

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 - 1 2005

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )

v. )

Case No. 05-05-2961

DAVID NORMAN DONNELL, M.D., )  
LICENSE NO. 17314, )

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, David Norman Donnell, 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, David Norman Donnell, M.D., holds Oklahoma license no. 17314 and currently practices in Dallas, Texas.

3. On March 1, 2002 and August 7, 2003, Defendant ordered Cocaine HCl Powder and Cocaine HCL 10% solution for his office use. When Defendant ordered the Cocaine, he did so in the name of an employee rather than in the name of the intended patient and without completing the required DEA-222 form.

4. On or about April 28, 2004, an investigator for the Texas State Board of Medical Examiners inspected Defendant's medicine cabinet at his office and found that he failed to keep adequate records of drugs and failed to keep adequate receipts and distribution logs of numerous controlled substances and dangerous drugs. Specifically, Defendant failed to properly document pharmaceutical Cocaine, Vicoprofen, Promethazine syrup with Codeine, Demerol, Xanax, Diazepam, Depo-Testosterone, human growth hormone, Nandrolone Decandate, and Testosterone.

5. Defendant admits that he dispensed a bottle of Ketamine to a friend for alleged use on a pet.

6. On or about April 8, 2005, Defendant executed an Agreed Order with the Texas Board whereby he admitted the above facts and agreed that his license should be **SUSPENDED**, with the **SUSPENSION STAYED**, and that his license would be placed on **PROBATION** for a period of five (5) years. Under the terms of probation, Defendant agreed that he could not possess or administer any Schedule II controlled dangerous substances at his office, that he must maintain a logbook of all prescriptions written by him for controlled dangerous substances or dangerous drugs with addictive potential, that he must submit within 120 days of the entry of the Agreed Order a written policy for the safeguarding, purchasing and dispensing of medications in his office, that he must complete within 120 days of the entry of the Agreed Order a ten hour course in pain management, that he must submit to five (5) unannounced visits per year by Board employees who may examine his computers, office records and medical records, that his practice must be monitored by a Board approved physician monitor, that his records will be subject to random review by the Board, that he must complete the Vanderbilt boundary course in March 2005, that he must pay an administrative fine of \$5,000.00, and other standard terms of monitoring.

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

A. Failed to keep complete and accurate records of the purchase and disposal of controlled drugs or of narcotic drugs in violation of 59 O.S. §509(10).

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

E. 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).

F. Was subject to disciplinary action of another state or jurisdiction against a license or other authorization to practice medicine and surgery based upon acts or conduct by the licensee

similar to acts or conduct that would constitute grounds for action as defined in this section in violation of OAC 435:10-7-4(31).

G. Violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

H. Committed any 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).

I. Wrote false or fictitious prescriptions for any drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs in violation of 59 O.S. §509(11).

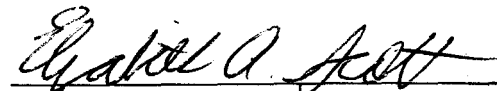
J. Prescribed or administered a drug or treatment without sufficient examination and the establishment of a valid physician patient relationship in violation of 59 O.S. §509(12).

K. 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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