

**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,)
)
)
Plaintiff,)
)
)
vs.)
)
)
ERIC ALAN WEST, M.D.)
LICENSE NO. MD 19818,)
)
)
Defendant.)

FILED
SEP 21 2015
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION
Case No. 15-01-5097

VERIFIED COMPLAINT

The State of Oklahoma, *ex rel.*, the Oklahoma State Board of Medical Licensure and Supervision (“Board”), by and through the undersigned counsel, alleges and states as follows for its Complaint against Eric Alan West, 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 O.S. § 480, *et seq.*
2. The Defendant holds Oklahoma medical license no. MD 19818.
3. The acts and omissions complained of herein were made while the Defendant was acting as a physician pursuant to his medical license conferred upon him by the State of Oklahoma. Such acts and omissions occurred within the physical territory of the State of Oklahoma.

II. ALLEGATIONS OF UNPROFESSIONAL CONDUCT

4. This case arises from a complaint made stating that patient J.B. was receiving large quantities of Opioids from the Defendant. The complainant was concerned that J.B. is driving while taking these medications.
5. On February 4, 2015, Board Investigator S.W. served a Subpoena for 11 patient charts on the Defendant’s place of practice and made arrangements to speak with the Defendant.
6. On February 5, 2015, S.W. met with the Defendant. S.W. took custody of copies of the 11 subpoenaed patient charts and interviewed the Defendant. After reviewing selected

patient charts, S.W. discussed with the Defendant some of the issues regarding the prescribing opiates, benzodiazepines and muscle relaxers to patients. S.W. spoke with the Defendant about patient J.A. This patient is a 23 year-old man with no previous physician records in the chart, and he claims to have been involved in a motor vehicle accident. J.A., however, had no documentation of the accident in his chart. Yet, the Defendant continually increased prescriptions for Oxycodone to J.A. without any imaging or studies to make some objective finding of pain, let alone a treatment plan.

7. S.W. spoke with the Defendant about patient Z.B., a 24 year-old man. This patient was receiving 12 mg. of Alprazolam every day. Widely accepted medical literature indicates that a maximum of 8-10 mg. per day is indicated for severe panic and agoraphobia diagnoses.
8. S.W. spoke with the Defendant about patient Z.W., a 23 year-old man. Like with patient J.A., patient Z.W. claimed he was in a motor vehicle accident, but no documentation exists in the charting supporting this claim. Yet, Z.W. received a prescription of Oxycodone 30mg #30 on the first visit. The Defendant subsequently increased the dosage units to #90 and then to #120.
9. S.W. spoke with the Defendant about patient F.P. This patient was prescribed Hydrocodone 10 mg. along with soma and Oxycodone. In all, the Defendant was prescribing F.P., 13.2 dosage units of controlled dangerous substances (“CDS”) per day.
10. In response to these observations, the Defendant stated to S.W. that he “may be over [his] head when it comes to pain management.”

III. EXPERT REVIEW

11. A qualified expert was retained to review the subpoenaed charts. Overall, the expert found that the Defendant did not adhere to the requirements of Okla. Admin. Code § 435:10-7-11 and the accepted standard of care in prescribing CDS to the 11 patients whose charts were subpoenaed. The expert found a pattern of repeated prescribing of high-opioids (exceeding 120 MME per day) along with sedatives and muscle relaxants, the combination of which significantly increases the risk of deleterious adverse side effects. The expert also found a pattern of underutilization of other methods of managing pain, such as anti-inflammatory medications, physical therapy, or other non-controlled adjunctive medications. The expert also found that some of the patients possibly had significant adverse reactions to the combinations of CDS prescribed by the Defendant, and a threat to the public could be present if this pattern of treatment should continue.

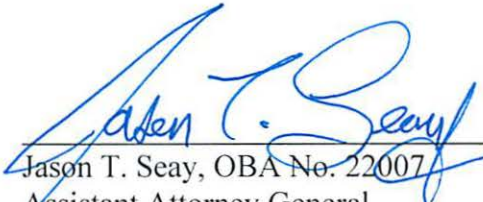
IV. VIOLATIONS

12. Based on the foregoing, the Defendant is guilty of unprofessional conduct as follows:
 - a. Prescribing, dispensing or administering CDS in a manner prohibited by:
 - i. 59 O.S. 2011, § 509(16);

- ii. Okla. Admin. Code § 435:10-7-4(2);
- iii. Okla. Admin. Code § 435:10-7-4(6); and
- iv. Okla. Admin. Code § 435:10-7-4(27);
- b. Failing to maintain adequate medical records to support diagnosis, procedure, treatment or prescribed medications, in violation of 59 O.S. 2011, § 509(20) and Okla. Admin. Code § 435:10-7-4(41);
- c. Engaging in the improper management of medical records, in violation of Okla. Admin. Code § 435:10-7-4(36);
- d. Failing to maintain effective controls against diversion of CDS, in violation of 63 O.S. 2011, § 2-303(A)(1) and 21 C.F.R. § 1301.71(a).

V. 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.


Jason T. Seay, OBA No. 22007
Assistant Attorney General
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
101 North East 51st Street
Oklahoma City, Oklahoma 73105
405/962.1400
405/962.1440 – Facsimile

VERIFICATION

I, Stephen Washbourne, under penalty of perjury of the laws of the State of Oklahoma, state as follows:

1. I have read the above Complaint regarding the Defendant, Eric West, M.D.; and
2. The factual statements contained therein are true and correct to the best of my knowledge and belief.

Stephen Washbourne
Stephen Washbourne, Investigator
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Date: 9-21-15

OKlahoma Co.
Place of Execution