

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

**FILED**

JAN 14 2021

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.* )  
OKLAHOMA STATE BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )

Plaintiff, )

vs. )

Case No. 19-02-5705

SHAWN C. SCHLINKE, M.D., )  
LICENSE NO. MD 17864, )

Defendant. )

**VERIFIED COMPLAINT**

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

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, surgeons and other allied health professionals in the State of Oklahoma pursuant to 59 Okla. Stat. § 480 *et seq.*
2. Defendant holds Oklahoma medical license number 17864.
3. The acts and omissions complained of herein were made while Defendant was acting as a physician pursuant to his medical license conferred upon him by the State of Oklahoma. Such acts and omissions occurred within the physical territory of the State of Oklahoma.

**I. ALLEGATIONS OF PROFESSIONAL MISCONDUCT**

4. This case was initiated when a complaint was received claiming Defendant had been seeing a patient eight (8) years and was over-prescribing Xanax. The complaint alleged that Defendant started by prescribing the patient on Xanax at a dose of 3mg per day (dosed 1mg three times daily), and steadily raised the dose until the patient was eventually taking a daily dose of 5mg. Defendant ultimately treated this patient for approximately 20 years with a constant prescription of Xanax with no referrals to mental health professionals. In spite of the continual dose of Xanax, there were as much as 4 years between office visits and Defendant utterly failed to address the patients' non-psychological problems such as high blood pressure. This patient was ultimately admitted

to the emergency room with severely altered mental states including grave cognitive impairment and psychosis.

5. Medical records for eight (8) patients, including the one referenced in the initial complaint, were subpoenaed and ultimately sent for expert review. The records demonstrated several disturbing issues.
6. Defendant routinely failed to obtain medical histories from patients and failed to perform physical examinations. Though he failed to take histories and perform physical exams, he would still routinely prescribe controlled medications, including Xanax, Lortab, Norco and Flexeril.
7. Defendant's records lacked the necessary information to sufficiently record treatment needed and given. The records lacked information regarding patient informed consent as well as subjective and objective findings. They lacked information regarding patient medical, psychological, social, occupational, relationship and substance abuse history.
8. The expert review determined that Defendant's treatment of these 8 patients "grossly fell below the standard of care for both primary psychiatric care and primary care services."

## II. VIOLATIONS

9. Based on the foregoing, the Defendant is guilty of professional misconduct as follows:
  - a. Prescribing, dispensing or administering of controlled substances 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. 2011, § 509 (16); and,  
  
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. 2011, § 509 (18); and,
  - b. Failure to provide a proper and safe medical facility setting and qualified assistive personnel for a recognized medical act, including but not limited to an initial in-person patient examination, office surgery, diagnostic service or any other medical procedure or treatment. Adequate medical records to support diagnosis, procedure, treatment or prescribed medications must be produced and maintained in violation of 59 O.S. 2011, § 509 (20) and Okla. Admin. Code § 435:10-7-4(41); and
  - c. Indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs in violation of 435:10-7-4(1); and
  - d. Prescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice or prescribing, dispensing or administering controlled substances or narcotic drugs without

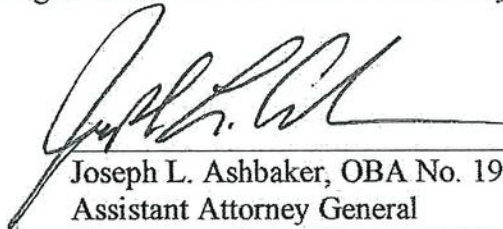


medical need in accordance with published standards in violation of 435:10-7-4(2);  
and

- e. Practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of Okla. Admin. Code § 435:10-7-4(18);  
and
- f. Improper management of medical records in violation of Okla. Admin. Code § 435:10-7-4(36).

### III. CONCLUSION

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



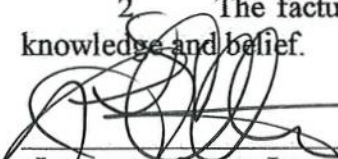
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**VERIFICATION**

I, Lawrence Carter, under penalty of perjury, under the laws of the State of Oklahoma, state as follows:

1. I have read the above Complaint regarding the Defendant, Shawn C. Schlinke, M.D.; and

2. The factual statements contained therein are true and correct to the best of my knowledge and belief.

  
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Lawrence Carter, Investigator  
OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION

Date: 12 Jan 2021

Oklahoma County, OK  
Place of Execution