

**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, )

JUL 21 2005

Plaintiff,

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

v. )

Case No. 04-12-2917

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

Defendant.

**ORDER ACCEPTING  
VOLUNTARY SUBMITTAL TO JURISDICTION**

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 for the State of Oklahoma, and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the board, Lyle Kelsey, and the Defendant, Joseph Michael Ripperger, M.D., Oklahoma license no. 17320, who appears in person and through counsel, Linda G. Scoggins and Aimee D.M. Salalati, proffer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

***AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT***

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on February 7, 2005 as specifically set forth below in the findings of fact and acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

Defendant, Joseph Michael Ripperger, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with him and his legal counsel.

## ***PARTIES' AGREEMENT AND STIPULATIONS***

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

### ***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, Joseph Michael Ripperger, M.D., holds Oklahoma license no. 17320.

3. Beginning in September of 2003 and ending on or about April 1, 2004, Defendant had a sexual relationship with ASW. Between November 2003 and September 2004, Defendant wrote prescriptions for ASW as outlined in paragraph 4 below. On each occasion a prescription was written, Defendant believed the prescriptions were either written to refill prescriptions when ASW was unable to see her regular physician or, in special situations, when there was an urgent need for the medication.

4. Beginning on or around November 4, 2003 and continuing through September 29, 2004, Defendant wrote prescriptions for controlled dangerous drugs to ASW. These prescriptions included two (2) prescriptions for Adderall, 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 Ativan, a Schedule IV controlled dangerous substance, to her for a panic attack when they were in Park City, Utah. Defendant additionally wrote prescriptions for non-controlled dangerous drugs to ASW. The medications prescribed included Methylprednisolone and Compazine. A review of Defendant's records reveals no indication that Defendant ever performed a physical examination on this patient, that he did not document 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. In or around late summer of 2004 Defendant provided ASW with a sample of Lamictal. A review of Defendant's records reveals no indication that Defendant ever performed a physical examination on this patient, that he did not document 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. On or about September 28, 2004, at ASW's request Defendant wrote a letter on his psychiatric practice letterhead to the University of Oklahoma indicating that ASW suffered

from a psychiatric disorder and asked that she be excused from her classes because of an acute episode.

7. During the time Defendant wrote the prescriptions for ASW, ASW was under the regular care of another psychiatrist and, from March 2004 and continuing throughout the relevant time period, was also under the care of a psychologist to whom she had been referred by Defendant.

8. On May 18-20, 2005, Defendant voluntarily attended a course entitled "Maintaining Proper Boundaries" at Santé Center for Healing in Argyle, Texas. The course was co-sponsored by the Santé Institute for Professional Education and Research; the Vanderbilt University School of Medicine, Continuing Medical Education; and The Center for Professional Health, Vanderbilt University Medical Center.

9. On June 23 and 24 Defendant completed the Vanderbilt Comprehensive Assessment Program ("VCAP") in Nashville, Tennessee. The VCAP recommendations and findings were:

Attendance at a Maintaining Proper Boundaries Course;

- Attendance of a CME course for proper prescribing such as the Prescribing Controlled Substances course at the Vanderbilt University Medical Center's Center for Professional Health;
- Attendance of an experiential program to explore and deal with issues of post traumatic stress and codependency, equivalent to Living Centered Program at Onsite Workshops in Cumberland Furnace, TN;
- Continue psychotherapy with his psychologist on a regular basis;
- We view this incident not as professional sexual misconduct or professional sexual impropriety, but as one of inappropriate prescribing in a personal relationship, unrelated to his clinical practice. Recommendations 2, 3 and 4 aim to provide Dr. Ripperger with additional knowledge and support to separate his professional life from his personal relationships; and
- Dr. Ripperger is a competent and highly respected psychiatrist who is in our view safe to practice. It is highly unlikely that he will ever cross sexual boundaries with a patient in the future because a) he has not done so in the past, based on available information, and b) he appears to be acutely aware of the issues involved following his recent experience and education.

