

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

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

Plaintiff,)

v.)

JEREMY BRANDON LAMB, P.A.,)
LICENSE NO. PA1870,)

Defendant.)

RECEIVED

MAY 11 2011

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

Case No. 11-02-4167

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

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 for the State of Oklahoma, and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Jeremy Brandon Lamb, P.A., Oklahoma physician assistant license no. 1870, who appears in person and pro se, proffer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on April 1, 2011, and acknowledges that hearing before the Board would result in some sanction under the Oklahoma Physician Assistant Practice Act and the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

Defendant, Jeremy Brandon Lamb, P.A., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with him.

PARTIES' AGREEMENT AND STIPULATIONS

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

Findings of Fact

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* . 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, 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).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Physician Assistant Act and 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, Jeremy Brandon Lamb, P.A., Oklahoma physician assistant license no. PA1870, is guilty of unprofessional conduct set forth below based on the foregoing facts:

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).

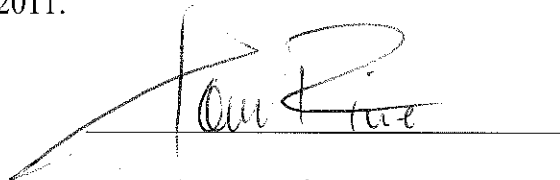
F. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4 (27).

Order

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

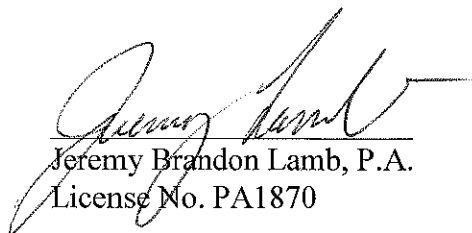
1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.
2. The license of Defendant, Jeremy Brandon Lamb, P.A., Oklahoma physician assistant license no. PA1870, is hereby **SUSPENDED** beginning May 19, 2011, and continuing for a period of **THIRTY (30) DAYS** until June 18, 2011.
3. Defendant shall pay an **ADMINISTRATIVE FINE** in the amount of **\$10,000.00** to be paid on or before August 19, 2011.
4. On or before August 19, 2011, Defendant shall complete a course on prescribing controlled dangerous substances and proper documentation for the prescribing of controlled dangerous substances at a facility approved in advance in writing by the Board Secretary. Defendant shall provide to the Board Secretary proof of completion of said course.
5. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.
6. Defendant's suspended license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs and expenses incurred by the State of Oklahoma.

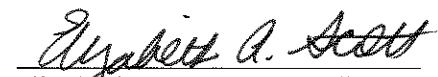
Dated this 19 day of May, 2011.

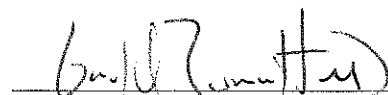
A handwritten signature in black ink, appearing to read "Tom Rine", is written over a horizontal line.

Tom Rine, President
Oklahoma State Board of
Medical Licensure and Supervision

AGREED AND APPROVED

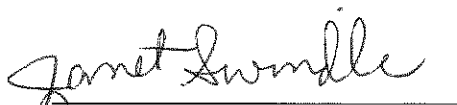

Jeremy Brandon Lamb, P.A.
License No. PA1870


Elizabeth A. Scott, OBA #12470
Assistant Attorney General
State of Oklahoma
101 N.E. 51st Street
Oklahoma City, OK 73105


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

CERTIFICATE OF MAILING

I certify that on the 20 day of May, 2011, a mailed a true and correct copy of the Order Accepting Voluntary Submittal to Jurisdiction to Jeremy Brandon Lamb, 101 Foxridge, Elk City, OK 73644.


Janet Swindle