

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, )

FEB - 6 2003

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )

Case No. 02-04-2498

LONNIE WILLIAM LITCHFIELD, M.D., )  
LICENSE NO. 19449 )

Defendant. )

**FINAL ORDER OF SUSPENSION**

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on January 17, 2003, 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 through counsel, Linda G. Scoggins and John N. Goodman.

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, Lonnie William Litchfield, M.D., holds Oklahoma license no. 19449.

4. Defendant practices at the Pain Management and Rehabilitation Center in Oklahoma City, Oklahoma with Troy Tortorici, M.D. During the relevant time at issue, Defendant employed numerous chiropractors, including but not limited to Steve Sweeney, Kris Wilson, Bradley Cockings, Robert Harvey, Ron Brown and Kristi Farrell.

5. Although he did not physically practice there, Defendant and Dr. Tortorici also had an office in Del City known as the Mid-Del branch of the Pain Management and Rehabilitation Clinic. Defendant admits that although he never treated patients at the Mid-Del Clinic, prescriptions for controlled dangerous drugs were called in and authorized by him for patients seen at the Mid-Del Clinic prior to ever being seen or examined by him or any licensed medical doctor and without him having established a legitimate physician patient relationship.

6. The chiropractors employed at the Mid-Del Clinic have admitted that when patients came to the Mid-Del Clinic for an initial evaluation or follow-up treatment, when narcotics were requested, the customary procedure was for the chiropractor to call the Defendant or Dr. Tortorici directly to obtain authorization for the ordering of narcotics. The chiropractors have admitted that this was done prior to the patient ever seeing the physician and that some patients even received refills of their narcotics without having ever seen the physician.

7. On or about January 24, 2001, Patient AHW, an employee of Defendant, received a prescription from Defendant for Meridia with three (3) refills. On or about March 23, 2001, Patient AHW received a prescription from Defendant for Percocet 10 mg. with one (1) refill. The prescription on Percocet does not contain an original signature but instead contains the stamped signature of Defendant. A review of Defendant's records reveals that Defendant kept no chart on Patient AHW, that he did not perform a physical examination on this patient, that he did not establish a legitimate medical need for the medical treatment, that he did not establish a valid physician patient relationship prior to prescribing the medications, and that he did not maintain any office record which accurately reflected that evaluation, treatment and medical necessity of treatment of the patient.

8. According to records obtained from the Oklahoma State Bureau of Narcotics and Dangerous Drugs, on or about November 20, 2000 and on June 4, 2001, Defendant wrote prescriptions for Meridia and for Percocet 5 mg., a Schedule II controlled dangerous drug to Jennifer Tortorici, the wife of his partner, Troy Tortorici. A review of Defendant's records reveals no indication that Defendant ever performed a physical examination on this patient relating to these prescriptions, that he did not establish a legitimate medical need for the medical treatment, that he did not establish a valid physician patient relationship prior to prescribing the medications, and that he failed to maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

9. Beginning October 6, 1998 and continuing through July 25, 2002, Patient LCW received narcotics from Defendant. A review of Patient LCW's chart and pharmacy records reveals that during this time, Patient LCW received 138 prescriptions for MS Contin 15 mg., MS Contin 30 mg., MS Contin 60 mg. and Dilaudid 4 mg., all Schedule II controlled dangerous drugs, for a total of 16,870 dosage units for an average of **12.2 dosage units per day of**

**Schedule II controlled dangerous drugs.** A review of Defendant's records reveals no indication that Defendant ever performed a physical examination on this patient until July 1, 2002, after Board investigators had contacted Defendant, that he did not establish a legitimate medical need for the medical treatment, that he did not establish a valid physician patient relationship prior to prescribing the medications, and that he failed to maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

