

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

FILED

SEP 30 2004

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

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,

v.

Case No. 04-06-2823

**JOEL SIM CHEONG, M.D.,
LICENSE NO. 21292,**

Defendant.

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, Joel Sim Cheong, 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, Joel Sim Cheong, M.D., holds Oklahoma license no. 21292.

3. On or about April 18, 2003, Patient LBR was admitted with complaints of breathing difficulties to the Muskogee Regional Medical Center under the care of Defendant. At the time of his admission, Patient LBR was taking Zithromax and Coumadin. Defendant diagnosed Patient LBR as having COPD and he prescribed Levaquin to him. Patient LBR continued to receive Coumadin and Levaquin throughout his hospital stay.

4. On or about April 22, 2003, Defendant advised Patient LBR that he planned to release him and noted in the patient chart that his lungs were clear. However, on April 23, 2003, Patient LBR complained of nausea and was given Phenergan on April 23, 2003 and Ativan on April 24, 2003. Patient LBR remained in the hospital during this time.

5. Hospital records reflect that Defendant failed to order any coagulation testing on Patient LBR until April 24, 2003, the seventh (7th) day of his hospitalization, at 1705 in the afternoon. At that time, the patient's PT was >100.

6. Based upon the patient's elevated PT, his Coumadin was discontinued by the consulting gastroenterologist, who diagnosed him as having a gastrointestinal bleed possibly caused by Coumadin.

7. On the morning of April 25, 2003, after receiving blood transfusions and being transferred to the Intensive Care Unit, the patient's PT was 83.9 and his INR was 68.7. The patient's lungs were noted to be clear at that time. However, later that day Patient LBR had a seizure and began bleeding profusely through his skin and mouth and subsequently died on April 25, 2003.

8. At the time of death, Defendant advised the patient's family that he died of COPD and that the gastrointestinal bleed was secondary, not related to his death. Defendant signed the patient's death certificate and set forth the same information related to the cause of death.

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

A. Engaged in gross or repeated negligence in the practice of medicine and surgery in violation of OAC 435:10-7-4(15).

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. 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).

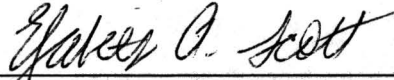
E. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).

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,



Elizabeth A. Scott (OBA #12470)
Assistant Attorney General
State of Oklahoma
5104 N. Francis, Suite C
Oklahoma City, OK 73118
Attorney for the Plaintiff