

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

FILED

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

Plaintiff,)

v.)

GREGORY GLASE PINEGAR, M.D.,)
LICENSE NO. 17680,)

Defendant.)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 06-06-3121

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, Gregory Glase Pinegar, 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, Gregory Glase Pinegar, M.D., holds Oklahoma license no. 17680.

3. On or about October 10, 2006, Defendant was charged in the United States District Court for the Western District of Oklahoma in the case styled **United States of America v. Gregory Glase Pinegar**, Case No. CR-06-76-M. Defendant was charged with one (1) count of Medicare Fraud in violation of 18 U.S.C. §1347.

4. The Information filed by the United States of America reflects that from January 1, 2000 until May 31, 2005, Defendant billed Medicare \$184,502.32 for the administration of 19,750,000 units of Procrit, when his office records reflected that he only ordered approximately 7,400,000 units of Procrit. Additionally, from January 1, 2003 until May 31, 2005, he billed Medicare \$526,160.24 for the administration of 112,110 milligrams of Remicade, when his office records reflected that he only ordered 49,600 milligrams of Remicade.

5. On or about October 10, 2006, Defendant entered into a Plea Agreement with the United States Attorney for the Western District of Oklahoma wherein he pled guilty to the one

(1) count of Medicare fraud set forth in the Information. By pleading guilty, Defendant admitted that he knowingly executed a scheme or artifice to obtain money or property from Medicare by means of false or fraudulent pretenses, representations or promises, and that he intended to defraud Medicare.

6. As part of the Plea Agreement, Defendant agreed to immediately surrender his Oklahoma medical license, which Defendant did by letter dated October 10, 2006.

7. At this time, Defendant's sentencing is pending.

8. 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) and OAC 435:10-7-4(10).
- B. Was convicted or confessed to a crime involving violation of the laws of this state and the federal government in violation of 59 O.S. §509(7).
- C. 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).
- D. Committed any act which is a violation of the criminal laws of any state when such act is connected to the physician's practice of medicine in violation of 59 O.S. §509(9).
- E. 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).
- F. Obtained a fee by fraud, deceit, or misrepresentation, including fees from Medicare, Medicaid, or insurance in violation of OAC 435:10-7-4(28).
- G. 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).
- H. Directly or indirectly gave or received any fee, commission, rebate, or other compensation for professional services not actually and personally rendered in violation of OAC 435:10-7-4(30).

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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Attorney for the Plaintiff