



your ability to practice medicine and surgery” during the past year? In response to this question, the Defendant answered "NO".

7. On or about July 19, 1999, Defendant transferred from Talbott to the Carpenter’s House Atlanta Union Mission in Atlanta where in continued in treatment until November 23, 1999, at which time he transferred to St. Jude’s Recovery Center in Atlanta.

8. From December 17, 1999 through June 23, 2000, Defendant affiliated with the 12 x 12 Recovery Program in Tulsa, Oklahoma.

9. On Defendant's Application for Renewal of Oklahoma Medical License dated April 30, 2000 and each year thereafter through April 30, 2002, in response to the question "Are you now using any drug or chemical substance including alcohol which has an adverse impact on your ability to practice medicine and surgery" within the past year, Defendant answered "NO" on each occasion.

10. In or around June 2000, Defendant relapsed on alcohol by drinking approximately six (6) beers.

11. On or about August 3, 2000, Defendant tested positive for alcohol on a drug test obtained by the Physicians’ Recovery Program.

12. On or about August 16, 2000, Defendant tested positive for alcohol on a drug test obtained by the Physicians’ Recovery Program.

13. On or about March 13, 2001, Defendant tested positive for alcohol on a drug test obtained by the Physicians’ Recovery Program.

14. On or about August 21, 2001, Defendant tested positive for alcohol on a drug test obtained by the Physicians’ Recovery Program.

15. On or about September 11, 2001, Defendant relapsed by consuming approximately twelve (12) beers.

16. On or about September 12, 2001, Defendant was arrested by the Oklahoma City Police Department for Driving While Under the Influence of alcohol. On or about September 18, 2001, criminal misdemeanor charges were filed against the Defendant based upon the September 12, 2001 arrest.

17. On or about February 4, 2002, Defendant was evaluated at Rush Behavioral Health Center. He was not treated for substance abuse at that time.

18. On or about June 14, 2002, Defendant tested positive for marijuana on a drug test obtained by the Physicians’ Recovery Program.

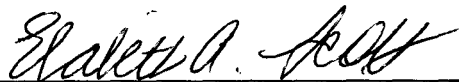
19. Defendant is guilty of unprofessional conduct in that he:
- A. Habitually uses habit-forming drugs in violation 59 O.S. 407 §509(5) and OAC 435:10-7-4(3).
  - B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11).
  - 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 violation of 59 O.S. §509(14) and OAC 435:10-7-4(39).
  - D. Is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physician condition in violation of 59 O.S. §509(16) and OAC 435:10-7-4(40).
  - E. Purchased or prescribed a regulated substance in Schedules I through V for the physician's personal use in violation of OAC 435:10-7-4(5).
  - F. Prescribed, sold, administered, distributed, ordered or gave a drug legally classified as a controlled substance or recognized as an addictive dangerous drug to a family member or to himself or herself in violation of OAC 435:10-7-4(26).
  - G. Engaged in fraud or misrepresentation in applying for or Procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4(8).
  - H. Prescribed, sold, administered, distributed, ordered or gave any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug for other than medically accepted therapeutic purposes in violation of OAC 435:10-7-4(24).
  - I. Confessed to a crime involving a violation of the anti-narcotic laws of the federal government or the laws of this state in violation of 59 O.S. §509(8) and 63 O.S. §2-402.

J. Violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27) and 63 O.S. §2-402 .

*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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