



### Agreements and Stipulations

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

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*
2. Defendant, Mebin Babu Thomas, P.A., holds Oklahoma license no. 1887.
3. Defendant has been licensed with the State of Oklahoma since February, 2010 and has had no prior complaints filed against him with the Board.
4. Defendant works for the OKC Psychiatric Services where he is supervised by Dr. Hasiam Al-Khouri, ("Defendant's Supervising Physician"), and is also employed as a General Medicine PA in a rural clinic in Davenport, Oklahoma.
5. The complaint against Defendant originates from a formal Complaint and Citation having been filed against Hasiam Al-Khouri, M.D., case no. 10-09-4073. This matter is in reference to prescribing violations/use of pre-signed prescriptions, all associated with case no. 10-09-4073, for Schedule II Narcotics. The provisions set forth for this type of prescriptive authority by a P.A, in this case Defendant, would only allow for a prescription for a Schedule II Narcotic in a remote care setting, and/or as an on-site emergency, but there are no provisions for pre-signed prescriptions.
6. Board Investigator KR discovered, during the investigation of the above-referenced case, that there is testimony by clinic staff witnesses that Defendant would write prescriptions on pre-signed scripts for medications, such as Focalin among others, which are Schedule II medications, without the supervision of Defendant's Supervising Physician. Witness testimony also consists of a staff member retrieving pre-signed prescriptions from Defendant's Supervising Physician at St. Anthony's Hospital (while parking in the fire lane), on three (3) or four (4) separate occasions for the purpose of those pre-signed scripts to be used at the clinic by Defendant without Defendant's Supervising Physician's supervision. Clinic staff further reported that Defendant's Supervising Physician did not come into the office on Wednesdays, as well as other days, until 11:00 a.m. or 11:30 a.m. while prescriptions for Schedule II Narcotics were being filled at the in-house pharmacy, as well as other pharmacies in the Oklahoma City area.
7. Prescriptions were retrieved from the in-house pharmacy for Schedule II Narcotics that were written on May 16, 2012 and there appeared to be a discrepancy in the body of the script and the signature. This was also a day that was confirmed by staff that Defendant's Supervising Physician was not in the office until after 11:30 a.m. and was also confirmed by patients/guardians for which Defendant wrote the prescription. Defendant also admitted to the use of pre-signed prescriptions with Defendant's Supervising Physician out of the office.

8. Defendant admitted to Investigator KR that while a student of the Physician Associate Program at the University of Oklahoma Health Sciences Center, under the direction of Defendant's Supervising Physician, as his assigned Preceptor, he was provided pre-signed prescriptions to utilize without supervision or direction from Defendant's Supervising Physician or any other physician. Defendant reported this to be a routine practice with the students. Further, Defendant reported to have been given six (6) to nine (9) pre-signed scripts at a time but, if necessary, he could request more and there were others available in Defendant's Supervising Physician's desk drawer.
9. Defendant admitted that he is paid per patient and he did not make any money if he was unable to complete the visit. Specifically, he received no compensation on patients he saw in the absence of his supervising physician if he did not use the pre-signed prescriptions.
10. This practice of using pre-signed prescriptions continued up to the point of a visit made to the office by Board Investigator KR on May 17, 2012 which was initiated as a result of receiving an anonymous complaint. Board Investigator KR visited the office to perform a Medical Office Audit. During the Office Audit, pre-signed prescriptions were confiscated from Defendant's Supervising Physician's office as a Public Safety Measure.
11. Defendant reported that there had been a period of time where they had either attempted to schedule the patients who needed Schedule II scripts in the afternoon, or the prescription could be made out the previous day. This was the practice for two (2) to three (3) months when he was initially hired for this practice.
12. Defendant reported knowing this practice of utilizing pre-signed scripts was wrong, but because he was compensated by the number of visits completed, he would not make any money otherwise. Defendant also reported that having a patient wait for hours for a script to be signed by Defendant's Supervising Physician was not good practice or patient care. Therefore, as done in the past, the office utilized pre-signed prescriptions.
13. Defendant admitted this practice of utilizing pre-signed prescriptions was taking place until this investigator visited the office following the anonymous complaint of pre-signed prescriptions on May 17, 2012. During the visit of May 17, 2012, an Office Survey was completed along with the confiscation of pre-signed prescriptions from Defendant's Supervising Physician's desktop. Since Defendant's Supervising Physician had been served with a Complaint and Citation by Board Investigator KR on April 6, 2012, this meant he had continued his practice of using pre-signed prescriptions at this facility.
14. At this time Defendant also denied the use of pre-signed scripts by himself or others. He later stated that he was scared of losing his job, especially when being questioned in the clinic environment, where the walls are paper thin. Defendant reports that he respects Defendant's Supervising Physician and his practice of psychiatric medicine to the

population in which he services most.