10. On or around November 26, 2001, Patient SPW was seen and treated in Defendant's office. On this same date, she received prescriptions for Lortab and Flexeril. Patient SPW subsequently received prescriptions for Lortab on December 27, 2001 and January 14, 2002, and for Percocet on February 1, 2002, which prescription did not contain an original signature, but instead contained Defendant's stamped signature. A review of Defendant's records reveals no indication that Defendant ever performed a physical examination on this patient, that he did not establish a legitimate medical need for the medical treatment, that he did not establish a valid physician patient relationship prior to prescribing the medications, and that he failed to maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

11. On or about November 2, 2001 and November 12, 2001, Patient EFW received prescriptions for Lortab from Defendant. One of these prescriptions did not contain an original signature, but instead contained Defendant's stamped signature. A review of Defendant's records reveals no indication that Defendant ever performed a physical examination on this patient, that he did not establish a legitimate medical need for the medical treatment, that he did not establish a valid physician patient relationship prior to prescribing the medications, and that he failed to maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

12. On or about January 2, 2001, Patient BEW was seen and treated in Defendant's office. Patient BEW's chart contains an unsigned medical report that Defendant had examined Patient BEW on this date and prescribed Lortab for him at that time. A prescription for Lortab written that day to Patient BEW was not written by Defendant, but instead contained the stamped signature of his partner, Troy Tortorici, M.D. The prescription log for Patient BEW reveals eleven (11) prescriptions for Soma and Lortab between November 5, 2001 and February 19, 2002. The prescription log does not contain the January 2, 2001 prescription. Patient BEW's chart does not indicate whether Defendant or his partner, Troy Tortorici, M.D. prescribed each of these medications. Patient BEW claims that he was never examined or treated by Defendant or Dr. Tortorici. A review of Defendant's records additionally reveals no indication that Defendant ever performed a physical examination on this patient, that he did not establish a legitimate medical need for the medical treatment, that he did not establish a valid physician patient relationship prior to prescribing the medications, and that he failed to maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

13. Beginning August 30, 1999 and continuing through April 8, 2002, Patient HVW was seen and treated with physical therapy in Defendant's office. Patient HVW's chart reveals that during this time, she received twelve (12) prescriptions for Lortab and Soma, as well as prescriptions for other non-controlled medications. A review of Defendant's records reveals no indication that Defendant ever performed a physical examination on this patient, that he did not establish a legitimate medical need for the medical treatment, that he did not establish a valid physician patient relationship prior to prescribing the medications, and that he failed to maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

14. On or about April 26, 2001 September 10, 2001, November 5, 2001, November 12, 2001, and April 22, 2002, Patient RCW received ten (10) prescriptions for Lortab, Oxycontin, and Percocet from Defendant. A review of Defendant's records reveals no indication that Defendant ever performed a physical examination on this patient, that he did not establish a legitimate medical need for the medical treatment, that he did not establish a valid physician patient relationship prior to prescribing the medications, and that he failed to maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

15. On or about January 2, 2001 and February 28, 2001, Patient CCW was seen and treated in Defendant's office. Subsequently, on January 2, 2002 and January 14, 2002, Patient CCW received prescriptions for Lortab from Defendant. Neither of these prescriptions contained the original signature of Defendant, but instead contained his stamped signature. A review of Defendant's records reveals no indication that Defendant ever performed a physical examination on this patient, that he did not establish a legitimate medical need for the medical treatment, that he did not establish a valid physician patient relationship prior to prescribing the medications, and that he failed to maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

16. Beginning June 18, 2001 and continuing through December 18, 2001, Patient ADW was seen and treated in Defendant's office. An unsigned medical report reflects that Patient ADW received a prescription for Lortab from Defendant on June 18, 2001. Patient ADW additionally received a prescription for Lortab from Defendant on June 27, 2001 which did not contain the original signature of Defendant, but instead contained his stamped signature. From September 24, 2001 through October 29, 2001, Patient ADW received six (6) prescriptions for Lortab and Soma from Defendant. A review of Defendant's records reveals no indication that Defendant ever performed a physical examination on this patient, that he did not establish a legitimate medical need for the medical treatment, that he did not establish a valid physician patient relationship prior to prescribing the medications, and that he failed to maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

