

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

**FILED**

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

JUN 13 2003

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

**Plaintiff,**

**Case No. 03-05-2661**

v.

**CLIFTON CHARLES MURPHY, M.D.,  
LICENSE NO. 16963,**

**Defendant.**

**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, Clifton Charles Murphy, M.D., 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, Clifton Charles Murphy, M.D., holds Oklahoma license no. 16963

3. Beginning on or around January 19, 2001 and continuing through January 29, 2003, Defendant wrote at least thirty-one (31) prescriptions for Butalbital, a habit-forming non-controlled substance, in the name of Patient CBW, a former employee and patient of Defendant. Patient CBW kept some of the Butalbital and gave approximately 85% of it back to Defendant for his personal use. Defendant additionally wrote at least two (2) prescriptions to Patient CBW for Xanax, and took some of it back for his personal use. Defendant's chart on this patient reveals that he failed to keep any records of the prescribing or ordering of thirty-one (31) of the prescriptions to Patient CBW, that he failed to perform a sufficient physical examination on this patient prior to prescribing the drugs, and did not establish a legitimate medical need for the medications.

4. During or around this same period of time, Defendant wrote prescriptions for Butalbital to Glenda Hull, his office receptionist, and to Charlene and Andy Hill, his mother and

stepfather. Each of these persons kept some of the Butalbital and gave back a portion to Defendant for his personal use.

5. During or around this same period of time, Defendant was obtaining Butalbital from Ellen Hope, M.D., Michael Carl, M.D. and Randy Morgan, M.D. During this same period of time, Defendant prescribed Butalbital to himself to supplement the amount he was obtaining from his three (3) physicians. Defendant did not advise any of his physicians that he was obtaining Butalbital from any other physician.

6. Defendant has admitted that he took between ten (10) and fifteen (15) Butalbital per day

7. On Defendant's Application for Renewal of Oklahoma License dated July 1, 2001, in response to the question "Are you now using any drug or chemical substance including alcohol which has an adverse impact on your ability to practice your profession" within the past year, Defendant answered "NO".

8. On Defendant's Application for Renewal of Oklahoma License dated July 2, 2002, in response to the question "Have you been addicted to or abused any drug or chemical substance including alcohol" within the past year, Defendant answered "NO".

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

A. Habitually uses habit-forming drugs in violation 59 O.S. 407 §509(5) and OAC 435:10-7-4(3).

B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11).

C. 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(14) and OAC 435:10-7-4(39).

D. 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(16) and OAC 435:10-7-4(40).

E. 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 OAC 435:10-7-4(19).

F. Prescribed, sold, 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 or herself in violation of OAC 435:10-7-4(26).

G. 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).

H. Prescribed, sold, administered, distributed, ordered or gave any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug for other than medically accepted therapeutic purposes in violation of OAC 435:10-7-4(24).

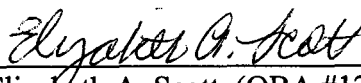
I. Prescribed or administered a drug or treatment without sufficient examination and the establishment of a valid physician patient relationship in violation of 59 O.S. §509(13).

J. 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).

### *Conclusion*

WHEREFORE, the Plaintiff respectfully 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 suspension or revocation and any other appropriate action with respect to Defendant's medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,

  
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