

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

FILED

SEP 12 2013

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

<p>STATE OF OKLAHOMA</p> <p>EX REL. THE OKLAHOMA BOARD</p> <p>OF MEDICAL LICENSURE</p> <p>AND SUPERVISION,</p> <p style="padding-left: 40px;">Plaintiff,</p> <p>v.</p> <p>KELLEE YOUKHANA, M.D.</p> <p>LICENSE NO. MD19829,</p> <p style="padding-left: 40px;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No. 13-05-4742</p>
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ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION

Plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision ("Board"), by and through its attorney, Scott Randall Sullivan, Special Prosecutor, for the State of Oklahoma and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Kellee Youkhana, M.D., Oklahoma license no. MD 19829 who appears in person and through counsel, Elizabeth R. Sharrock, offer this Agreement effective September 12, 2013, for acceptance by the Board *en banc* pursuant to *Oklahoma Administrative Code* Rule 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on July 11, 2013, and further acknowledges that a hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("Act").

Defendant, Kellee Youkhana, M.D., states that she is of sound mind and is not under the influence of, or impaired by, any medication or drug and that she fully recognizes her right to appear before the Board for an evidentiary hearing on the allegations made against her. Defendant hereby voluntarily waives her 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 she has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with legal counsel.

Agreements and Stipulations

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

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, Kellee Youkhana, M.D., holds Oklahoma license no. 19829.
3. On May 16, 2013, Defendant submitted her licensure renewal information and informed the Board that she had been let go from the VA Medical Center for prescribing medications to a veteran who was not her patient.
4. Board Investigator SW was informed on May 20, 2013 by DEA Agent GL that he had interviewed Defendant at her residence at which time she admitted to writing CDS to her ex-husband, WG. Defendant stated she prescribed the Hydrocodone due to pain resulting from a large skin necrosis. Agent GL previously verified that WG had been in the VA drug treatment center in the past. Upon questioning, Defendant stated WG had been diagnosed as having an addiction to Oxycodone and Ultram.
5. Defendant admitted to writing 26 CDS prescriptions to WG between March 2012 and March 2013 for a total of 2,180 dosage units. Defendant is not in possession of medical records documenting the medical need for the CDS medication prescriptions.
6. Further, Defendant admitted to writing two (2) Hydrocodone prescriptions to CR, Defendant's sister's boyfriend.
7. On May 3, 2013, Defendant signed a Voluntary Surrender of her DEA Controlled Substances Privileges.
8. On May 21, 2013 Board Investigator SW sent an email to Defendant requesting she contact him. On the following day, May 22, 2013, Board Investigator SW received an email from Defendant stating she had tried to phone him the night before and that she was leaving to go out of town, but stated she would try to phone again. Board Investigator sent three (3) additional emails to Defendant requesting she contact this investigator and received no reply from Defendant. Further, on June 17 and June 19, 2013, Board Investigator SW attempted to locate Defendant at her Oklahoma City residence and was unable to reach her there.
9. At the time of the filing of the Complaint herein, it was Board Investigator SW's understanding that Defendant was living in the Las Vegas area and had enrolled in

culinary school. After further investigation, it was shown that Defendant was not living in the Las Vegas area, was still a resident of Oklahoma, and had no plans to attend culinary school. Instead, it appears there was a miscommunication with DEA Agent GL, and in reality, Defendant was in Las Vegas visiting family, thus explaining Board Investigator's difficulty in reaching Defendant in June, 2013.

Conclusions of Law

10. Defendant pleads guilty to allegations of unprofessional conduct, more specifically set forth below:
- a) Dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public in violation of Title 59 O.S. §509.8 *and* OAC Rule 435:1-7-4(11);
 - b) Failure to keep complete and accurate records of purchase and disposal of controlled drugs or of narcotic drugs in violation of Title 59 O.S. §509.10;
 - c) Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship in violation of Title 59 O.S. §509.12;
 - d) 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 O.S. §509.18;
 - e) Prescribing, dispensing or administering of Controlled substances or Narcotic drugs in excess of the amount considered good medical practice or prescribing, dispensing or administering controlled substances or narcotic drugs without medical need, in accordance with published standard in violation of OAC Rule 435:10-7-4 (2);
 - f) Dispensing, prescribing or administering a Controlled substance or Narcotic drug without medical need in violation of OAC Rule 435:10-7-4 (6);
 - g) Except as otherwise permitted by law, prescribing, selling, administering, distributing, ordering, or giving to a habitue or addict or any person previously drug dependent, any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug in violation of OAC Rule 435:10-7-4 (25); and
 - h) Violating any state or federal law or regulation relating to controlled substances in violation of OAC Rule 435:10-7-4 (27).

Order


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

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction;
2. Defendant's license is hereby **PUBLICALLY REPRIMANDED**; and
3. Defendant shall complete 100 hours of **COMMUNITY SERVICE** in a clinic setting either at Good Shepherd or an equivalent thereto to be approved by Board Secretary.

Dated this 12th day of September, 2013.



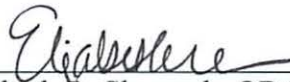
G. David Casper, M.D., President
Oklahoma State Board of Medical
Licensure and Supervision



Kellee Youkhana, MD
License No. MD 19829

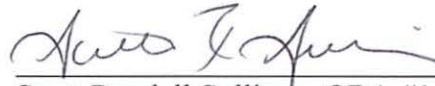


Gerald C. Zumwalt, M.D., Secretary
Oklahoma State Board Of Medical
Licensure And Supervision



Elizabeth R. Sharrock, OBA #16,934
Pierce Couch Hendrickson Baysinger & Green
1109 North Francis
Oklahoma City, OK 73106

Attorney for Defendant

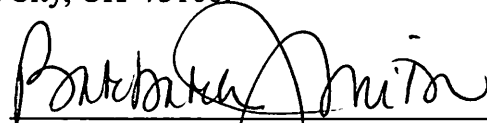


Scott Randall Sullivan, OBA #11179
101 N.E. 51st Street
Oklahoma City, OK 73105

Attorney for Oklahoma State Board of
Medical Licensure and Supervision

CERTIFICATE OF MAILING

This is to certify that on this 13th day of September, 2013, a true and correct copy of this order was mailed, postage prepaid, to Elizabeth R. Sharrock, Pierce Couch Hendrickson Baysinger & Green, 1109 North Francis, Oklahoma City, OK 73106.


Barbara J. Smith, Legal Assistant