17. Beginning on or around February 19, 2001 and continuing through January 21, 2002, Patient JAW was seen and treated in Defendant's office. Patient JAW's chart reflects that beginning January 7, 2002 and continuing through April 29, 2002, Patient JAW received

fourteen (14) prescriptions for Lortab, Soma and MSContin, one of which was post-dated by Defendant. A review of Defendant's records reveals no indication that Defendant ever performed a physical examination on this patient, that he did not establish a legitimate medical need for the medical treatment, that he did not establish a valid physician patient relationship prior to prescribing the medications, and that he failed to maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

18. Defendant admitted that on April 18, 2002, a prescription signed by him for Lortab was given to Patient ANW by Steve Sweeney, the chiropractor he employs. On this date, Patient ANW was treated only by the chiropractor. Defendant also admitted that he was not present in the office on April 18, 2002 when the narcotics were prescribed to Patient ANW. Defendant additionally admitted that he had left pre-signed prescriptions in his office earlier that week that were subsequently filled out by office staff, and that one of these pre-signed prescriptions for Lortab had been given to Patient ANW. A review of Patient ANW's chart reveals no indication that Defendant ever performed a physical examination on this patient, that he did not establish a legitimate medical need for the medical treatment, that he did not establish a valid physician patient relationship prior to prescribing the medications, and that he failed to maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

19. Defendant admitted to a Board investigator that he has used pre-signed and stamped prescriptions, and that pain medication has been prescribed prior to the patient seeing either him or his partner, Troy Tortorici, M.D. Defendant admitted that it was possible for patients to receive controlled dangerous substances without having ever seen either him or his partner, Troy Tortorici, M.D.

20. Defendant's partner, Troy Tortorici, M.D., has admitted to a Board investigator that the practice with respect to treatment of patients seen at the Pain Management and Rehabilitation Center was for Steve Sweeney, the chiropractor, to examine, diagnose and treat the patients, after which time the chiropractor would sometimes, but not always, call Defendant or Dr. Tortorici on the telephone. The Defendant or Dr. Tortorici would then call the chiropractor and prescribe the controlled dangerous substances to the patient. In some instances, pre-signed or stamped prescriptions were given to patients without the chiropractor ever contacting Defendant.

21. For the past three (3) years, Defendant and his staff have utilized a stamped signature on his prescriptions, including those for Schedule II controlled dangerous drugs. A review of the records of Reliable Discount Pharmacy in Oklahoma City, Oklahoma reveals that between August 3, 2001 and January 7, 2002, Defendant issued seven (7) separate prescriptions for Oxycontin and Percocet, both Schedule II controlled dangerous drugs, on prescriptions which did not contain his original signature, but instead contained his stamped signature. Other than the stamped signature, the writing on the prescriptions is not that of Defendant, but is that of the office receptionist, Andrea Hallman. All but one of these prescriptions were written and stamped on days when Defendant was not scheduled to be in the clinic.

22. A review of the records of Pan Med Pharmacy in Oklahoma City, OK reveals numerous other stamped prescriptions for Schedule III through IV controlled dangerous drugs. Other than the stamped signature, the writing on the prescriptions is not that of the Defendant, but is that of the office receptionist, Andrea Hallman, or in some instances, the actual prescription, including the drug, dosage and instructions, are also stamped.

23. Defendant has admitted that subsequent to being contacted by Board investigators, he or his office staff at his direction changed or supplemented patient charts.

24. 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. Aided or abetted, directly or indirectly, the practice of medicine by any person not duly authorized under the laws of this state in violation of 59 O.S. §509(15) and OAC 435:10-7-4(21).

D. Prescribed a drug without sufficient examination and establishment of a valid physician patient relationship in violation of 59 O.S. §509(13).

