

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

FILED

MAY 12 2006

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

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 05-08-2992

GREGORY SINCLAIR CONNOR, M.D.,)
LICENSE NO. 18269)

Defendant.)

FINAL ORDER OF SUSPENSION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on May 11, 2006, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and through counsel, Richard L Hathcoat.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

Findings of Fact

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.* The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.

2. Defendant, Gregory Sinclair Connor, M.D., holds Oklahoma license no. 18269 and practices as a neurologist in Tulsa, Oklahoma.

Patient DSW

3. In or around May 2001, Defendant met Patient DSW. Defendant began dating Patient DSW in or around June 2001, and they began living together in the fall of 2001. Patient DSW continued to live with Defendant until the end of 2001 at which time she moved out. A review of pharmacy records reveals that during the time they were either living together or dating, Defendant prescribed Ativan, a Schedule IV controlled dangerous substance, Flonase and Hydrochlorothiazide for Patient DSW. A review of Defendant's records reveals that he kept no record of this treatment of Patient DSW, that he did not establish a legitimate medical need for the medical treatment, that he did not perform a sufficient examination prior to prescribing medications, and that he failed to maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

4. Beginning in or around June 2001 and continuing through the end of 2001, Defendant engaged in sexual intercourse with Patient DSW. Defendant admits that he engaged in these sexual acts at the same time he was maintaining a doctor-patient relationship and prescribing controlled dangerous substances and other dangerous drugs to this patient.

5. A review of pharmacy records reveals that during 2002 and 2003, Defendant continued to prescribe controlled dangerous substances and other dangerous drugs to Patient DSW, including two (2) prescriptions for Bontril, a Schedule III controlled dangerous substance, two (2) prescriptions for Lorazepam, a Schedule IV controlled dangerous substance, and two (2) prescriptions for Apri tabs, birth control tablets. Defendant additionally admits that he prescribed some antibiotics to Patient DSW, and that he gave her samples of Topamax. Patient DSW also claims that Defendant gave her samples of Zoloft and Wellbutrin. A review of Defendant's records reveals that he kept no record of this treatment of Patient DSW, that he did not establish a legitimate medical need for the medical treatment, that he did not perform a sufficient examination prior to prescribing medications, and that he failed to maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

6. Defendant admits that in or around April 2003, he took Patient DSW on a trip with him to Hawaii, at which time they again engaged in sexual intercourse.

7. On or about November 18, 2003, Defendant was charged in the District Court of Tulsa County, State of Oklahoma with **ASSAULT AND BATTERY-DOMESTIC**, a criminal misdemeanor. On that same date, a warrant for his arrest was issued. Defendant surrendered himself and was arrested. Defendant subsequently agreed to pay court costs and the case was dismissed with prejudice on February 6, 2004.

8. On or about September 7, 2004, Defendant submitted his Application for Renewal of Oklahoma License. On his application, Defendant was asked the following question:

"Since the last renewal or initial licensure (whichever is most recent), have you been arrested for, charged with, or convicted of a felony or misdemeanor other than a traffic violation?"

In response to this question, Defendant answered "No."

Patient DCW

9. Beginning on or around October 31, 2003 and continuing through January 11, 2005, Defendant gave Patient DCW prescriptions for controlled dangerous drugs and other dangerous drugs. Medications prescribed include one (1) prescription for Percocet, a Schedule II controlled dangerous drug, one (1) prescription with one (1) refill of Alprazolam, a Schedule IV controlled dangerous drug, and Maxalt, a non-controlled dangerous drug. A review of Defendant's records reveals that he kept no record of this treatment of Patient DCW, that he did not establish a legitimate medical need for the medical treatment, that he did not perform a sufficient examination prior to prescribing medications, and that he failed to maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

10. The prescriptions for Alprazolam set forth in paragraph 9 above were not written in the name of Patient DCW but were written in the name of TMW, the niece of Patient DCW. Defendant claims that the prescription was written for TMW and was given to either TMW or Patient DCW. Patient DCW claims that the prescription was written to TMW but was intended for her use. A review of Defendant's records reveals that he kept no record of this prescription to Patient TMW, that he did not establish a legitimate medical need for the medical treatment, that he did not perform a sufficient examination prior to prescribing medications, and that he failed to maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

11. Beginning in or around March 2004 and continuing through the end of 2005, Defendant engaged in sexual intercourse with Patient DCW. Defendant engaged in these sexual acts at the same time he was maintaining a doctor-patient relationship and prescribing controlled dangerous substances and other dangerous drugs to this patient.

12. On or about October 14, 2005, the Board's investigator interviewed Defendant. When questioned about Patient DCW, Defendant denied having a sexual relationship with her.

13. In December 2005, Defendant voluntarily obtained an assessment at Vanderbilt University Medical Center. During the assessment, Defendant admitted the sexual relationship with Patient DSW, but did not admit the sexual relationship with Patient DCW.

