

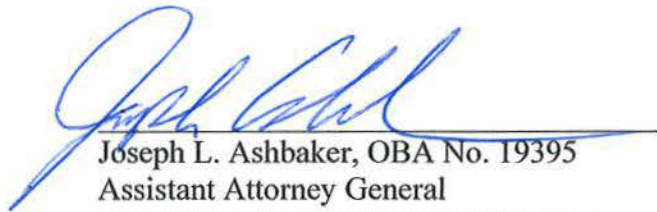
4. On January 2, 2020, Defendant was interviewed at his home regarding his former employer's allegation that he had relapsed and was fired. Defendant appeared somewhat unkept, his hands were shaking and he said he was sick with cold-like symptoms. Defendant was asked about the allegation that he had used a powdery substance in an exam room which was observed on Camera. Defendant explained he had gotten fed up at work and intentionally went into the exam room where he knew there were cameras. He cracked open a Tylenol capsule and poured out the contents onto the exam table and pretended to snort it. Defendant then turned around and flipped off the camera in defiance and to make Defendant's employer think he had relapsed and it was the employer's fault. Defendant then relayed that when he was confronted by his employer, Defendant said he would submit to a UA but one was never obtained. Defendant admitted to a previous opioid addiction in 2012 when he joined OHPP where he signed and completed a 6-year contract that ended in late 2018. Defendant denied full blown relapse but admitted he was prescribed Norco by his dentist in March, 2018. He took them as directed for implant surgery but had 3 pills left over. He subsequently injured his shoulder and took the left-over pills. He also admitted that he has been stressed over his marriage and work situation and was recently prescribed Xanax. Defendant is also prescribed Adderall ER and Ambien. Defendant agreed he has gotten "sloppy" with his recovery and is willing to comply with any Board recommendations. Defendant was referred for a hair follicle test to be completed within 24 hours by 4:30pm on January 3, 2020 at First Choice Urgent Care through our Affinity contract.
5. Defendant was asked who his PCP was and he said his friend, Dr. H, who works at Comanche County Hospital. Defendant was informed that Dr. H hadn't worked there for many months, yet he was still writing scripts on their RX pads. Defendant didn't seem to think that was an issue and said his friend, Dr. H, would give him the scripts when they saw each other when Dr. H comes back to Oklahoma to see his family. Defendant stated he did not know where Dr. H kept his medical record. No record for Dr. H has been produced by Defendant to date.
6. After the interview, Board Investigator Robbin Roberts learned that Defendant has also been prescribing CDS to Dr. H. Robbin Roberts served Defendant with a subpoena for Dr. H's medical record on January 24, 2020. He said he had a record but would have to locate it since he kept it at home and had recently moved and files were still boxed up. Robbin Roberts emailed and called Dr. H about producing the medical record for Defendant and one was provided.
7. On January 10, 2020, hair follicle test results on Defendant were received and were positive for amphetamines and opiates. Defendant was referred to PRC for a substance abuse assessment and he immediately made an appt for their first availability which was Monday, January 20, 2020. Defendant reported to them as scheduled and was released the evening of January 23, 2020. PRC did not endorse Defendant to return to practice at that time. Dr. Lynch signed an ANTP with an effective date of Monday, January 27, 2020.
8. On February 20, 2020, Defendant began an expected 12-week treatment program at Pine Grove Treatment Center. Defendant's treatment is still ongoing.

III. VIOLATIONS

9. Based on the foregoing, the Defendant is guilty of unprofessional conduct as follows:
- a. Habitual intemperance or the habitual use of habit-forming drugs in violation of Title 59 § 509(4):
 - b. Dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public in violation of Title 59 § 509(8):
 - c. Failure 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 Title 59 § 509(18):
 - d. The inability 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 physical condition in violation of Title 59 § 509(15) and OAC 435:10-7-4(40):
 - e. The habitual or excessive use of any drug which impairs the ability to practice medicine with reasonable skill and safety to the patient in violation of OAC 435:10-7-4(3):

CONCLUSION

Given the foregoing, the undersigned requests 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 the Defendant's professional license, including an assessment of costs and attorney's fees incurred in this action as provided by law.



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VERIFICATION

I, Robbin Roberts, under penalty of perjury, under the laws of the State of Oklahoma, state as follows:

1. I have read the above Complaint regarding the Defendant, James Lynch, M.D.; and
2. The factual statements contained therein are true and correct to the best of my knowledge and belief.



Robbin Roberts, Investigator
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Date:

6-16-20
Oklahoma