

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

AUG 14 2009

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., Oklahoma license no. 17057, 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 and practices family medicine in Owasso, Oklahoma.
3. On or about March 9, 2007, the State filed a Complaint against Defendant based upon allegations that Defendant had prescribed controlled dangerous substances over the Internet to patients he had never examined. On or about May 17, 2007, after hearing before the Board, Defendant's license was Suspended for two (2) months and Defendant was assessed an Administrative Fine of \$58,800.00. Defendant's discipline was based upon a finding by the Board that Defendant prescribed numerous controlled dangerous substances to patients over the Internet without having ever seen or examined any of the patients prior to prescribing the controlled dangerous substances to them. Defendant also admitted that he kept no patient charts or records of the controlled dangerous substances prescribed to these patients.
4. On or about July 18, 2007, Defendant's suspended Oklahoma license was reinstated.

5. In or around May 2008, Defendant was indicted in the United States District Court for the Middle District of Florida in the case styled **United States of America v. Abel Lau**, Case No. 6:08-cr-118-Orl-DDD-DAB and Defendant was charged with Distribution of a Controlled Substance in violation of 21 U.S.C. §841(a)(1) and 18 U.S.C. §2, a Felony.

6. On or about March 25, 2009, Defendant entered into a plea agreement wherein he pled guilty to Distribution of a Controlled Substance in violation of 21 U.S.C. §841(a)(1) and 18 U.S.C. §2, a Felony. As part of his plea agreement, and in exchange for the concessions of the United States, Defendant agreed to voluntarily waive his right to appeal or collaterally challenge his guilty plea.

7. On or about August 5, 2009, David D. Dowd, Jr., United States District Judge for the United States District Court for the Middle District of Florida, accepted Defendant's guilty plea of Distribution of a Controlled Substance, a Felony. Judge Dowd sentenced Defendant to three (3) years probation, with six (6) months home detention with electronic monitoring and monetary assessments.

8. Title 59 O.S. §513(A)(3) provides as follows:

“Upon proof of a final felony conviction by the courts and after exhaustion of the appellate process, the Board **shall revoke** the physician's license. If the felony conviction is overturned on appeal and no other appeals are sought, the Board shall restore the license of the physician.”

9. On August 7, 2009, pursuant to the authority granted to him under 59 O.S. §506(B), Lyle R. Kelsey, Executive Director of the Oklahoma State Board of Medical Licensure and Supervision, summarily suspended Defendant's license based upon his felony conviction of a state or federal narcotics law, with the case to be set before the Board at the September 17, 2009 Board meeting.

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

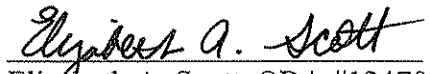
- A. Was convicted of a felony or of any offense involving moral turpitude in violation of 59 O.S. §509(5).
- B. Was convicted of or confessed to a crime involving violation of the antinarcotics or prohibition laws and regulations of the federal government and the laws of this state in violation of 59 O.S. §509(7).
- C. Was convicted of a felony or any offense involving moral turpitude whether or not related to the practice of medicine and surgery in violation of OAC 435:10-7-4(10).

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 14th day of August, 2009 at 7:45 a.m.

Respectfully submitted,


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Oklahoma State Board of Medical
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