

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

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

FILED

SEP 16 2021

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 21-04-5980

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), by and through the undersigned counsel for the Plaintiff, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, along with Michael Huynh Vu M.D. (“Defendant”), Oklahoma medical license no. 19504, who appears in person, and through counsel Susan Jordan (collectively, the “Parties”), and offer this Order Accepting Voluntary Submittal to Jurisdiction (herein, “Order” or “Agreement”) for acceptance by the Board. Okla. Admin. Code § 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant admits to the allegations herein contained and further acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (“Act”). 59 O.S. § 480, *et seq.*

Defendant, Michael Huynh Vu M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for an evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement may be reviewed and discussed with him by legal counsel prior to execution.

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Defendant herein, if any, shall not be regarded as evidence against him in a subsequent disciplinary hearing. Defendant will be free to defend himself and no inferences will be made from his willingness to have this Order accepted by the Board. The Parties stipulate

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that neither the presentation of this Order nor the Board's consideration of this Order shall be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not be grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.

Findings of Fact

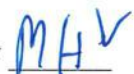
The Plaintiff, Defendant, and the Board staff each stipulate and agree as follows:

1. In Oklahoma, Defendant holds medical license no. 19504, originally issued August 24, 1995.
2. On June 15, 2021, a Verified Complaint and Citation were each filed by the Board. Defendant was served on June 21, 2021 by certified mail.
3. On February 22, 2021, Defendant's employer reported that Dr. Vu had repeatedly prescribed CDS to DB, a person he had never physically examined. Additionally, he used medication and supplies from the clinic for personal use when he asked a medical assistant to perform trigger point injections in the back of his head and neck.
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 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. Dr. Lepak was told that 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 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.

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Conclusions of Law

8. The Board has jurisdiction over the subject matter and is the duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma. 59 O.S. § 480 *et seq.* and Okla. Admin. Code §§ 435:5-1-1 *et seq.*
9. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 504; Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.
10. The Board is authorized to suspend, revoke or order any other appropriate conditions against the license of any physician or surgeon holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. 59 O.S. §§ 503, 513(A)(1). The Board's action is authorized by 59 O.S. § 509.1.
11. The Board is authorized to accept voluntary submittals to jurisdiction mutually agreed to by parties to a disciplinary action to resolve the action without need for a hearing. 75 O.S. § 309(E); Okla. Admin. Code § 435:5-1-5.1.
12. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
13. 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):
14. 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):
15. Dispensing, prescribing or administering a controlled substance or narcotic drug without medical need in violation of OAC 435:10-7-4(6):
16. 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):

Orders

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

1. The Board hereby adopts the Agreement of the Parties in this Order Accepting Voluntary Submittal to Jurisdiction, including the findings of fact and conclusions of law stated herein.
2. **MICHAEL HUYNH VU M.D.**, Oklahoma medical license no. 19504, is formally **REPRIMANDED**.

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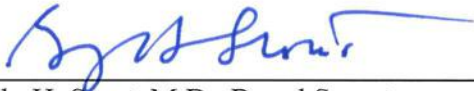


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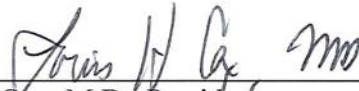


3. **MICHAEL HUYNH VU M.D.**, is fined \$36,000 to be paid within one year of this Order.
4. **MICHAEL HUYNH VU M.D.**, is to complete 8 hours of CME, in addition to his normally required hours, to be divided between prescribing and ethics. The courses are to be pre-approved by the Board Secretary.
5. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.
6. A copy of this Order shall be provided to Defendant as soon as it is processed.

Dated this 16th day of SEPTEMBER, 2021.



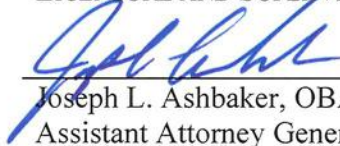
Billy H. Stout, M.D., Board Secretary
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION



Louis Cox, M.D., President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION



Michael Huynh Vu M.D.
License MD 19504
Defendant



Joseph L. Ashbaker, OBA 19395
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OFFICE OF ATTORNEY GENERAL
Attorney for Plaintiff,
Oklahoma State Board of Medical
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ACKNOWLEDGMENT

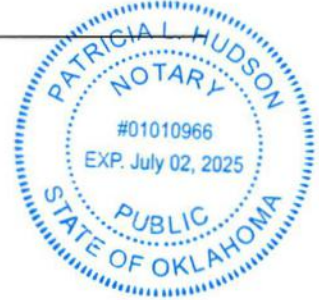
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STATE OF OKLAHOMA)
)
COUNTY OF Tulsa) ss.

This instrument was acknowledged before me on the 25th day of August,
2021, by Michael Huynh Vu.

Patricie L. Hudson
Notary Public
Commission Expiration: _____



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Certificate of Service

This is to certify that on the 16th day of Sept., 2021, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail

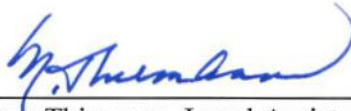
Michael Huynh Vu M.D.
7912 East 31st Court, Suite 100
Tulsa, Oklahoma 74012
Defendant

E-Mail

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***Attorney for Plaintiff,
Oklahoma State Board of Medical
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Michael Huynh Vu M.D.***



Nancy Thiemann, Legal Assistant

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