

Defendant, Sallee Fern LaFave, P.A., states that she is of sound mind and is not under the influence of, or impaired by, any medication or drug and that she fully recognizes her right to appear before the Board for evidentiary hearing on the allegations made against her. Defendant hereby voluntarily waives her 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 she has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with her.

PARTIES' AGREEMENT AND STIPULATIONS

Plaintiff, Defendant and the Board staff stipulate and agree 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 physician assistants in the State of Oklahoma pursuant to 59 Okla. Stat. §§ 480 *et seq.* and 887.1 *et seq.* 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.

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).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act and its applicable regulations and the Physician Assistant Act. The Board is authorized to enforce the acts as necessary to protect the public health, safety and welfare.

2. Defendant, Sallee Fern LaFave, P.A., Oklahoma physician assistant license PA1661, is guilty of unprofessional conduct set forth below based on the foregoing facts:

- 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).

Order

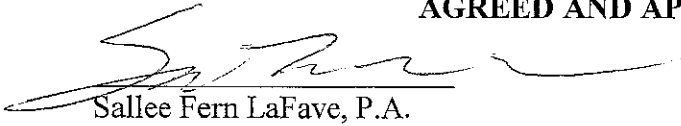
IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.
2. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, Sallee Fern LaFave, P.A., holding Oklahoma physician assistant license No. 1661, is hereby **FORMALLY REPRIMANDED**.
3. Within one (1) year of the date of this Order, Defendant shall complete a Prescribing Class at a facility approved in advance in writing by the Board Secretary on prescribing and required record keeping. Defendant shall provide to the Board Secretary proof of completion of said class.
4. Defendant shall pay an **ADMINISTRATIVE FINE** in the amount of **\$2,500.00** to be paid on or before October 14, 2011.
5. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.
6. A copy of this written order shall be sent to Defendant as soon as it is processed.

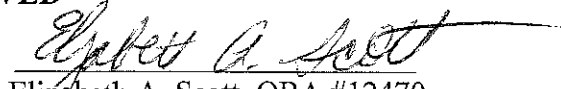
Dated this 14 day of July, 2011.


J. Andy Sullivan, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

AGREED AND APPROVED

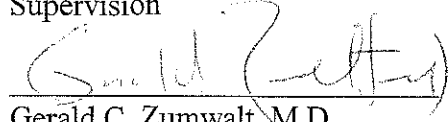


Sallee Fern LaFave, P.A.
License No. PA1661



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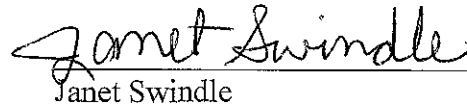
Attorney for the Oklahoma State
Board of Medical Licensure and
Supervision



Gerald C. Zumwalt, M.D.
Secretary and Medical Director
Oklahoma State Board of
Medical Licensure and Supervision

CERTIFICATE OF MAILING

I certify that on the 15 day of July, 2011, a mailed a true and correct copy of the Order Accepting Voluntary Submittal to Jurisdiction to Sallee Fern LaFave, 5537 NW Eisenhower Drive, Lawton, OK 73505.



Janet Swindle