

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

FILED

APR -9 2010

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA )  
EX REL. THE OKLAHOMA BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )

Plaintiff, )

v. )

JONATHAN KEITH BREWER, M.D., )  
LICENSE NO. 20530, )

Defendant. )

Case No. 09-10-3868

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, Jonathan Keith Brewer, 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, Jonathan Keith Brewer, M.D., holds Oklahoma license no. 20530 and practices family medicine in Muskogee, Oklahoma.

3. Beginning in or around 2007 and continuing through at least April 21, 2009, Defendant abused Opiates, primarily Oxycodone, Percocet and Hydrocodone. Defendant obtained the medications from thirty-one (31) different physicians and filled the prescriptions at twenty-one (21) different pharmacies in the Tulsa area.

4. Defendant admits that he also obtained the opiates from patients who had returned medications to him.

5. Defendant additionally admits that he took a prescription pad from an ENT's office and forged approximately twenty (20) prescriptions for Percocet for his personal use.

6. In late April 2009, representatives from the DEA confronted Defendant about the forged prescriptions, as well as the number of physicians from whom he had obtained

prescriptions for Opiates. Defendant then contacted the Oklahoma Health Professionals Program and agreed to obtain an assessment for drug dependence.

7. On or about May 4, 2009, Defendant submitted to an assessment at Bradford Health Services. Bradford recommended that Defendant submit to twelve (12) weeks of inpatient treatment for chemical dependency.

8. From April 28, 2009 until July 21, 2009, Defendant obtained treatment for chemical dependence at Bradford Health Services. Upon completion of treatment, Defendant returned to work in Oklahoma.

9. Approximately two and one-half (2 ½) months later, in or around early October 2009, Defendant relapsed on Hydrocodone. Defendant continued to use Hydrocodone at the rate of up to fifteen (15) Hydrocodone per day through October 24, 2009.

10. From October 27, 2009 until December 8, 2009, Defendant obtained treatment for a second time at Bradford Health Services for Opiate dependence.

11. On or about December 1, 2008, Defendant submitted his Application for Renewal of Oklahoma License for the period January 2, 2009 through January 1, 2010. On his Application for Renewal, Defendant was asked the following question: "Since the last renewal...[h]ave you been addicted to or abused any drug or chemical substance including alcohol?" In response to this question, Defendant answered "NO". Defendant admits that he was abusing drugs and forging prescriptions at the time he filled out the renewal application.

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

A. Habitually uses habit-forming drugs in violation 59 O.S. 407 §509(4) and OAC 435:10-7-4(3).

B. 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).

C. 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).

D. Is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physician condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).

- E. Has engaged in 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 in violation of 59 O.S. §509(9).
- F. Has 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).
- G. Has confessed to a crime involving violation of the antinarcotic or prohibition laws and regulations of the federal government and the laws of this state in violation of 59 O.S. §509(7).
- H. Wrote a false or fictitious prescriptions for any drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs in violation of 59 O.S. §509(11).
- I. 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).
- J. Prescribed, dispensed or administered controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribed, dispensed or administered controlled substances or narcotic drugs without medical need in accordance with published standards in violation of 59 O.S. §509(16).
- K. Prescribed, dispensed or administered controlled substances or narcotic drugs in excess of the amount considered good medical practice or prescribed, dispensed or administered controlled substances or narcotic drugs without medical need in accordance with published standard in violation of OAC 435:10-7-4(2) and (6).
- L. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

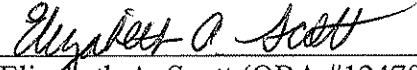
- M. Prescribed, sold, administered, distributed, ordered, or gave any drug legally classified as a controlled substance or recognized as an addictive dangerous drug to a family member or to himself or herself in violation of OAC 435:10-7-4(26).
- N. Purchased or prescribed any regulated substance in Schedule I through V, as defined by the Uniform Controlled Dangerous Substance Act, for the physician's personal use in violation of OAC 435:10-7-4(5).
- O. 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).
- P. Prescribed, sold, administered, distributed, ordered, or gave 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 OAC 435:10-7-4(24).

13. These allegations raise serious concerns about Defendant's ability to practice as a physician in the State of Oklahoma with reasonable skill and safety.

### *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,

A handwritten signature in cursive script, reading "Elizabeth A. Scott". The signature is written in black ink and is positioned above a horizontal line.

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