

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,)

MAY 28 2004

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

Case No. 04-05-2817

JEGAN JABEZ, M.D.,)
LICENSE NO. 19201,)

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, Jegan Jabez M.D., 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 physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.*

2. Defendant, Jegan Jabez, M.D., holds Oklahoma license no. 19201

3. On or about October 25, 2001, Patient SJK completed an Interactive Consultation Form through an Internet site known as virtualmedicalgroup.com. Based upon the Interactive Consultation Form, Defendant prescribed Cipro to Patient SJK. On or about October 26, 2001, Patient SJK received an order confirmation that her order for Cipro was being filled. On or about October 27, 2001, Patient SJK received her order for Cipro from 1stOnlinePharmacy900, located in North Carolina. Upon information and belief, Defendant failed to keep written medical records justifying the course of treatment to Patient SJK, he failed to perform a physical examination prior to prescribing the Cipro, he failed to obtain a complete history on Patient SJK, and he failed to make a diagnosis or treatment plan for Patient SJK prior to prescribing the Cipro.

4. On or about November 4, 2003, Defendant entered into a Consent Agreement with the Florida Board of Medicine whereby he agreed to pay a ten thousand dollar (\$10,000.00) administrative fine, he received a Letter of Concern and was required to obtain continuing medical education within one (1) year.

- 5 Defendant is guilty of unprofessional conduct in that he:
- A. 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).
 - B. 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).
 - C. 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).
 - D. 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).
 - E. 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).
 - F. Engaged in improper management of medical records in violation of OAC 435:10-7-4(36).
 - G. 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.

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 medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



Elizabeth A. Scott (OBA #12470)

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Attorney for the Plaintiff