

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

FILED

MAY 15 2009

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff)
)
v.)
)
ERIC STARK BROADWAY, M.D.,)
LICENSE NO. 16956,)
)
Defendant.)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 09-01-3657

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, Eric Stark Broadway, M.D., Oklahoma license no. 16956, 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, Eric Stark Broadway, M.D., holds Oklahoma license no. 16596 and practiced psychiatry in Lawton, Oklahoma.
3. In both 1987 and 1988, while in medical school, Defendant was arrested and charged with Driving Under the Influence (alcohol). These charges resulted in probation and a restriction on Defendant's driving privileges.
4. On or about June 1, 1988, Defendant submitted his Application for his medical license in the State of Oklahoma. On his Application, Defendant was asked the following question: "Have you ever been charged with or convicted of a felony or misdemeanor?" In response to this question, the Defendant answered "NO".

5. On or about October 17, 2008, Defendant was arrested by the Pontotoc County Sheriff's Office and charged with **PUBLIC INTOXICATION** in Pontotoc County, State of Oklahoma. Defendant subsequently plead guilty and he was fined.

6. On or about November 5, 2008, Defendant was arrested by the Duncan Police Department and charged with **DRIVING WHILE IMPAIRED (alcohol), SPEEDING (21 miles over speed limit)** and **TRANSPORTING AN OPEN CONTAINER OF LIQUOR**. Defendant received a deferred sentence and was placed on probation.

7. On or about December 27, 2008, Defendant was arrested and charged by the Lawton Police Department with the crimes of **SIMPLE ASSAULT-DOMESTIC ABUSE** and **RESISTING A POLICE OFFICER**. These charges were the result of an altercation with his wife where he allegedly dragged her out of bed by her hair, punched her in the arm and chest with his fist, then grabbed the necklace around her neck and choked her with it. He also allegedly shoved his finger up her nose. Mrs. Broadway attempted to call "911" but before she could dial it, Defendant crushed the cell phone. He then struck her in the face, after which she was able to escape and flee to a neighbor's house where she called the police. When the police arrived, Defendant attempted to run away from the police down an alley behind the house, at which time he was tackled by the police officers and arrested. Mrs. Broadway subsequently dropped the assault charge and Defendant plead guilty to the misdemeanor charge of Resisting a Police Officer. He paid a fine and received six (6) months probation and a deferred sentence.

8. Defendant has admitted that he had been drinking alcohol on the night of the December 27, 2008 arrest. He has also admitted that he was on-call the night of his arrest and that he was receiving on-call pay that night from his employer, Jim Taliaferro Mental Health Center. Since he had been drinking while on call, his employer gave him the option of resigning or being terminated. Defendant resigned his employment on January 5, 2009.

9. In or around February 2009, Defendant was charged with **TRANSPORTING AN OPEN CONTAINER OF LIQUOR**, a misdemeanor, by the Oklahoma Highway Patrol. Defendant admitted to Board investigators that he drank a beer at home and was taking more beer to the golf course when he was stopped by the Highway Patrol, who found an open container of beer in his car. He received a citation and paid a fine.

10. On March 4, 2009, Board Investigator Robert Duvall interviewed Defendant. When asked about previous incidents relating to alcohol, Defendant lied to the Board Investigator when he did not disclose the November 5, 2008 **DWI** or the February 2009 **TRANSPORTING AN OPEN CONTAINER OF LIQUOR** incidents.

11. On March 4, 2009, Defendant also lied to Investigator DuVall by stating that after his December 27, 2008 arrest for **SIMPLE ASSAULT-DOMESTIC ABUSE** and **RESISTING A POLICE OFFICER**, that he had stopped drinking. Court records reflect that after the December 2008 arrest, he was cited in February 2009 for **TRANSPORTING AN OPEN**

CONTAINER OF ALCOHOL. Defendant also later admitted to Investigator DuVall that he had been drinking at that time.

12. 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. Engaged in fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4 (8).
 - C. 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).
 - D. Habitually uses habit-forming drugs in violation 59 O.S. §509(4) and OAC 435:10-7-4(3).
 - 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) and OAC 435:10-7-4(39).
 - F. 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 O.S. §509(15) and OAC 435:10-7-4(40).
 - G. Failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4 (37).

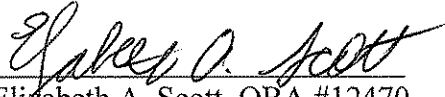
Conclusion

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 15 day of April, 2009 at 2:00 p.m.

Respectfully submitted,



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Oklahoma State Board of Medical
Licensure and Supervision