moebius Henderson

Susan Moebius Henderson, OBA #11858
Assistant Attorney General
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5104 N. Francis, Suite C
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405/848-6841

Attorney for Defendant,
Robert Ricketson, M.D.

Attorney for the Oklahoma State Board
of Medical Licensure and Supervision

Certificate of Service

I hereby certify that on this 25 day of January, 1999, a true and correct copy of this Order was mailed by depositing the same in the United States Postal Service, postage prepaid, and addressed to Edward L. White, P.C., 50 Penn Place, 4th Floor, 1900 Northwest Expressway, Oklahoma City, OK 73118-1803, and to the Defendant, Robert Ricketson at _____

PO Box 7086 Edmond OK 73083

Janet L. Owens

Janet L. Owens, Secretary