14. On or about January 4, 2006, the Board's investigator interviewed Patient DCW. Patient DCW advised the Board investigator that Defendant had previously advised her that if

Board investigators asked her about her relationship with Defendant, he wanted her to “straight up lie” about it. Defendant denies asking Defendant to lie to the Board.

15. When Defendant returned from Vanderbilt, on or about January 13, 2006, the Board’s investigator again confronted Defendant about his relationship with Patient DCW. Defendant again denied any sexual relationship. The investigator then advised him that he had corroborated the sexual relationship with substantial evidence. At that time, Defendant admitted that he did have a sexual relationship with Patient DCW. When asked why he had not told Vanderbilt about Patient DCW, Defendant admitted he did not want Vanderbilt to think there was a pattern to his actions.

16. Defendant is guilty of unprofessional conduct in that he:

- A. 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).
- B. Engaged in physical conduct with a patient which is sexual in nature, ... in violation of 59 O.S. §509 (17).
- 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 (13) and OAC 435:10-7-4(39).
- D. Failed 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).
- E. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- F. Prescribed or administered a drug or treatment without sufficient examination and the establishment of a valid physician patient relationship in violation of 59 O.S. §509(12).
- G. Committed an act which is a violation of the criminal laws of any state when such act is connected with the physician’s practice of medicine in violation of 59 O.S. §509(9).
- H. 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).

- I. 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).
- J. Failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).
- K. Failed to cooperate with a lawful investigation conducted by the Board in violation of OAC 435:10-7-4(38).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant is guilty of unprofessional conduct in that he:

- A. 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).
- B. Engaged in physical conduct with a patient which is sexual in nature, ... in violation of 59 O.S. §509 (17).
- 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 (13) and OAC 435:10-7-4(39).
- D. Failed 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).
- E. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

- F. Prescribed or administered a drug or treatment without sufficient examination and the establishment of a valid physician patient relationship in violation of 59 O.S. §509(12).
- G. Committed an act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine in violation of 59 O.S. §509(9).
- H. 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).
- I. 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).
- J. Failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).
- K. Failed to cooperate with a lawful investigation conducted by the Board in violation of OAC 435:10-7-4(38).

3. The Board further found that the Defendant's license should be suspended based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509 (8), (9), (12), (13), (17) and (18), and OAC Title 435:10-7-4 (8), (11), (19), (27), (37), (38) and (39).

Order

IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The license of Defendant, Gregory Sinclair Connor, M.D., Oklahoma license no. 18269, is hereby **SUSPENDED** as of the date of this hearing, May 11, 2006 for a period of **THREE (3) MONTHS**.

2. Defendant shall be placed on **PROBATION** for a period of four (4) years following his suspension under the following terms and conditions:

A. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Board. Any question of interpretation regarding the Act or this order shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Board or its designee.

B. Defendant will furnish a copy of this order to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.

C. Defendant will attend an intensive experiential therapy treatment program within one (1) year of this date of this order, to be approved in advance by the Board Secretary.

D. Defendant will enter and continue treatment with a board certified psychiatrist not previously disciplined by this Board, to be approved in writing in advance by the Board Secretary. Defendant shall also obtain counseling, either by or under the direction of the board certified psychiatrist. Defendant shall submit quarterly written reports from his psychiatrist and from his counselor, if he obtains counseling from someone other than his psychiatrist, to the Board Secretary for his review. Defendant shall continue his psychiatric treatment and counseling until released by his psychiatrist and the Board Secretary.

E. Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.

F. Defendant will not supervise allied health professionals for whom a formal supervisory arrangement is required under Oklahoma law, e.g., physician assistants or advanced registered nurse practitioners.

G. Defendant shall promptly notify the Board of any citation or arrest for any criminal offenses, excluding traffic violations.

H. Defendant will keep the Board informed of his current address.

I. Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his case, including but not limited to a \$100.00 per month monitoring fee.

J. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

K. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.

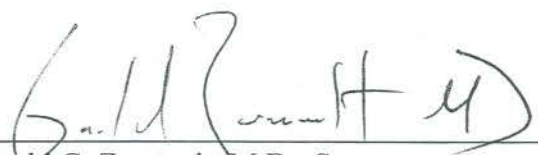
L. Defendant shall submit any required reports and forms on a timely basis to the Compliance Coordinator or designee.

M. Failure to meet any of the terms of your Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify your license after due notice and hearing.

3. Defendant shall pay an **ADMINISTRATIVE FINE** in the amount of \$5,000.00 to be paid on or before August 11, 2006.


4. Defendant's suspension will be lifted, and his license will be reinstated only upon payment in full of all costs and expenses incurred by the State of Oklahoma on or before May 12, 2006 and payment of the administrative fine set forth in paragraph 3 above.

Dated this 12 day of May, 2006


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

CERTIFICATE OF SERVICE

I certify that on the 15 day of May, 2006, I mailed by first class mail a true and correct copy of the Order of Suspension to Richard Hathcoat, Richards and Connor, 525 S. Main, #1250, Tulsa, OK 74103 and to Gregory Sinclair Connor, 6585 S. Yale, #620, Tulsa, OK 74136-8319.


Janet Swindle