

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

FILED

SEP 17 2009

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

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

Plaintiff,)

v.)

Case No. 06-12-3220

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

Defendant.)

FINAL ORDER OF REVOCATION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on September 17, 2009, 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 pro se.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony Defendant, 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.* 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.

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).

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. 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).

3. The Board further found that the Defendant's license should be **REVOKED** based upon any or all of the violations of the unprofessional conduct provisions of 59 Okla. Stat. §509 (5) and (7) and OAC 435:10-7-4 (10), conviction of a felony and exhaustion of his right to appeal the conviction.

Order

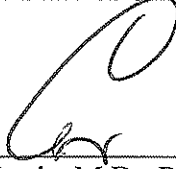
IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The license of Defendant, Abel Lee Lau, M.D., Oklahoma license no. 17057, is hereby **REVOKED** as of the date of this hearing, September 17, 2009.

2. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

3. Defendant's revoked license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs and expenses incurred by the State of Oklahoma.

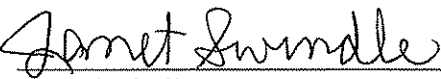
Dated this 17 day of September, 2009.



Curtis Harris, M.D., President
Oklahoma State Board of Medical
Licensure and Supervision

CERTIFICATE OF SERVICE

I certify that on the 18 day of September, 2009, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Abel Lau, P.O. Box 844, Owasso, OK 74055.



Janet Swindle