

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

FILED

NOV 06 2008

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

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )

Case No. 08-01-3447

v. )

MILLARD L. HENRY, M.D. )  
MEDICAL LICENSE NO. 18023 )

Defendant. )

VOLUNTARY SURRENDER OF LICENSE  
IN LIEU OF PROSECUTION

State of Oklahoma )  
BK County )

I, Millard L. Henry, M.D., being of lawful age and after first being duly sworn, depose and state as follows:

1. I hereby voluntarily surrender my Oklahoma medical license no. 18023.
2. The surrender of my license is freely and voluntarily made. I have not been subject to any coercion or duress, and I am fully aware of the consequences of the surrender of my license.
3. I am the subject of a Complaint before the Oklahoma State Board of Medical Licensure and Supervision involving allegations that if proven, would constitute grounds for disciplinary action by the Board.
4. The allegations to which I have plead guilty are as follows:

**PRIOR DISCIPLINARY ACTION**

- a. On or around August 28, 1998, Defendant engaged in physical conduct with a patient which was sexual in nature. Specifically, Defendant allowed manual genital manipulation upon himself to occur in his office.
- b. After hearing by the Board en banc, the Board issued an Order accepting a Voluntary Submitted to Jurisdiction dated January 20, 2000 whereby Defendant's license was **FORMALLY REPRIMANDED** and he was placed on a **TWO (2) YEAR PROBATION** beginning January 20, 2000.

**CURRENT UNPROFESSIONAL CONDUCT ALLEGATIONS**

**PATIENT DNW**

- c. A review of Defendant's records reveal that Defendant began treating Patient DNW, a twenty-eight (28) year old female, on or around April 3, 2007 and continuing through February 19, 2008. Defendant's records reflect that Patient DNW was treated for alleged chronic back pain on at least twenty-one (21) different occasions in Defendant's office during this time period.
- d. During this time, Patient DNW's chart reflects that Defendant wrote or authorized numerous prescriptions to her for Lortab, a Schedule III controlled dangerous substance, and for Soma and Ambien, Schedule IV controlled dangerous substance. Defendant's chart reflects that he additionally wrote, administered or authorized prescriptions for non-controlled dangerous drugs to Patient DNW. These medications include Ultracet, Motrin, Fioricet, Flexeril, z-Pack, Naprosyn and Medrol Dose-pack. Defendant additionally administered numerous injections of medications for Patient DNW's alleged back pain.
- e. During the patient's third visit to Defendant's office. Defendant began engaging in sexual activity with Patient DNW.
- f. During the next three (3) to five (5) office visits Patient DNW and Defendant engaged in oral sex.
- g. DNW subsequently asked Defendant to meet her outside the office to have sex. Defendant and Patient DNW met at a Sonic drive-in, then traveled to a Wal-Mart parking lot together, but did not have sex since there were too many people in the parking lot at that time.

### BOARD AND OBN UNDERCOVER INVESTIGATION

- h. Board investigators and OBN agents then met with Patient DNW and asked her to wear a recording device into an office visit with Defendant in an attempt to corroborate her claim that she and Defendant had engaged in a sexual relationship. Patient DNW agreed to the investigators' request.
- i. On February 19, 2008, while equipped with both an audio and video recording device, Patient DNW arrived for her office visit with Defendant. A female OBN agent accompanied her to the visit posing as a friend. The OBN agent waited in the waiting room while Patient DNW went back to the exam room with Defendant. A review of the recordings reflects that Defendant and Patient DNW initially engaged in sexual conversations. Thereafter the Patient moved her chair across the room next to Defendant and started staring at his penis. Defendant then exposed his penis and Patient DNW began to perform oral sex on him. Patient DNW told Defendant she had to go tell her friend in the waiting room to leave since it was going to take awhile. Patient DNW left the exam room and she exited the building with the OBN agent.
- j. Board investigator Steve Washbourne along with another OBN agent entered Defendant's office and asked to speak with him. When confronted with the audio and video recordings, Defendant admitted that he had exposed his penis to Patient DNW. Defendant further admitted that other sexual encounters had occurred in his office with Patient DNW. Defendant admits that he engaged in these sexual acts at the same time that he was maintaining a doctor-patient relationship and prescribing controlled dangerous substances and other dangerous drugs to this patient.
- k. Investigator Washbourne ask Defendant if he had ever met Patient DNW outside of the office. Defendant initially denied but when reminded of the Patient DNW's claim that they had met at a Sonic drive-in, then moved to the Wal-Mart parking lot, Defendant then admitted that he had met Patient DNW at the Wal-Mart parking lot with the intent to have sex with her.
- l. Investigator Washbourne then asked Defendant if anyone else was going to be coming out of the woodwork, to which Defendant answered "NO".
- m. Defendant admitted to an assessment facility that he had become sexually involved with other patients over the past ten (10) years.
- n. Defendant is guilty of unprofessional conduct in that he:
- i. 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).

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

iii. 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).


iv. 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)

5. I hereby submit my wallet card and wall certificate as evidence of my intent to surrender my license.

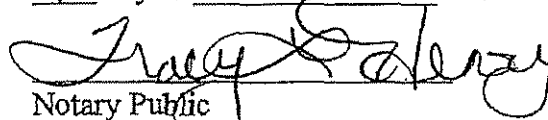
6. I hereby agree that I will never seek reinstatement of my Oklahoma medical license.

7. As a condition to accepting my surrender of license in lieu of prosecution, I acknowledge that the Board may require me to pay all costs expended by the Board for any legal fees and costs, and any investigation, probation and monitoring fees, including but not limited to staff time, salary and travel expenses, witness fees and attorney fees.

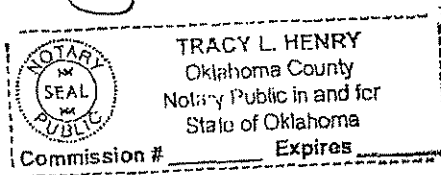
DATED this 4<sup>th</sup> day of November, 2008.

  
Millard L. Henry, M.D.

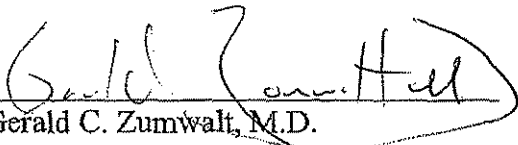
Subscribed and sworn before me this 4<sup>th</sup> day of November 2008.

  
Notary Public

My commission expires on 8/23/2012  
My commission number is 04007602



**ACCEPTED:**

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

Dated: 11-6-08