15. On May 24, 2012, while at the pharmacy located in the lobby of the clinic, Board Investigator KR obtained seven prescriptions that witnesses reported were pre-signed by Defendant's Supervising Physician, and then completed by Defendant, for Schedule II narcotics. These prescriptions were given to patients while being seen by Defendant while Defendant's Supervising Physician was off site on May 16, 2012. This was verified by Employee AS, Employee AL, Pharm MP, Pharm D and was eventually admitted by Defendant on July 13, 2012. Defendant admits to writing not only these, but also other prescriptions for, Schedule II Narcotics without supervision on pre-signed prescription pads.
16. Further, Defendant reported that his interviews prior to the one attended at the Board with his attorney were not truthful due to his feeling of discomfort in the environment in which he was interviewed.

### **Conclusions of Law**

17. Defendant is guilty of unprofessional conduct in that he has engaged in:
  - A. Practicing outside the scope of his license as documented in the Physician Assistant Act: 435:15-5-1. Supervision; physician responsibility; independent care prohibited - (b) A physician assistant must function only under the supervision of a licensed physician. Nothing in the Physician Assistant Act shall be construed to permit physician assistants to provide health care services independent of physician supervision;
  - B. Prescribing outside the scope of his license as documented in the Physician Assistant Practice Act: 435:15-11-1. Prescriptive and dispensing authority - (a) A Physician Assistant who is recognized by the Board to prescribe under the direction of a supervision physician and is in compliance with the registration requirements of the Uniform Controlled Dangerous Substances Act, in good faith and in the course of professional practice only, may issue written and oral prescriptions and orders for medical supplies, services and drugs, including controlled medications in Schedules III, IV, and V pursuant to 63 O.S. §2-312 as delegated by the supervising physician and as approved in the Physician Assistant Drug Formulary (OAC 435:15-11-2);
  - C. Violating any provision of the Medical Practice Act or the rules promulgated by the Board as documented in the Physician Assistant Practice Act 435:15-5-11 - Grounds for disciplinary action (7);

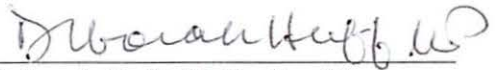
- D. Dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public as documented in Title 59 O.S. §509.8;
- E. The writing of false or fictitious prescriptions for any drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs as documented in Title 59 O.S. §509.11;
- F. Violating any state or federal law or regulation relating to controlled substances as documented in Title 435-10-7-4.27 of the Oklahoma Administrative Code; and
- G. 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 patients, the drug name, strength dosage form, quantity prescribed, directions for use and name, address and registration number of the practitioner as stated in Federal Code 21-CFR-Section 1306.05 – Manner of issuance of prescription.

### Order

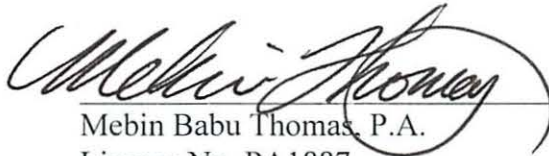
**IT IS THEREFORE ORDERED** by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The Board en banc hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.
2. Pursuant to the parties voluntary agreement and submittal to jurisdiction, Mebin Babu Thomas, P.A., holding Oklahoma license no. PA1887, is hereby **FORMALLY REPRIMANDED**.
3. Defendant shall pay an **ADMINISTRATIVE FINE** in the amount of **\$5,000.00** to be paid on or before one year from the date of this Voluntary Submittal to Jurisdiction.
4. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.
5. A copy of this written order shall be sent to Defendant as soon as it is processed.

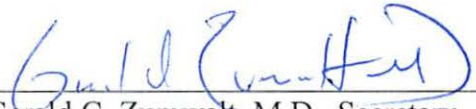
Dated this 11<sup>th</sup> day of May, 2013.



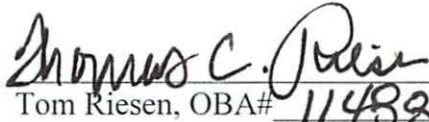
Deborah Huff, M.D., President  
Oklahoma State Board of Medical  
Licensure and Supervision



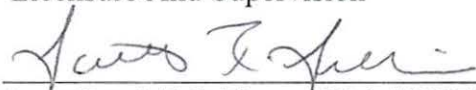
Mebin Babu Thomas, P.A.  
License No. PA1887



Gerald C. Zumwalt, M.D., Secretary  
Oklahoma State Board Of Medical  
Licensure And Supervision



Tom Riesen, OBA# 11483  
5100 Classen Boulevard, Suite 404  
Oklahoma City, OK 73118  
Attorney for Defendant

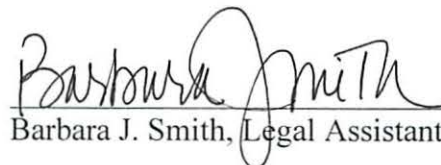


Scott Randall Sullivan, OBA #11179  
101 N.E. 51<sup>st</sup> Street  
Oklahoma City, OK 73105

Attorney for Oklahoma State Board of  
Medical Licensure and Supervision

**CERTIFICATE OF MAILING**

This is to certify that on this 16<sup>th</sup> day of May, 2013, a true and correct copy of  
this order was mailed, postage prepaid, to Mr. Tom Riesen, 5100 Classen Blvd., Suite 404,  
Oklahoma City, OK 73112.



Barbara J. Smith, Legal Assistant