

was the ER doctor. Both JW and his wife, KW, visited the ER on several occasions reporting back and neck pain, and ultimately receiving CDS scripts from Defendant. Over time, Defendant began prescribing CDS to JW frequently, but “off the record.” JW even went to Defendant’s house to pick up prescriptions. Defendant did begin keeping a spiral notebook of some of the visits but they do not constitute a proper medical record nor is there any proof of continued medical need.

5. The hospital medical records reveal that between the dates of January 1, 2010 to January 25, 2012, JW (age 42) had **three (3) ER visits and 222 prescriptions**; KW (age 41) had **fourteen (14) ER visits and 224 prescriptions**. Defendant’s notes for JW describe chronic lumbar back pain on 5-17-2011, another note on 5-21-2011, and medication notations on 6-18-2011 and 6-28-2011. The notes for KW dated 5-12-2011 indicate Migraine headache and mental health disorder, with medication notations on 6-18-2011 and 6-28-2012.
6. On 3-1-2012, Board Investigator RR spoke with Defendant wherein he admitted that he did write prescriptions to JW and his wife and did not keep good records, but he thinks JW forged some as well because there are more on his pharmacy record than Defendant wrote. He said he did not receive anything in return for prescribing. He stated it just got out of hand and he was a pushover and didn’t know how to stop it because JW was manipulative and threatened to expose him if he didn’t continue to cooperate.
7. Oklahoma Bureau of Narcotics (“OBN”) began an investigation into JW who stated that Defendant wrote prescriptions to he and his family, but admitted that he also forged scripts as well. OBN Agent C and Agent B pulled 45 prescriptions from Enid pharmacies. Defendant admitted writing 27 of them but failed to document any of them in any type of medical record. JW admitted to filling out the body of 10 of the remaining 18 prescriptions but stated that Defendant signed each of them.
8. OBN filed administrative charges against Defendant for failing to maintain effective controls against diversion and violating federal CDS laws. In lieu of prosecution, Defendant accepted an agreement to pay an \$8,000 fine and \$4,000 in investigative expenses. Evidence was then turned over to the Garfield County District Attorney’s office who filed charges against JW for one count of Obtaining Controlled Drug by Fraud. That case is currently pending in Garfield County.
9. On 9-6-2012 OBN Agent TB was notified by JW’s former employer that as they were cleaning out W’s locker, they found 16 blank prescriptions signed by Defendant including a script for Norco for JW and a script for KW for Lortab, both signed by Defendant. They also found a prescription bottle for JW labeled Hydrocodone/APAP 7.5/500. OBN agents took possession of the evidence and turned it over to the Garfield County District Attorney’s office for possible prosecution. As of the filing of this Complaint, no additional charges have been filed.
10. On 11-13-2012 Board Investigator RR was contacted by Integrus Legal Services who advised Defendant failed to provide notice of proper insurance to include Integrus’

requirements so he was offered the chance to voluntarily resign, which is reportable. Defendant asked for a waiver not to be reported to the NPDB, but Integris denied his request and the information was reported to the NPDB.

11. Defendant is guilty of unprofessional conduct in that he engaged in:

- a) Dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public in violation of Title 59 O.S. sec. 509 (8);
- b) The commission of any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine. A complaint, indictment or confession of a criminal violation shall not be necessary for the enforcement of this provision. Proof of the commission of the act while in the practice of medicine or under the guise of the practice of medicine shall be unprofessional conduct in violation of Title 59 O.S. sec. 509 (9);
- c) 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 standards in violation of Title 59 O.S. sec. 509 (16);
- 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. sec. 509 (18);
- e) Indiscriminate or excessive prescribing, dispensing or administering of Controlled or Narcotic drugs in violation of Oklahoma Administrative Code Rule 435:10-7-4 (1);
- f) 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 Oklahoma Administrative Code Rule 435:10-7-4 (2);
- g) Dispensing, prescribing or administering a Controlled substance or narcotic drug without medical need in violation of Oklahoma Administrative Code Rule 435:10-7-4 (6);
- h) Conduct likely to deceive, defraud or harm the public in violation of Oklahoma Administrative Code Rule 435:10-7-4 (11);
- i) Prescribing, selling, administering, distributing, ordering, or giving any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug for other than medically accepted therapeutic purposes in violation of Oklahoma Administrative Code Rule 435:10-7-4 (24); and

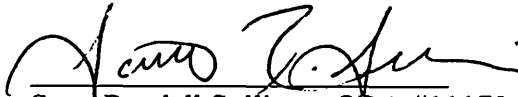
- j) Violating any state or federal law or regulation relating to controlled substances in violation of Oklahoma Administrative Code Rule 435:10-7-4 (27).

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 10th day of June, 2013.

Respectfully submitted,



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LICENSURE AND SUPERVISION
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