

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

**FILED**

STATE OF OKLAHOMA )  
 EX REL. THE OKLAHOMA BOARD )  
 OF MEDICAL LICENSURE )  
 AND SUPERVISION, )  
 )  
 ) **Plaintiff** )  
 )  
 v. )  
 )  
 ) **GEORGE JOHN CARSTENS, M.D.,** )  
**LICENSE NO. 20153,** )  
 )  
 ) **Defendant.** )

FEB 09 2007

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 05-11-3020

**AMENDED COMPLAINT**

COMES NOW the plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Amended Complaint against the Defendant, George John Carstens, M.D., Oklahoma license no. 20153, alleges and states 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, George John Carstens, M.D., holds Oklahoma license no. 20153 and practices as a radiologist in Tulsa, Oklahoma.
3. From 1993-1995, Defendant engaged in a sexual relationship with an employee at the hospital where he worked.
4. In or around 1994, while employed at the UT Southwestern Medical Center in Dallas, Texas, an employee submitted a complaint against Defendant based upon her claim of unwanted physical contact by Defendant. According to Defendant, no disciplinary action was taken against him at that time.
5. In mid-1999, while working at St. Francis Hospital in Tulsa, Oklahoma, numerous employees complained about Defendant's conduct, including unwanted touching, sniffing employees, calling employees at home, and inviting employees out to eat.

6. Based upon this conduct, in September 1999, Defendant met with Robert Bruce, M.D., President of the Medical Staff of St. Francis Hospital, and a representative of his employer, Radiology Consultants of Tulsa, Inc., at which time he was advised of the complaints by hospital employees, including allegations of an inappropriate sexual relationship between Defendant and a hospital employee. Defendant was counseled against further such actions and was also advised that if the behavior continued, his privileges at the hospital could be restricted.

7. In late 2000, while working at St. Francis Hospital in Tulsa, Oklahoma, numerous employees continued to complain about Defendant's conduct, including asking an employee to leave her family and go to Mexico with him, continually calling an employee at home, and doing a "stripper dance" around an employee.

8. Based upon this conduct, Defendant was disciplined by St. Francis Hospital. Defendant executed an Agreement with St. Francis Hospital whereby he was **SUSPENDED** from November 14, 2000 until December 8, 2000. He was also required to obtain counseling, to be monitored by St. Francis' Physician Health Committee.

9. Based upon this conduct, in November 2000, Defendant was also disciplined by his employer, Radiology Consultants of Tulsa, Inc. Defendant's discipline by his employer included a twenty-eight (28) day **SUSPENSION**, as well as treatment and counseling.

10. On his April 30, 2001 Application for Renewal of Oklahoma License, Defendant was asked the following question:

"Since the last renewal...have you been denied privileges, lost privileges or received discipline by any hospital or other professional medical organization?"

In response to this question, Defendant answered "NO".

11. A review of Defendant's records reveals that Defendant began treating Patient MHD on or around June 15, 1999 and continuing through at least December 1, 2005. Defendant's records reflect that she sought treatment from Defendant for possible interventional radiology treatments. Defendant's records reflect that Patient MHD admitted daily marijuana use, current cocaine use, as well as prior severe cocaine addiction and prior LSD and methamphetamine use.

12. Beginning on or around January 20, 2003 and continuing through November 16, 2005, Defendant authorized at least thirty-one (31) prescriptions for controlled dangerous drugs to Patient MHD. These prescriptions include five (5) prescriptions for Hydrocodone, a Schedule III controlled dangerous drug, and twenty-six (26) prescriptions for Alprazolam, a Schedule IV 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.

13. 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.

14. Beginning in or around June 1999 and continuing through December 2005, Defendant engaged in sexual intercourse with Patient MHD.

15. On December 15, 2005, the Board's investigator questioned Defendant about Patient MHD, at which time Defendant denied being involved sexually with Patient MHD or having an affair with her.

16. Upon being confronted with the evidence, Defendant subsequently admitted that he engaged in these sexual acts with Patient MHD at the same time that he was maintaining a doctor-patient relationship and prescribing controlled dangerous substances and other dangerous drugs to this patient. Defendant admitted that he was still having an affair with Patient MHD and that he had last been with her three (3) days earlier on December 12, 2005.

17. 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).
- J. Engaged in fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4(8).
- K. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).
- L. Failed to cooperate with a lawful investigation conducted by the Board in violation of OAC 435:10-7-4(38).

### *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 9<sup>th</sup> day of February, 2006 at 11:00 a.m.

Respectfully submitted,

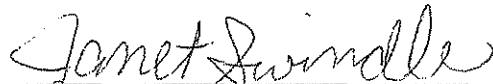


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CERTIFICATE OF SERVICE

I certify that on the 9 day of February, 2007, I mailed, via first class mail, postage pre-paid, a true and correct copy of this pleading to Mark Hammons, Hammons & Associates, Inc., 325 Dean A. McGee, Oklahoma City, OK 73102.



Janet Swindle