

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

FILED

JUN 10 2011

**OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION**

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

Plaintiff

v.

**SALLEE FERN LAFAVE
LICENSE NO. PA1661,**

Defendant.

Case No. 10-09-4090

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, Sallee Fern LaFave, P.A., Oklahoma physician assistant license no. PA1661, 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 physician assistants in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* and §887.1 *et seq.*

2. Defendant, Sallee Fern LaFave, P.A., holds Oklahoma physician assistant license no. PA1661, and practices in Lawton, Oklahoma. At the time of the events in question, Defendant worked at Wichita Mountain Medical in Lawton, Oklahoma. Defendant worked under the supervision of Richard Campbell, M.D.

PRESCRIBING TO HERSELF

3. On or about April 15, 2010, Defendant wrote two (2) prescriptions to herself for Alprazolam 1 mg. #60, a Schedule IV controlled dangerous substance, with three (3) refills., and Zolpidem 10 mg. #30, a Schedule IV controlled dangerous substance, with three (3) refills. The refills for both of these prescriptions were filled on June 9, 2010, July 31, 2010 and August 23, 2010. Defendant wrote these prescriptions to herself by utilizing "pre-signed" prescriptions left at the office by her supervising physician.

4. Defendant's supervising physician did not authorize her to write these eight (8) prescriptions in his name to herself.

5. On or about June 11, 2010, Defendant wrote a prescription to herself for Phentermine 37.5 mg. #50. Defendant wrote this prescription to herself by utilizing "pre-signed" prescriptions left at the office by her supervising physician.

6. Defendant's supervising physician did not authorize her to write this prescription in his name to herself.

PATIENT LRD-DEFENDANT'S FRIEND

7. On or about July 9, 2010 and September 16, 2010, Defendant wrote prescriptions for Phentermine 37.5 mg. #50, a Schedule IV controlled dangerous substance, to Patient LRD, a friend of Defendant. A review of Defendant's records reveals that she failed to perform a complete physical examination on this patient prior to prescribing the controlled dangerous drugs, that she did not establish a legitimate medical need for the medications, that she did not establish a valid physician patient relationship prior to prescribing the medications, and that she failed to keep any record of the prescriptions written July 9, 2010 and September 16, 2010. Defendant admitted that she prescribed the controlled dangerous substances to the patient at Defendant's home. Defendant additionally admitted that Patient LRD was not a present or former patient of hers or of Dr. Campbell, her supervising physician.

8. Defendant admitted to Board investigators that she prescribed the Phentermine to her friend, Patient LRD, without the knowledge of her supervising physician.

9. Title 435 of the Oklahoma Administrative Code Section 15-5-1 provides as follows:

(b) A physician assistant must function only under the supervision of a licensed physician. Nothing in the Physician Assistant Act shall be construed to permit physician assistants to provide health care services independent of physician supervision.

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

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. 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).

- C. 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).
- D. Prescribed, sold, administered, distributed, ordered, or gave any 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).
- 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 59 O.S. §509 (13), OAC 435:10-7-4(39) and OAC 435:15-5-11(a)(7).
- F. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- G. Confessed to a crime involving violation of the antinarcotic or prohibition laws and regulations of the federal government or the laws of this state in violation of 59 O.S. § 509 (7).
- H. Failed to maintain adequate medical records to support diagnosis, procedure, treatment or prescribed medications in violation of 59 O.S. §509 (20) and OAC 435:10-7-4(41).
- 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).
- J. Engaged in the indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs in violation of OAC 435:10-7-4(1).

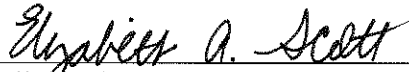
- K. Engaged in the improper management of medical records in violation of OAC 435:10-7-4(36).
- L. Failed to establish a physician/patient relationship prior to providing patient-specific medical services, care or treatment in violation of OAC 435:10-7-4(49).
- M. Wrote a false or fictitious prescription 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).
- N. 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).
- O. Purchased or prescribed any regulated substance in Schedule I through V as defined by the Uniform Controlled Dangerous Substances Act, for the physician's personal use in violation of OAC 435:10-7-4(5).

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 assistant 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 assistant in the State of Oklahoma.

Dated this 10th day of June, 2011 at 8:00 a.m.

Respectfully submitted,



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Attorney for the State of Oklahoma ex rel.
Oklahoma State Board of Medical
Licensure and Supervision