

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

**FILED**

MAR 01 2007

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

Plaintiff,

v.

ABEL LEE LAU, M.D.,  
LICENSE NO. 17057,

Defendant.

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 06-12-3220

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, Abel Lee Lau, 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, Abel Lee Lau, M.D., holds Oklahoma license no. 17057.
3. Beginning in approximately August 2004 and continuing through April 2005, Defendant authorized prescriptions for patients across the country for controlled dangerous substances for the "Pill Network", an Internet prescription company. According to the Defendant, he reviewed prescription requests made by patients over the Internet and if approved, would prescribe drugs to these patients. Once Defendant approved the prescription request, the prescription would be filled at various pharmacies across the country as determined by the Pill Network. Defendant claims that most of the prescriptions he authorized for the Pill Network were for Phentermine. Defendant admits that he may also have authorized some prescriptions for Ambien.
4. Defendant admits that he did not personally see or examine any of these patients prior to prescribing the controlled dangerous substances to them. Defendant additionally admits that he did not keep any patient charts or any records of the controlled dangerous substances prescribed to these patients.

5. Defendant admits that during the approximate nine (9) month period he reviewed prescription requests for the Pill Network, he reviewed approximately 24,000 requests and was paid at a rate of \$2.45 per request, for a total payment to him of \$58,800.00.

6. In or around April 2005, Defendant was contacted by the DEA and advised that he was illegally prescribing controlled dangerous substances over the Internet, at which time Defendant stopped prescribing controlled dangerous substances for the Pill Network.

7. Based upon Defendant's admission that he was illegally prescribing controlled dangerous substances over the Internet, on or about September 1, 2006, Defendant entered into a Memorandum of Agreement with the DEA whereby he agreed to surrender his DEA Registration. The DEA agreed that Defendant could apply for a new registration, which would be granted with certain restrictions on his ability to prescribe.

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

A. Procured, aided or abetted a criminal operation in violation of 59 O.S. §509(1).

B. 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).

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

D. 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).

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 59 O.S. §509(18).

F. Engaged in indiscriminate or excessive prescribing, dispensing or administering of Controlled or Narcotic drugs in violation of OAC 435:10-7-4(1).

G. Engaged in gross or repeated negligence in the practice of medicine and surgery in violation of OAC 435:10-7-4(15).



H. Directly or indirectly gave or received any fee, commission, rebate, or other compensation for professional services not actually and personally rendered in violation of OAC 435:10-7-4(30).

I. Confessed to a crime involving a violation of the anti-narcotic laws of the federal government or the laws of this state in violation of 59 O.S. §509(7) and 63 O.S. §2-404.

J. 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).

K. Prescribed a controlled substance 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).

L. Violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27), 63 O.S. §2-404, OAC 475:30-1-4 and OAC 475:25-1-3.

M. Engaged in improper management of medical records in violation of OAC 435:10-7-4(36).

N. Failed to provide a proper setting and assistive personnel for medical acts, including, but not limited to examination, surgery, or other treatment in violation of OAC 435:10-7-4(41). Adequate medical records to support treatment or prescribed medications must be produced and maintained.

O. Has utilized his Oklahoma license for practice in another state, territory, district or federal facility and has violated any laws in the state in which he is practicing or any federal, territorial or district laws that are in effect in the location in which he is using his Oklahoma license to practice in violation of OAC 435:10-7-4(46).

### *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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