E. 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), 63 O.S. §2-404, OAC 475:25-1-3 and OAC 475:30-1-4.

F. 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).

G. 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) and 435:10-7-4(41).

H. 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.

I. Engaged in the delegation of authority to another person for the signing of prescriptions for either controlled or non-controlled drugs in violation of OAC 435:10-7-4(7).

J. Engaged in the improper management of medical records in violation of OAC 435:10-7-4(36).

### *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. Aided or abetted, directly or indirectly, the practice of medicine by any person not duly authorized under the laws of this state in violation of 59 O.S. §509(15) and OAC 435:10-7-4(21).

D. Prescribed a drug without sufficient examination and establishment of a valid physician patient relationship in violation of 59 O.S. §509(13).

E. 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), 63 O.S. §2-404, OAC 475:25-1-3 and OAC 475:30-1-4.

F. 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).

G. 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) and 435:10-7-4(41).

H. 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.

I. Engaged in the delegation of authority to another person for the signing of prescriptions for either controlled or non-controlled drugs in violation of OAC 435:10-7-4(7).

J. Engaged in the improper management of medical records in violation of OAC 435:10-7-4(36).

3. The Board further found that the Defendant's license should be suspended based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509 (8), (9), (10), (13), (14), (15) and (19), and OAC Title 435:10-7-4 (7), (11), (21), (27), (36), (39) and (41), 63 O.S. §2-404, OAC 475:225-1-3 and OAC 475:30-1-4.

### *Order*

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

1. The license of Defendant, Lonnie William Litchfield, M.D., Oklahoma license no. 19449, is hereby **SUSPENDED** as of the date of this hearing, January 17, 2003 for **ONE YEAR**.

2. At the conclusion of one (1) year, Defendant shall be placed on **PROBATION** for a period of **FIVE (5) YEARS** following his suspension under the following terms and conditions:

A. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act shall be submitted in writing to the Board and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Oklahoma State Board of Medical Licensure and Supervision.

B. Defendant will keep duplicate, serially numbered



prescriptions of all controlled dangerous substances and addictive drugs readily retrievable, in numerical order and will furnish copies to investigators or other authorized agents of the Board immediately upon request.

C. Defendant will not authorize any personnel under his supervision to initiate an order for a prescription to be issued.

D. Defendant will not allow the independent practice of medicine by any personnel under his supervision or employment.

E. Defendant will furnish to each and every state in which he holds licensure or applies for licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.

F. Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his case, including but not limited to a \$100.00 per month monitoring fee, unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.

G. Within the first year of probation, Defendant shall attend a seminar approved in advance by the Board Secretary for a minimum of ten (10) hours on prescribing controlled dangerous substances and required record keeping. Defendant shall provide to the Board Secretary proof of completion of said seminar.

H. Defendant will not supervise allied health professionals for whom a formal supervisory arrangement is required under Oklahoma law, e.g., physician assistants or advanced registered nurse practitioners.

I. Defendant shall complete two-hundred forty (240) hours of **COMMUNITY SERVICE** under Jane Fitch, M.D., Chair of the University of Oklahoma Health Sciences Center Department of Anesthesiology. Defendant shall complete the community service within the first year of his probation.

J. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of his current address.

K. Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

L. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.


M. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or designee.

N. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

3. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.


4. Defendant's suspended license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs and expenses incurred by the State of Oklahoma.

Dated this 6 day of <sup>Feb</sup> ~~January~~, 2003.

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

#### CERTIFICATE OF SERVICE

I certify that on the 6 day of <sup>Feb</sup> ~~January~~, 2003, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to John Goodman, 301 N. Harvey, Suite 210, Oklahoma City, OK 73102 and to Linda Scoggins, Scoggins & Cross, 3030 City Place Bldg., 204 N. Robinson, Oklahoma City, OK 73102.

  
Janet Swindle