

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

**FILED**

OCT 06 2010

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

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )  
)

v. )

Case No. 10-09-4087

JUSTIN DANIEL GENSON, P.A., )  
LICENSE NO. PA1867, )

Defendant. )

AMENDED COMPLAINT

COMES NOW the Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Amended Complaint against the Defendant, Justin Daniel Genson, P.A., alleges and states as follows:

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians assistants in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* and §519.1 *et seq.*

2. Defendant, Justin Daniel Genson, P.A., holds Oklahoma physician assistant license no. PA1867.

3. On or about January 14, 2010, Defendant was granted a physician assistant license under terms of an Agreement for Licensure based upon a history of alcohol abuse and the following incidents:

a. August 6, 1998 arrest and charge of DUI, Case No. CM-1998-1646, in the District Court of Cleveland County, State of Oklahoma. Defendant plead guilty and received a deferred sentence.

b. September 14, 1999 citation for Minor in Possession of Alcohol, Case No. 99-02029, in the Norman Municipal Court.

- c. **January 14, 2000 arrest and charge of Malicious Injury/Mischief/Assault**, Case No. CF-2000-69, in the District Court of Cleveland County, State of Oklahoma. Defendant plead guilty to reduced misdemeanor charges resulting in a conviction.
- d. **December 15, 2000 arrest and charge of Public Intoxication, Trespassing**, Case No. N0001190/N0001191, in the Norman Municipal Court. Defendant admitted that he had been drinking. Charges were ultimately dismissed.
- e. **February 25, 2001 arrest and charge of Entry of Minor, Interference with Official Procedure**, Case No. N0100553/N0100554, in the Norman Municipal Court. Defendant was in a bar and told police officers he was 21 years old. Police checked his driver's license and noted he was only 20 years old, so he was arrested. Defendant plead no contest to the charges.
- f. **April 28, 2006 arrest and charge of Public Intoxication**, Case No. N0601648, in the Norman Municipal Court. Defendant had been drinking and got into a fight at a club. He plead no contest to the charges.
- g. **August 13, 2007 arrest and charge of DUI-Alcohol**, Case No. CM-2007-1913, in the District Court of Cleveland County, State of Oklahoma. Defendant admitted to Norman Police Officers that he had been drinking and he registered over the limit on the Breathalyzer test. He plead guilty and received a deferred sentence.

The Agreement for Licensure provides as follows:

- 5. Applicant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances, including but not limited to alcohol.
  - 9. Applicant will notify the Board or its designee of any relapse, including entry, or re-entry, into an inpatient rehabilitation, assessment, or evaluation program and shall provide to the Board or its designee written authorization for any and all records associated with said treatment, assessment or evaluation.
  - 10. Applicant will notify the Board or its designee of any citation, arrest or charge filed against him or of any conviction for traffic or criminal offenses, including driving under the influence or while intoxicated or involving alcohol or any other prohibited substance.
4. The provisions cited above have not been modified or deleted but remain in full

force and effect as terms and conditions of Defendant's licensure under agreement.

5. Six (6) days after being granted an Oklahoma Physician Assistant License, on **January 20, 2010, Defendant was arrested** by the Norman Police Department and charged with **Driving a Motor Vehicle While Under the Influence of Alcohol**, in the case styled State of Oklahoma v. Justin Genson, Case No. CM-2010-193, in the District Court of Cleveland County, State of Oklahoma. At the time of the arrest, Defendant admitted to the police officer that he had consumed three (3) beers. Defendant could not stand on his own and was transported to Norman Regional Hospital for a blood test. Charges are still pending.

6. On or about March 18, 2010, Defendant submitted his Application for Renewal of his physician assistant license in the State of Oklahoma for the period March 2, 2010 through March 1, 2011. On his Application for Renewal, Defendant was asked the following question: (Since initial licensure): "Have you been arrested for, charged with, or convicted of a traffic violation involving the use of any drug or chemical substance including alcohol?" In response to this question, the Defendant answered "NO".

7. On or about **April 15, 2010, Defendant was again arrested** by the Norman Police Department and charged with **Driving a Motor Vehicle While Under the Influence of Alcohol**, in the case styled State of Oklahoma v. Justin Genson, Case No. CM-2010-1006, in the District Court of Cleveland County, State of Oklahoma. At the time of the arrest, Defendant registered a 0.11 and 0.12 on the Breathalyzer test. Charges are still pending.

