

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

FILED

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OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

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

Plaintiff)

v.)

JOSEPH MICHAEL RIPPERGER, M.D.,)
LICENSE NO. 17320,)

Defendant.)

Case No. 04-12-2917

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, Joseph Michael Ripperger, M.D., Oklahoma license no. 17320, 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, Joseph Michael Ripperger, M.D., holds Oklahoma license no. 17320 and practices as a psychiatrist in Norman, Oklahoma.

3. Beginning in or around October 2003 and continuing through at least September 2004, Patient ASW, was a patient of Defendant. During this time, specifically, from November 2003 through at least March 2004, Defendant engaged in sexual intercourse with Patient ASW. Subsequent to this time and continuing through September 2004, Defendant engaged in sexual conduct with Patient ASW. Defendant engaged in these sexual acts at the same time that he was maintaining a doctor-patient relationship and prescribing and dispensing controlled dangerous substances and other dangerous drugs to this patient.

4. Beginning on or around November 4, 2003 and continuing through September 29, 2004, Defendant wrote prescriptions for controlled dangerous drugs to Patient ASW. These prescriptions include two (2) prescriptions for D-Amphetamine Salt, a Schedule II controlled

dangerous drug, for 120 dosage units, one (1) prescription for Ritalin, a Schedule II controlled dangerous drug, for 60 dosage units, and one (1) prescription for Diazepam, a Schedule IV controlled dangerous drug, for 30 dosage units. Defendant admits that he also prescribed Adderall, a Schedule II controlled dangerous substance, to her when they were in Park City, Utah. Defendant additionally wrote prescriptions for non-controlled dangerous drugs to Patient ASW. The medications prescribed include Methylprednisolone, Prochlorperazine and Zithromax. A review of Defendant's records reveals no indication that Defendant ever performed a physical examination on this patient, that he did not establish a legitimate medical need for the medical treatment, that he did not establish a valid physician patient relationship prior to prescribing the medications, and that he failed to maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

5. Beginning in or around October 2003 and continuing through September 2004, Defendant provided Patient ASW with samples of both controlled and noncontrolled dangerous substances. Specifically, in October 2003, Defendant provided Patient ASW with Ambien. Throughout this time, Defendant also provided Patient ASW with Paxil, Prozac, Lexapro, Ativan, Valium, Sonata and Lamictal. A review of Defendant's records reveals no indication that Defendant ever performed a physical examination on this patient, that he did not establish a legitimate medical need for the medical treatment, that he did not establish a valid physician patient relationship prior to prescribing the medications, and that he failed to maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

6. In late 2003 and early 2004, Defendant gave Patient ASW gifts of \$3,500.00 and \$1,000.00.

7. In September 2004, the Defendant and Patient ASW's sexual relationship ended. Patient ASW became depressed and suicidal. Knowing that she was suicidal, Defendant then gave her a plastic bag of 15-20 Ativan 2 mg. which had been returned to him by a patient, and left her alone at her home.

8. On or about September 28, 2004, Defendant wrote a letter on his psychiatric practice letterhead to the University of Oklahoma on behalf of Patient ASW. In this letter, Defendant gave a psychiatric diagnosis of Patient ASW and asked that she be excused from her classes.

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

- A. 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).
- B. Engaged in physical conduct with a patient which is sexual in nature, ... in violation of 59 O.S. §509 (17).

- C. Committed an act of sexual ... misconduct or exploitation related or unrelated to the licensee's practice of medicine and surgery in violation of OAC 435:10-7-4 (23).
- D. Abused the physician's position of trust by coercion [or] manipulation ... in the doctor-patient relationship in violation of OAC 435:10-7-4(44).
- E. 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 OAC 435:10-7-4(39).
- F. 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).
- G. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- H. 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).
- I. Prescribed, dispensed or administered a controlled substance or narcotic drugs in excess of the amount considered good medical practice, or prescribing, dispensing or administering controlled substances or narcotic drugs 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).

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 4th day of February, 2005 at 2:00 p.m.

Respectfully submitted,



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Oklahoma State Board of Medical
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