

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

**FILED**

**JUL 18 2002**

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

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )

v. )

**Case No. 00-11-2276**

RICKY JOE NELSON, M.D. )  
MEDICAL LICENSE NO. 18882 )

Defendant. )

**VOLUNTARY SURRENDER OF LICENSE**  
**IN LIEU OF PROSECUTION**

State of Oklahoma )  
 )  
OKLAHOMA County )

I, Ricky Joe Nelson, M.D., being of lawful age and after first being duly sworn, depose and state as follows:

1. I hereby voluntarily surrender my Oklahoma medical license no. 18882.
2. The surrender of my license is freely and voluntarily made. I have not been subject to any coercion or duress, and I am fully aware of the consequences of the surrender of my license.
3. I am the subject of a Complaint before the Oklahoma State Board of Medical Licensure and Supervision involving allegations that if proven, would constitute grounds for disciplinary action by the Board.
4. The allegations to which I have plead guilty are as follows:
  - A. Defendant, Ricky Joe Nelson, M.D., holds Oklahoma license no. 18882
  - B. During an approximate two (2) month period in 1999, Defendant wrote

prescriptions over the Internet for NMC Marketing. According to the Defendant, NMC Marketing would have a patient answer medical questions on a form via the Internet. The completed questionnaire would then be placed on a web page where Defendant would review the answers to these questions over the Internet, then would prescribe drugs to these patients. Once Defendant reviewed the questionnaire, his prescription, by electronic signature, would go to Rx Direct to be filled. Defendant claims that most of the prescriptions he wrote for NMC Marketing were for Viagra. Defendant admits that he did not talk to patients with NMC, but would only review the forms filled out by the patients via the Internet. Defendant received \$10.00 per prescription that he wrote from NMC.

C. On or about July 3, 1999, Patient RBW, a resident of the state of North Carolina, contacted the Pillbox, an Internet pharmacy, regarding obtaining controlled dangerous substances over the Internet. The Internet pharmacy advised Patient RBW to contact Defendant at 4:00 p.m. on July 3, 1999. At that time, Defendant allegedly reviewed the medical history questionnaire provided by the pharmacy over the Internet, spoke with the patient over the telephone, and prescribed 100 Hydrocodone with two (2) refills and 100 Diazepam with two (2) refills to be filled at the originating Internet pharmacy.

D. On or about June 21, 2000, Patient JMW, a resident of the state of Kentucky, contacted the Pillbox pharmacy regarding obtaining controlled dangerous substances over the Internet. The Internet pharmacy advised Patient JMW to contact Defendant at 2:40 p.m. on June 21, 2000. At that time, Defendant allegedly reviewed the medical history questionnaire provided by the pharmacy over the Internet, spoke with the patient over the telephone, and prescribed 100 Hydrocodone with two (2) refills and 100 Diazepam with two (2) refills to be filled at the originating Internet pharmacy.

E. On or about July 24, 2000, Patient MBW, a resident of the state of Tennessee, contacted the Pillbox pharmacy regarding obtaining controlled dangerous substances over the Internet. The Internet pharmacy advised Patient MBW to contact Defendant. At that time, Defendant allegedly spoke with the patient over the telephone and prescribed 100 Hydrocodone with two (2) refills and 100 Diazepam with two (2) refills to be filled at the originating Internet pharmacy.

F. On or about July 26, 2000, Patient GSW, a resident of the state of Illinois, contacted the Pillbox pharmacy regarding obtaining controlled dangerous substances over the Internet. The Internet pharmacy advised Patient GSW to contact Defendant at 2:30 p.m. on July 26, 2000. At that time, Defendant allegedly reviewed the medical history questionnaire provided by the pharmacy over the Internet, spoke with the patient over the telephone, and prescribed 100 Hydrocodone with two (2) refills and 100 Diazepam with two (2) refills to be filled at the originating Internet pharmacy.

G. On or before August 24, 2000, Patient EMW, a resident of the state of Ohio, was the subject of an investigation by the United States Department of Justice concerning marijuana trafficking. During this investigation, the Department of Justice intercepted telephone calls between Patient EMW and a person named "Brian" at the Pillbox pharmacy regarding

more than two (2) servings of alcohol per day. The questionnaire did not contain any report on the patient's blood pressure. The Defendant then authorized a prescription for four (4) Viagra to be filled at through the originating Internet pharmacy by Value Drugs in Sun City, Arizona.

