

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

FILED

NOV 09 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

FINAL ORDER OF SUSPENSION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on November 2, 2006, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and through counsel, Daniel Gamino.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

Findings of Fact

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. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.

3. Defendant, David Allan Long, III., M.D., holds Oklahoma license no. 20241.

4. From mid-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.

5. 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.

6. Defendant admits that he never performed a full medical examination on any of these patients.

7. 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.

8. Defendant is guilty of unprofessional conduct in that he:

- A. 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).
- B. 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).
- C. 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.

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant is guilty of unprofessional conduct in that he:
 - A. 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).
 - B. 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).
 - C. 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.

3. The Board further found that the Defendant's license should be **SUSPENDED** based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509 (13) and (18) and OAC 435: 10-7-4 (39) and (41).

4. The Board further found that Defendant's request for a stay pending appeal should be **DENIED**.

Order

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

1. The license of Defendant, David Allan Long, III, M.D., Oklahoma license no. 19857, is hereby **SUSPENDED** as of the date of this hearing, November 2, 2006 for a period of **ONE (1) MONTH**.

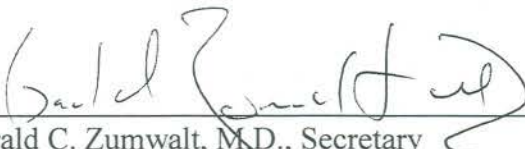
2. Defendant shall pay an **ADMINISTRATIVE FINE** in the amount of \$7,500.00, to be paid on or before December 2, 2006.

3. Defendant's request for a stay pending appeal is **DENIED**.

4. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

5. Defendant's suspended license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs.

Dated this 9 day of November, 2006.



Gerald C. Zumwalt, M.D., Secretary
Oklahoma State Board of
Medical Licensure and Supervision

CERTIFICATE OF SERVICE

I certify that on the 9 day of November, 2006, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Daniel Gamino, 3315 N.W. 63rd Street, Oklahoma City, OK 73116 and to David Allan Long, III, 6604 Avondale Drive, Oklahoma City, OK 73116.



Janet Swindle