

controlled dangerous drug. Defendant additionally authorized prescriptions for non-controlled dangerous drugs to Patient MHD. The medications prescribed include nine (9) prescriptions for Levoxyl for treatment of her thyroid, and one (1) prescription for Ketorolac. Board investigators were unable to obtain pharmacy information prior to 2003.

5. Nowhere in Defendant's records is there any reference to the Hydrocodone, Levoxyl and Ketorolac prescriptions. Defendant's records contain only three (3) references to the Alprazolam, yet there are at least twenty-six (26) prescriptions for Alprazolam by Defendant. A review of Defendant's records reveals that Defendant did not establish a legitimate medical need for the medical treatment, that he did not perform a sufficient examination prior to prescribing medications, and that he failed to maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

6. Beginning in or around June 1999 and continuing through December 2005, Defendant engaged in sexual intercourse with Patient MHD. Defendant admits that he engaged in these sexual acts at the same time that he was maintaining a doctor-patient relationship and prescribing controlled dangerous substances and other dangerous drugs to this patient.

7. 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 (8) and OAC 435:10-7-4 (11).
- B. Engaged in physical conduct with a patient which is sexual in nature, ... in violation of 59 O.S. §509 (17).
- C. Committed an act of sexual ... misconduct or exploitation related or unrelated to the licensee's practice of medicine and surgery in violation of OAC 435:10-7-4 (23).
- D. Abused the physician's position of trust by coercion [or] manipulation ... in the doctor-patient relationship in violation of OAC 435:10-7-4(44).
- E. 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 (13) and OAC 435:10-7-4(39).
- F. 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 (18).

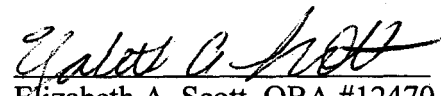
- G. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- H. Prescribed or administered a drug or treatment without sufficient examination and the establishment of a valid physician patient relationship in violation of 59 O.S. §509(12).
- I. Except as otherwise permitted by law, prescribed, sold, administered, distributed, ordered, or gave 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 435:10-7-4(25).

Conclusion

WHEREFORE, plaintiff requests that 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 the revocation or suspension of the Defendant's license to practice as a physician and surgeon in the State of Oklahoma, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a physician and surgeon in the State of Oklahoma.

Dated this 3rd day of February, 2006 at 12:45 p.m.

Respectfully submitted,


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