

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

FILED

JUN 22 2006

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
)
DAVID ALLAN LONG, III., M.D.,)
LICENSE NO. 20241,)
)
Defendant.)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 06-04-3089

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 Complaint against the Defendant, David Allan Long, III., M.D., 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, David Allan Long, III., M.D., holds Oklahoma license no. 20241.
3. From early 2005 until approximately October 2005, Defendant purchased Botox from a pharmaceutical company. Defendant provided the Botox to his wife, Kristen Lynn Long, RN, who then administered the Botox to patients in their home. Defendant also provided syringes to his wife, which he either ordered from a pharmacy or obtained from Deaconess Medical Center, the hospital where he is employed. The patients paid for the Botox injections by cash or check, and the money was then deposited into Defendant and his wife's joint account.
4. On or about March 22, 2006, Defendant's wife was disciplined by the Oklahoma Board of Nursing based upon practicing outside the scope of her nursing license.
5. Defendant admits that he never performed a physical examination on any of these patients, nor did he have any contact with any of these patients prior to them obtaining the Botox injections.

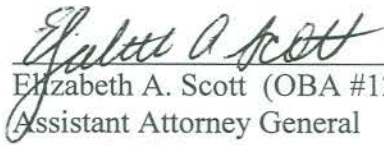
6. Defendant admits that he kept no medical records for any of these patients. Defendant claims that each of the patients signed a Botox consent form, but that they were subsequently thrown away.

7. Defendant is guilty of unprofessional conduct in that he:
- A. Procured, aided or abetted a criminal operation in violation of 59 O.S. §509(1).
 - B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11).
 - C. Aided or abetted, directly or indirectly, the practice of medicine by any person not duly authorized under the laws of this state in violation of 59 O.S. §509(14) and OAC 435:10-7-4(21).
 - D. 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).
 - E. Directly or indirectly gave or received any fee, commission, rebate, or other compensation for professional services not actually and personally rendered in violation of OAC 435:10-7-4(30).
 - F. 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).
 - G. Failed to provide a proper setting and assistive personnel for medical act, including but not limited to examination, surgery, or other treatment in violation of OAC 435:10-7-4(41). Adequate medical records to support treatment or prescribed medications must be produced and maintained.
 - 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).

Conclusion

WHEREFORE, the Plaintiff respectfully 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 suspension or revocation and any other appropriate action with respect to Defendant's medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



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