10. At the time Defendant wrote the prescriptions and provided the sample, he did not consider ASW his patient. Defendant now understands and agrees that a physician-patient relationship, although invalid, was formed with each prescription written and the sample provided for ASW.

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

- A. Failed to maintain an office record for a patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient in violation of 59 O.S. §509(18).
- B. 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).
- 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 violations of OAC 435:10-7-4(39).
- D. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- E. Prescribed, dispensed or administered a controlled substance or narcotic drugs in excess of the amount considered good medical practice, or prescribed, dispensed or administered controlled substances or narcotic drugs without medical need in accordance with published standards in violation of OAC 435:10-7-4(2) and (6).

### *Conclusions of Law*

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, Joseph Michael Ripperger, M.D., holds Oklahoma license no. 17320.

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

- A. Failed to maintain an office record for a patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient in violation of 59 O.S. §509(18);

- B. Prescribed or administered a drug or treatment without sufficient examination and the establishment of a valid physician patient relationship in violations of 59 O.S. §509(12);
- 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 violations of OAC 435:10-7-4(39);
- D. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27); and
- E. Prescribed, dispensed or administered a controlled substance or narcotic drugs in excess of the amount considered good medical practice, or prescribed, dispensed or administered controlled substances or narcotic drugs without medical need in accordance with published standards in violation of OAC 435:10-7-4(2) and (6).

### Order

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

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.

2. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, Defendant shall be **FORMALLY REPRIMANDED** and placed on **PROBATION FOR A PERIOD OF TWO (2) YEARS** under the following terms and conditions.


- A Within two (2) years of the date of this Order, Defendant shall:
  - i. Undergo a comprehensive assessment at a nationally-recognized medical center. (Defendant has completed this requirement);
  - ii. Attend the Maintaining Proper Boundaries course at the Santé Center for Healing (Defendant completed this requirement May 18-20, 2005);
  - iii. Defendant shall attend a CME course for proper prescribing approved in advance by the Board Secretary;
  - iv. Defendant shall attend and complete an experiential program approved in advance by the Board Secretary to

explore and deal with issues of post traumatic stress and codependency; and

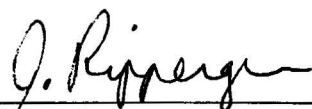
- v. Defendant shall continue in psychotherapy with his psychologist on a biweekly basis for two (2) years from the date of this Order.

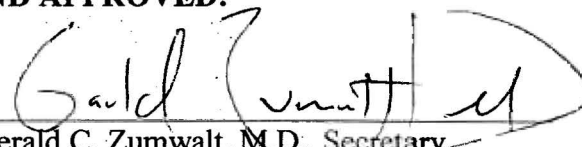
3. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

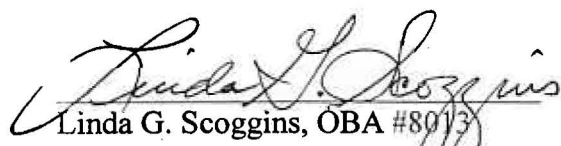
Dated this 21 day of July, 2005.

  
President, Oklahoma State Board of Medical  
Licensure and Supervision

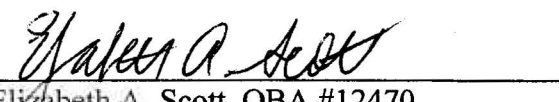
**AGREED AND APPROVED:**

  
Joseph M. Ripperger, M.D.  
License No. 17320

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

  
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Attorney for the Oklahoma State Board  
of Medical Licensure and Supervision

**CERTIFICATE OF SERVICE**

I certify that on the 22nd day of July, 2005, I mailed, via first class mail postage prepaid, a true & correct copy of Voluntary Submittal Jurisdiction to Linda Scoggins, 204 N. Robinson, Suite 3100, Oklahoma City, OK 73102

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Janet Swindle, Secretary