

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,)

AUG 13 2004

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 04-05-2817

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

Defendant.)

FINAL ORDER ISSUING LETTER OF CONCERN

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on July 29, 2004, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and pro se.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

Findings of Fact

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

4. 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.

5. 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.

6. 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.

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to 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 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.

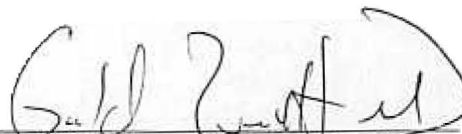
3. The Board further found that a letter of concern should be placed in Defendant's public file based upon his violations of 59 O.S. §509((9), (13), (14) and (19), and OAC 435:10-7-4(11), (30), (36), (39) and (41).

Order

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


1. Jegan Jabez, M.D., Oklahoma license no. 19201, is hereby issued a **LETTER OF CONCERN** to be placed in his public file.

Dated this 3 day of August, 2004.


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

CERTIFICATE OF SERVICE

I certify that on the 16 day of August, 2004, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order Issuing Letter of Concern to Jegan Jabez, 8734 Valley View Drive, Berrien Springs, Michigan 49103.


Janet Swindle