8. On or about April 29, 2010, Defendant met with Tom Sosbee, the Board's Compliance and Education Coordinator, as well as Gary Ricks, Compliance officer, to go over the terms of Defendant's Agreement for Licensure. During this meeting, Defendant did not reveal that he had been arrested on both January 20, 2010 and April 15, 2010 for DUI.

9. On or about **May 4, 2010, Defendant was arrested** by the Oklahoma Highway Patrol and charged with **Driving a Motor Vehicle While Under the Influence of Alcohol**, in the case styled State of Oklahoma v. Justin Genson, Case No. CM-2010-1326, in the District Court of Cleveland County, State of Oklahoma. At the time of the arrest, Defendant was unsteady on his feet, had slurred speech and bloodshot eyes, and admitted to the Highway Patrol Officer that he had drank "1/2 of whiskey". He also told the officer that "I'm drunk" and that he was an alcoholic. Charges are still pending.

10. On or about May 10, 2010, Board staff learned through sources other than Defendant about the January 20, 2010 and the April 15, 2010 arrests for DUI.

11. On or about May 12, 2010, Defendant executed an Agreement with the Board Secretary whereby he agreed that he would not practice as a physician assistant until the Complaint to be filed against him had been heard by the Board.

12. On or about **May 29, 2010, Defendant was arrested** by the Oklahoma City Police Department and charged with **Driving Under the Influence of Drugs**, in the case styled

City of Oklahoma City v. Justin Genson, Case No. 098663959, in the Municipal Court of Oklahoma City, Oklahoma. Charges are still pending.

13. On or about **June 3, 2010, Defendant was arrested** by the Purcell Police Department and charged with **Driving a Motor Vehicle While Under the Influence of Alcohol**, in the case styled State of Oklahoma v. Justin Genson, Case No. CM-2010-00215, in the District Court of McClain County, State of Oklahoma. Charges are still pending.

14. Beginning on or about June 24, 2010 and continuing through September 21, 2010, Defendant received treatment for substance abuse at Clay Crossing.

15. **On or about September 21, 2010**, the day Defendant was discharged from treatment at Clay Crossing, he returned to his home in Del City, Oklahoma. Defendant found a prescription for Restoril, a Schedule IV controlled dangerous substance and filled it at CVS pharmacy. He then ingested the drugs then drove to a store. He had a flat tire and an Oklahoma Highway Patrol officer stopped to help him. The officer noted that Defendant appeared to be impaired and Defendant admitted that he had ingested Restoril. **Defendant was arrested for Driving While Under the Influence of Drugs**, and transported to the Cleveland County Jail where he remained for 48 hours until he was released. At this time, charges have not been filed on this arrest.

16. As of the date of the filing of the Amended Complaint, Defendant has been arrested and/or charged with **DUI eight (8) times, alcohol related offenses four (4) times**, and another criminal act one (1) time.

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

A. Habitually uses intoxicating liquors or habit-forming drugs in violation of OAC 435:15-5-11(a)(1).

B. Violated any provision of the Medical Practice Act or the rules promulgated by the Board in violation of OAC 435:15-5-11(a)(7).

C. 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).

D. 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).

E. 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(15) and OAC 435:10-7-4(40).

F. Is habitually intemperate or habitually uses habit-forming drugs in violation 59 O.S. §509(4) and OAC 435:10-7-4(3).

G. Is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).

H. Engaged in practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).

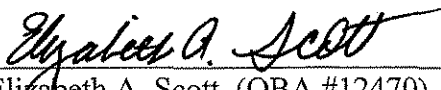
I. Failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).

J. 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).

### *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 physician assistant license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,

  
Elizabeth A. Scott (OBA #12470)  
Assistant Attorney General  
State of Oklahoma  
101 N.E. 51<sup>st</sup> Street  
Oklahoma City, OK 73105  
Attorney for the Plaintiff

**CERTIFICATE OF MAILING**

I certify that on the 6 day of October, 2010, I mailed by first class mail a true and correct copy of the Amended Complaint to Justin Genson, 7912 Eagle Circle, Oklahoma City, OK 73135.

  
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Janet Swindle