

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

FILED

FEB 07 2005

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

Plaintiff

v.

**ASHRAF R. MIHANNI, M.D.,
LICENSE NO. 16578,**

Defendant.

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 02-01-2461

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, Ashraf R. Mihanni, M.D., Oklahoma license no. 16578, 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, Ashraf R. Mihanni, M.D., holds Oklahoma license no. 16578.

3. On or about August 4, 2003, Defendant entered into a Stipulation and Agreed Order with the Oklahoma State Bureau of Narcotics and Dangerous Drugs whereby he admitted that he had issued numerous prescriptions for controlled dangerous drugs to individuals upon whom he had not performed a physical examination and had not established a legitimate medical need for the drugs. Each of these patients was a relative or friend of Patient JMK, who he also prescribed to, but who is not a patient at issue in this case. Specifically, Defendant admitted the following:

A. Defendant admitted to OBN investigators that he had issued five (5) prescriptions for controlled dangerous drugs to Patient BHK prior to performing a physical examination or establishing a legitimate medical need. Pharmacy records reflect that these prescriptions included three (3)

prescriptions for Diazepam, a Schedule IV controlled dangerous substance, for 120 dosage units, and two (2) prescriptions for Ambien, a Schedule IV controlled dangerous substance, for 60 dosage units.

- B. Defendant admitted to OBN investigators that he had issued nine (9) prescriptions for controlled dangerous drugs to Patient LEK. Defendant admitted that he kept no patient chart for Patient LEK. Pharmacy records reflect that these prescriptions included one (1) prescription for Hydrocodone 7.5mg., a Schedule III controlled dangerous substance, for 30 dosage units, two (2) prescriptions for Hydrocodone 10 mg., a Schedule III controlled dangerous substance, for 60 dosage units, five (5) prescriptions for Vicoprofen, a Schedule III controlled dangerous substance, for 150 dosage units, and one (1) prescription for Uni-Tuss Syrup, a Schedule III controlled dangerous substance.
- C. Defendant admitted to OBN investigators that he had issued eight (8) prescriptions for controlled dangerous drugs to Patient GEK. Defendant admitted that he never performed a physical examination on this patient, and that he kept no patient chart on this patient. Pharmacy records reflect that these prescriptions included four (4) prescriptions for Phentermine 37.5, a Schedule IV controlled dangerous substance, for 120 dosage units, one (1) prescription for Phentermine 30 mg., a Schedule IV controlled dangerous substance, for 30 dosage units, one (1) prescription for Propoxyphene-N, a Schedule IV controlled dangerous substance, for 50 dosage units, and two (2) prescriptions for Hydrocodone 7.5 mg., a Schedule III controlled dangerous substance, for 60 dosage units.
- D. Defendant admitted to OBN investigators that he had issued two (2) prescriptions for controlled dangerous substances to Patient BEK. Defendant admitted that he never performed a physical examination on this patient, and that he kept no patient chart on this patient. Pharmacy records reflect that these prescriptions included one (1) prescription for Vicoprofen, a Schedule III controlled dangerous substance, for 30 dosage units, and one (1) prescription for Tussionex Syrup, a Schedule III controlled dangerous substance.

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

- A. 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).
- B. Committed an act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine in violation of 59 O.S. §509 (9).

- C. Wrote a false or fictitious prescription for any drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs in violation of 59 O.S. §509 (11).
- D. Was subject to disciplinary action of another ... jurisdiction against a license or other authorization to practice medicine and surgery based upon acts of conduct by the licensee similar to acts or conduct that would constitute grounds for action as defined in this section in violation of OAC 435:10-7-4(31).
- E. 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 OAC 435:10-7-4(39).
- F. 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).
- G. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- H. 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).
- I Prescribed, dispensed or administered a controlled substance or narcotic drugs in excess of the amount considered good medical practice, or prescribed, dispensed or administered controlled substances or narcotic drugs without medical need in accordance with published standards in violation of 59 O.S. §509(16) and OAC 435:10-7-4(2) and (6).

Conclusion

WHEREFORE, plaintiff 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 the revocation or suspension of the Defendant's license to practice as a physician and surgeon in the State of Oklahoma, the assessment of costs and fees incurred in this action, and

any other appropriate action with respect to Defendant's license to practice as a physician and surgeon in the State of Oklahoma.

Dated this 4th day of February, 2005 at 2:00 p.m.

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 State of Oklahoma ex rel.
Oklahoma State Board of Medical
Licensure and Supervision