

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

FILED

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

APR 01 2011

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 11-02-4167

JEREMY BRANDON LAMB, P.A.,)
LICENSE NO. PA 1870,)

Defendant.)

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 Complaint against the Defendant, Jeremy Brandon Lamb, 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 physician assistants in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* and §519.1 *et seq.*

2. Defendant, Jeremy Brandon Lamb, P.A., holds Oklahoma license no. PA1870 and at the time of the events in question, was employed by Paul Firth, M.D. at his clinic in Clinton, Oklahoma, as well as his clinic in Elk City, Oklahoma.

3. In or around 2010, Defendant worked at the Clinton clinic without any supervision on Tuesdays, Thursdays and Fridays. He worked at the Elk City clinic on Mondays and Wednesdays. His supervisor, Dr. Firth, was at the Elk City clinic half days on Mondays and Wednesdays.

4. Defendant was initially licensed on April 1, 2010 and had only been practicing as a Physician Assistant for five (5) months when he began working at the Clinton clinic by himself.

**PRACTICING OUTSIDE SCOPE OF
PHYSICIAN ASSISTANT LICENSE**

5. While working at the Clinton clinic, Defendant admits that with respect to new patients who came in on days he was practicing by himself, he would actually see the new patient, then in most cases, discuss his assessment with his supervisor, Dr. Firth, by telephone. Dr. Firth would not physically see or examine the patient but in some instances, he would authorize a Schedule II controlled dangerous substance to be prescribed to the new patient. Since Dr. Firth was not present in the clinic, he left pads of "pre-signed" prescriptions for the use of staff in his absence. Defendant would then fill out a pre-signed prescription for a Schedule II controlled dangerous substance and give it to the new patient.

6. Defendant admits that with respect to the use of pre-signed prescriptions, he has prescribed Schedule II controlled dangerous substances on the pre-signed prescriptions both with and without Dr. Firth's prior knowledge.

7. Under the Oklahoma Physician Assistant Practice Act, Physician Assistants are **not allowed** to prescribe Schedule II controlled dangerous substances in an outpatient setting.

8. When Board Investigators learned that Dr. Firth and Defendant were utilizing pre-signed prescriptions in their practices, they confronted Defendant. On the date Board Investigators interviewed Defendant, he admitted that earlier that same day, October 27, 2010, Dr. Firth had contacted him after Board Investigators had interviewed him. Dr. Firth told Defendant to immediately shred all pre-signed prescriptions that Dr. Firth had left for his use. Defendant advised Board investigators that he had in fact shredded approximately thirty (30) pre-signed prescriptions earlier that day.

9. Defendant admitted to Board Investigators that he kept the pre-signed prescriptions in an unlocked drawer in a desk at the clinic.

10. Title 21 CFR §1306.05 provides as follows:

Manner of issuance of prescriptions.

(a) All prescriptions for controlled substances shall be dated as of, and signed on, the day when issued and shall bear the full name and address of the patient, the drug name, strength, dosage form, quantity prescribed, directions for use, and the name, address and registration number of the practitioner.

**PRESCRIBING CONTROLLED DANGEROUS
SUBSTANCE TO FAMILY MEMBER**

11. On or about July 18, 2010, Defendant called in a prescription to the Walgreens in Elk City, Oklahoma for Ambien, a Schedule IV controlled dangerous substance, in the name of

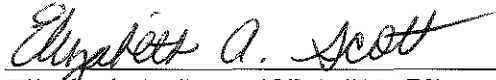
his wife. Walgreens refused to honor the prescription since it was to an immediate family member.

12. Defendant is guilty of unprofessional conduct in that he:
 - A. Violated a provision of the Medical Practice Act or the rules promulgated by the Board pursuant to OAC 435:15-5-11(7).
 - B. Wrote a false or fictitious prescription for any drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs in violation of 59 O.S. § 509 (11).
 - 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. Prescribed, sold, administered, distributed, ordered, or gave any 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).
 - E. 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).
 - F. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4 (27).

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,



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