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

STATE OF OKLAHOMA, *ex rel.* OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION,	)	**FILED** AUG - 7 2024 OKLAHOMA STATE BOARD OF MEDICAL LICENSURE & SUPERVISION
Plaintiff,	)	
v.	)	**Case No. 23-09-6263**
WOODY GENE JENKINS, M.D. LICENSE NO. MD 17702,	)	
Defendant.	)	

VERIFIED COMPLAINT

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision ("Board"), for its Verified Complaint against Woody Gene Jenkins, M.D. ("Defendant"), alleges and states as follows:

I. JURISDICTION

1. The Board has jurisdiction over the subject matter and 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. 59 O.S. § 480, *et seq.* and Okla. Admin. Code 435:5-1-1 *et seq*.

2. In Oklahoma, Defendant holds medical license no. 17702.

3. The acts and omissions complained of herein were made while Defendant was licensed to practice medicine by the State of Oklahoma and occurred within the boundaries of the State of Oklahoma.

II. ALLEGATIONS OF UNPROFESSIONAL CONDUCT

4. This case was referred by a member of the Medical Executive Committee ("Committee") at Stillwater Medical Center in Stillwater Oklahoma. The complaint was filed on behalf of patient S.F. with allegations of overprescribing and polypharmacy. S.F. was admitted in respiratory failure requiring intubation in, what was found to be, an accidental overdose of her narcotic pain medication. She was successfully weaned from the ventilator and extubated. Over the next several days her oxygen requirements improved and was ultimately discharged. The Committee reviewed the case and found the daily Morphine Milligram Equivalents ("MME") was significantly greater than the recommended maximum dosage of 90 MME. The Committee looked into Defendant's prescribing habits

with other patients and found similar dosages with multiple patients, some with concomitant benzodiazepine prescriptions. Defendant was asked to appear before the Committee and expressed remorse for his prescribing habits and took responsibility.

5. On or about September 18, 2023, Board staff subpoenaed records for seven (7) patients, including patient S.F. Patient records were received and sent for expert review.

6. Defendant's patient care was below the standard of care. He did not document the rationale for prescribing opioids at doses above 100 MME. He failed to prescribe naloxone to numerous patients who were on opioids or opioids and benzodiazepines. In numerous cases a clear treatment plan is not documented in the records. Defendant failed to document an informed consent discussion regarding the risk of opioid therapy or risk of concurrent use of opioids at high doses with zolpidem or with benzodiazepines. There were no opioid therapy patient-provider agreements in the patient records.

7. Defendant failed to proactively make periodic and reasonable efforts to stop, decrease dosage or try other modalities in most cases. He failed to respond to concerns about patients' self-escalation of therapy, their nontherapeutic use of opioids and their risk of overdose or of the onset of substance use disorder by instituting enduring MME reductions, trials of non-opioid solutions or by insisting on referral to a specialist in chronic pain management. He failed to check urine drug screens to assess compliance with therapy. He did not document his assessment of patient risk of opioid use disorder. He also failed to enter into written pain management agreements and was thus unable to monitor patients' compliance.

III. VIOLATIONS

8. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:

   a. Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship and not prescribing in a safe, medically accepted manner, in violation of 59 O.S. §509(12) and Okla. Admin. Code § 435:10-7-4(2).

   b. Prescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice, in violation of 59 O.S. §509(16)(a).

   c. Failure 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).

   d. Indiscriminate or excessive prescribing, dispensing or administering of Controlled or Narcotic drugs, in violation of Okla. Admin. Code § 435:10-7-4(1).

e. Violating any state or federal law or regulation relating to controlled substances, in violation of Okla. Admin. Code § 435:10-7-4(27).

   i. 63 O.S. §309I

f. Conduct likely to deceive, defraud, or harm the public, in violation of Okla. Admin. Code § 435:10-7-4(11).

g. Failing to obtain informed consent, based on full and accurate disclosure of risks, before prescribing, dispensing, or administering medical treatment for the therapeutic purpose of relieving pain in accordance with Oklahoma Administrative Code 435:10-7-11 where use may substantially increase the risk of death, in violation of Okla. Admin. Code § 435:10-7-4(48).

IV. CONCLUSION

Given the foregoing, the undersigned respectfully requests 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 professional license, including an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,

Joseph L. Ashbaker, OBA # 19395
Assistant Attorney General
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
101 N.E. 51st Street
Oklahoma City, Oklahoma 73105
405.962.1400
joe.ashbaker@oag.ok.gov

VERIFICATION

I, Melissa Davis, RN, under penalty of perjury, under the laws of the State of Oklahoma, state as follows:

1. I have read the above Complaint regarding **WOODY GENE JENKINS, MD,**
   and,
2. The factual statements contained therein are true and correct to the best of my knowledge and belief.

M Davis, RN

Melissa Davis, RN
OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION

Executed this 7th day of August, 2024, in Oklahoma County, State of Oklahoma.