

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,)

Plaintiff,)

v.)

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

Defendant.)

MAY 31 2007

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 06-12-3220

FINAL ORDER OF SUSPENSION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on May 17, 2007, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and through counsel, Robert McCampbell.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

Findings of Fact

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. 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.
3. Defendant, Abel Lee Lau, M.D., holds Oklahoma license no. 17057.

4. 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.

5. 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.

6. 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.

7. On 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.

8. 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.

9. 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. 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).

D. 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).

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

F. 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).

G. 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.

H. 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.

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

J. 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.

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 (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. 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. 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).

D. 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).

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

F. 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).

G. 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.

H. 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.

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

J. 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.

3. The Board further found that the Defendant's license should be **SUSPENDED** based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509 (1), (7), (8), (12) and (18), 63 O.S. §2-404, OAC 475:30-1-4 and 25-1-3, and OAC 435: 10-7-4 (1), (11), (27), (30), (36) and (41).

Order

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

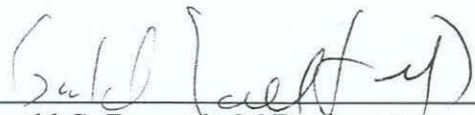
1. The license of Defendant, Abel Lee Lau, M.D., Oklahoma license no. 17057, is hereby **SUSPENDED** as of the date of this hearing, May 17, 2007 for a period of **TWO (2) MONTHS**.

2. Defendant shall pay an **ADMINISTRATIVE FINE** in the amount of \$58,800.00, to be paid on or before May 17, 2010.

3. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

4. Defendant's suspended license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs.

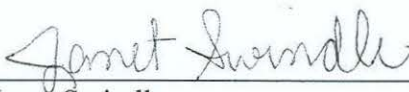
Dated this 21 day of May, 2007.



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

CERTIFICATE OF SERVICE

I certify that on the 1 day of ^{June} ~~May~~, 2007, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Robert McCampbell, Crowe & Dunlevy, 1800 Mid-America Tower, 20 N. Broadway, Oklahoma City, OK 73102 and to Abel Lee Lau, P.O. Box 470088, Tulsa, OK 74147.



Janet Swindle