

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. )  
 )  
HARVEY CLARKE JENKINS, JR., M.D., )  
LICENSE NO. 21473, )  
 )  
Defendant. )

SEP 30 2011

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 10-12-4125

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, Harvey Clarke Jenkins, Jr., 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, Harvey Clarke Jenkins, Jr., M.D., holds Oklahoma license no. 21473 and practices pain management in Oklahoma City, Oklahoma.
3. On or about February 11, 2011, Board investigators visited Defendant at his clinic due to a complaint filed against him. At that time, they requested a urine specimen from Defendant. Defendant agreed and advised Board investigators that he was currently taking Oxycodone (allegedly an old prescription from a dentist) and Lortab (also allegedly an old prescription from a dentist).
4. The urine specimen obtained by Board investigators subsequently tested positive for Oxycodone.
5. When confronted with the positive drug test result, Defendant was unable to provide the name of a licensed medical provider who had prescribed Oxycodone to him. A review of the PMP likewise failed to reflect any prescription for Oxycodone to Defendant.

6. At Board staff's request, Defendant agreed to submit to an assessment at Sante Center for Healing from April 11, 2011 until April 14, 2011. While at Sante, Defendant advised assessment personnel that he had ingested only one (1) Oxycodone on February 10, 2011, thus resulting in the positive drug test obtained by the Board investigators.

7. Sante conducted a hair follicle test during Defendant's assessment, which also tested positive for Oxycodone. However, personnel from the drug testing lab advised Sante that the hair follicle test would not be positive for Oxycodone if Defendant had taken only one (1) Oxycodone on February 10, 2011. To the contrary, Defendant would have to have ingested more Oxycodone after February 10, 2011 in order to cause the positive drug test.

8. Sante then confronted Defendant with the results of the hair follicle test. At that time, Defendant changed his story and admitted to Sante that he may have taken more than one (1) Oxycodone prior to February 10, 2011.

9. Sante concluded that Defendant had not been honest with them on two (2) occasions regarding his use of Oxycodone.

10. 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. 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).

E. 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).

F. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

G. Committed 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).

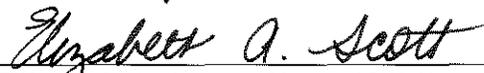
H. Prescribed or administered a controlled substance without medical need in accordance with published standards in violation of 59 O.S. §509(16) and OAC 435:10-7-4(2) and (6).

I. Engaged in the indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs in violation of OAC 435:10-7-4(1).

*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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