

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

**STATE OF OKLAHOMA, *ex rel.*,
THE OKLAHOMA STATE BOARD
OF MEDICAL LICENSURE AND
SUPERVISION,**)
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Plaintiff,)
)
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vs.)
)
**MICHAEL HUYNH VU, M.D.,
LICENSE NO. MD 19504,**)
)
)
Defendant.)

FILED

JUN 15 2021

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 21-04-5980

VERIFIED COMPLAINT

The State of Oklahoma, *ex rel.*, the Oklahoma State Board of Medical Licensure and Supervision (“Board”), alleges and states as follows for its Complaint against MICHAEL HUYNH VU, M.D. (“Defendant”):

I. JURISDICTION

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, holds Oklahoma medical license number 19504. The acts and omissions complained of herein were made while Defendant was acting as a physician pursuant to the medical license conferred upon him by the State of Oklahoma, and such acts and omissions occurred within the physical territory of the State of Oklahoma.

II. ALLEGATIONS OF UNPROFESSIONAL CONDUCT

3. On February 22, 2021, Defendant’s employer reported that Dr. Vu had repeatedly prescribed CDS and muscle relaxants to DB, a person he had never physically examined. Additionally, he stole medication and supplies from the clinic for personal use and asked a medical assistant to perform trigger point injections in the back of his head and neck. Defendant admitted to all of these things.
4. On April 23, 2021, Board Investigator Robbin Roberts spoke with Dr. Christopher Jason Lepak, M.D., the President and Clinical Dyad Leader for Ascension Medical Group/St. John over the phone. He explained to Investigator Roberts that in December, 2020, an advanced practitioner who worked with Defendant reported to the practice manager that a

CDS refill request from Defendant came through their system, but they had no medical record for such a person (Patient D.B.). Defendant admitted to Dr. Lepak that he had prescribed CDS to patient D.B. without ever seeing her or keeping a record.

5. Dr. Lepak also explained that on December 18, 2020, Defendant worked for the Broken Arrow Clinic and had a medical assistant inject him with trigger point injections. The medical assistant was uncomfortable doing so, but felt she had no choice since Defendant was her boss.
6. On January 8, 2021, Defendant was questioned by Dr. Lepak and another colleague, D. Cupp, and Defendant admitted to prescribing CDS to D.B., a patient's wife, without ever seeing her or keeping a record. He further admitted to having his medical assistant inject him with a syringe filled with Lidocaine that belonged to the clinic. He said he needed it for pain and admitted that he did not have a prescription.
7. Defendant has been licensed since 1996. He was fired in January 2021 from his position at Ascension Medical Group/St. John. He currently works at Harvard Family Physicians Clinic in Tulsa, where he currently advertises on their website that he is board certified in Family Medicine, however, his board certification expired in 2016.

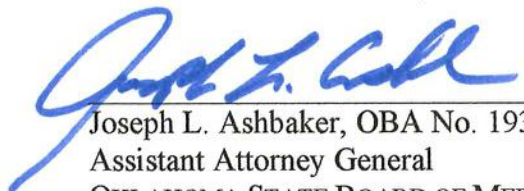
III. VIOLATIONS

8. Based on the foregoing, the Defendant is guilty of unprofessional conduct as follows:
 - a. All advertising of medical business in which statements are made which are grossly untrue or improbable and calculated to mislead the public in violation of Title 59 § 509(6):
 - b. Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship in violation of Title 59§509(12):
 - 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. Dispensing, prescribing or administering a controlled substance or narcotic drug without medical need in violation of OAC 435:10-7-4(6):
 - e. Conduct likely to deceive, defraud, or harm the public in violation of OAC 435:10-7-4(11):
 - f. Failure to provide a proper setting and assistive personnel for medical act, including but not limited to examination, surgery, or other treatment. Adequate medical records to support treatment or prescribed medications must be produced and maintained in violation of OAC 435:10-7-4(41):

- g. Failing 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):
- h. Failure to establish a physician/patient relationship prior to providing patient-specific medical services, care or treatment, except in a clearly emergent, life threatening situation in violation of OAC 435:10-7-4(49).

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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 OKLAHOMA STATE BOARD OF MEDICAL
 LICENSURE AND SUPERVISION
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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, MICHAEL HUYNH VU, 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: 6-9-21

