

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

DEC 10 2010

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

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.
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. Defendant obtained the drugs from patients who had returned medications to him and by forging prescriptions.
4. Defendant subsequently obtained an assessment and treatment for substance abuse at Bradford Health Services from April 28, 2009 until July 21, 2009.
5. Two and one-half (2 ½ months later), Defendant relapsed on Hydrocodone.
6. From October 27, 2009 until December 8, 2009, Defendant obtained treatment for a second time at Bradford Health Services.

7. Based upon these facts, the State subsequently filed a Complaint and on July 22, 2010, the Board entered an Order whereby Defendant's license was **SUSPENDED** for three (3) months beginning April 22, 2010 and continuing until July 22, 2010, to be followed by a **FIVE (5) YEAR PROBATION**.

8. The July 22, 2010 Order provides that Defendant shall be on probation as follows:

(G) Defendant will not prescribe, administer or dispense any medications for personal use or for that of any family member.

(H) Defendant will take no medications except that which is authorized by a physician treating him for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating him of the Board Order immediately upon initiation, or continuation of treatment.

(I) Defendant will have the affirmative duty not to ingest any substance, including but not limited to alcohol, which will cause a body fluid sample to test positive for prohibited substances.

(K) Defendant will abide by the terms and recommendations of Bradford and with all terms of his postcare contract with Bradford.

(L) Defendant will sign a contract with the Health Professionals Recovery Program and will abide by all terms of this contract.

(M) Defendant will not prescribe, administer, dispense or possess any drugs in Schedules I through V.

(R) Defendant shall obtain a primary care physician to be approved in advance in writing by the Board Secretary. Defendant's primary care physician shall manage all of Defendant's medications and shall be made aware of any medications prescribed by any other physician to Defendant. All medications prescribed by Defendant's primary care physician or any other physician treating Defendant shall be filled at a single pharmacy. Defendant shall provide the name of this pharmacy to the Compliance Consultant.

(U) Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.

9. The provisions cited above have not been modified or deleted but remain in full force and effect as terms and conditions of Defendant's probation.

10. In or around September 2010, Defendant began to suffer significant mental health issues. He relapsed on alcohol, then went to a physician who was not his Board approved primary care physician and obtained a prescription for Lortab so that he could abuse it. As he continued to abuse Lortab, his mental health issues escalated. He was subsequently hospitalized for approximately one (1) week where he was stabilized.

11. 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. Purchased or prescribed any regulated substance in Schedule I through V, as defined by the Uniform Controlled Dangerous Substances Act, for the physician's personal use in violation of OAC 435:10-7-4(5).

F. Is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).

G. Engaged in practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).

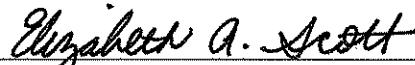
H. Prescribed, sold, administered, distributed, ordered or gave any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug for other than medically accepted therapeutic purposes in violation of OAC 435:10-7-4(24).

I. 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).

***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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