M. When Steve Washbourne, Oklahoma State Board of Medical Licensure and Supervision investigator, interviewed Defendant along with Special Agent Kent Wood of the Federal Food and Drug Administration, Defendant admitted to them that he has an Alabama driver's license and claims to be an Alabama resident with a domicile in Oklahoma, and that he drives two (2) vehicles, both with expired tags and registered to his mother and to his former business. Defendant additionally admitted that the checks he received from NMC as payment for prescriptions authorized by him were not made out to him, but were made out to "Night Hawk" to avert lawyers who were after him.

N. Defendant additionally prescribed controlled dangerous drugs and other Dangerous drugs over the Internet through numerous other pharmacies and websites, including, but not limited to, NationPharmacy, Main Street Pharmacy, Friendly Pharmacy, Horizon Medical, Rx Direct, Prescriptions Quick, Express Today, Good Pills, The Medicine Mart, New Age Medical, Empire Drugs, Value Drugs, Emerald Coast Services, Buy-viagra-discreetly.com, Mock's Pharmacy, Tabor City Medicine Mart, Cyberpharmacy, Rx Discreet, S-W Pharmicon and Long's Pharmacy. Defendant authorized prescriptions through these pharmacies and websites without any physical examination of the patients and in most instances, without ever speaking directly with the patients. The patients were located across the United States. Upon information and belief, Defendant was paid \$40-50 per prescription, and funds received by Defendant were sent to bank accounts outside of the United States, including Antiqua and Costa Rica.

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

A. Procured, aided or abetted a criminal operation in violation of 59 O.S. §509(1).

B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11).

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(14) and OAC 435:10-7-4(39).

D. 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(13).

- E. 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(19).
- F. Engaged in indiscriminate or excessive prescribing, dispensing or administering of Controlled or Narcotic drugs in violation of OAC 435:10-7-4(1).
- G. Engaged in gross or repeated negligence in the practice of medicine and surgery in violation of OAC 435:10-7-4(15).
- H. Directly or indirectly gave or received any fee, commission, rebate, or other compensation for professional services not actually and personally rendered in violation of OAC 435:10-7-4(30).
- I. Confessed to a crime involving a violation of the anti-narcotic laws of the federal government or the laws of this state in violation of 59 O.S. §509(8) and 63 O.S. §2-404 and OAC 435:25-1-3.
- J. 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(10).
- K. Prescribed a controlled substance without medical need in accordance with published standards in violation of 59 O.S. §509(17) and OAC 435:10-7-4(2) and (6).
- L. Violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27), 63 O.S. §2-404 and OAC 475:25-1-3.
- M. Engaged in improper management of medical records in violation of OAC 435:10-7-4(36).
- N. Failed to provide a proper setting and assistive personnel for medical acts, including, but not limited to examination, surgery, or other treatment in violation of OAC 435:10-7-4(41). Adequate medical records to support treatment or prescribed medications must be produced and maintained.
- O. Has utilized his Oklahoma license for practice in another state, territory, district or federal facility and has violated any laws in the state in which he is practicing or any federal, territorial or district laws that are in effect in the location in which he is using

his Oklahoma license to practice in violation of OAC 435:10-7-4(46).

P. Failed to obtain informed consent, based on full and accurate disclosure of risks, before prescribing, dispensing, or administering medical treatment for the therapeutic purpose of relieving pain in accordance with Oklahoma Administrative Code 435:10-7-11 where use may substantially increase the risk of death in violation of OAC 435:10-7-4(48).

5. I hereby submit my wallet card and wall certificate as evidence of my intent to surrender my license.

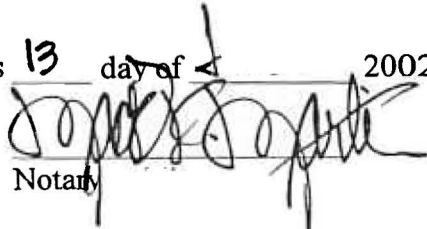
6. I hereby agree that I will not apply for reinstatement of my Oklahoma medical license for a minimum of one year from the entry of the Order Accepting Voluntary Surrender in Lieu of Prosecution, and that if the Board ever reinstates my Oklahoma medical license, it will be under terms of probation to be set by the Board at the time of reinstatement.

7. As a condition to accepting my surrender of license in lieu of prosecution, I acknowledge that the Board may require me to pay all costs expended by the Board for any legal fees and costs, and any investigation, probation and monitoring fees, including but not limited to staff time, salary and travel expense, witness fees and attorney fees.

DATED this 13 day of June, 2002.


  
Ricky Joe Nelson, M.D.

Subscribed and sworn before me this 13 day of June, 2002.

  
Notary

My commission expires on 9/10/2002.  
Commission # 98015099

**ACCEPTED:**

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

Date: 6-14-02