

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

STATE OF OKLAHOMA, *ex rel.*)
THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
us.)
)
HARVEY CLARKE JENKINS, JR., M.D.,)
LICENSE NO. 21473,)
)
Defendant.)

FILED

FEB 11 2015

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 15-02-5106

**IMMEDIATE SUMMARY SUSPENSION OF PROBATIONARY
LICENSE**

THIS MATTER comes before the undersigned Executive Director of the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on the 11th day of February 2015 upon the State of Oklahoma's Verified Complaint for Violation of Probation wherein the State requests the probationary license of the Defendant, Harvey Clarke Jenkins, Jr., M.D., be immediately suspended pending full hearing of the matter before the Board pursuant to 59 O.S. 2011, § 506(B). Upon review and consideration of the premises and evidence in support thereof, good cause has been shown to grant the requested relief. For the reasons stated herein, the State's Request is hereby GRANTED.

I. FINDINGS OF FACT

1. The Defendant holds Oklahoma medical license no. 21473.
2. The acts and omissions set forth herein occurred on or after 15 January 2015 and while the Defendant was acting as a physician pursuant to his probationary medical license conferred upon him by the State of

Oklahoma. Such acts and omissions occurred within the physical territory of the State of Oklahoma.

3. A Complaint and Citation was issued to the Defendant for substance abuse and narcotics violations on 30 November 2011 (the "2011 Complaint"). See Exhibit 1. Specifically, the 2011 Complaint concerned the Defendant taking Oxycodone without possessing a valid prescription for the Schedule II Controlled Dangers Substance ("CDS"). The Defendant admitted to taking one Oxycodone the day before Board investigators came to interview him. Subsequent hair follicle testing established that Defendant ingested Oxycodone after his interview with Board investigators. The facility assessing the Defendant for substance abuse determined the Defendant had not been honest with it on two (2) occasions regarding the Defendant's ingesting of Oxycodone.
4. The 2011 Complaint was resolved on 3 November 2011 by way of a Voluntary Submittal to Jurisdiction ("VSJ") executed by the Defendant, which this Board subsequently approved. See Exhibit 2. In this VSJ, the Defendant admitted to ingesting Oxycodone obtained without a valid prescription and had not been honest regarding his Oxycodone use with the facility assessing him for substance abuse. The VSJ concludes the Defendant was guilty of unprofessional conduct by:
 - a. Habitually using habit-forming drugs, in violation of 59 O.S. 2011, § 509(4) and Okla. Admin. Code § 435:10-7-4(3);
 - b. Engaging in dishonorable or immoral conduct which is likely to deceive defraud or harm the public, in violation of 59 O.S. 2011, § 509(8) and Okla. Admin. Code § 435:10-7-4(3);
 - c. Violating any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation of agreement of the Board, in violation of 59 O.S. 2011, § 509(13) and Okla. Admin. Code § 435:10-7-4(39).
 - d. Purchasing or prescribing any CDS for the Defendant's personal use, in violation of Okla. Admin. Code § 435:10-7-4(5); and
 - e. Violating state or federal law or regulation relating to CDS, in violation of Okla. Admin. Code § 435:10-7-4(27).

5. This VSJ permitted the Defendant to practice medicine within this State under a probationary license for a period of three (3) years. As part of the probationary requirements, the Defendant was subjected to increased oversight by Board staff, required to conduct his practice in compliance with applicable statutes and regulations, submit to drug testing, only take CDS authorized by a physician treating the Defendant for a legitimate medical condition, and not ingest any substance that causes a positive drug test.
6. The Defendant entered into a Stipulation and Agreed Order with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control ("OBN") on 11 April 2012 (the "OBN Order"). See Exhibit 5 at "Exhibit A." The OBN Order also concerned the same issues contained in the 2011 Complaint. In the OBN Order, the Defendant admitted in pertinent part to abusing or excessively using CDS and self-prescribing CDS. The OBN placed the Defendant's OBN license on probation for a period ending 3 November 2014.
7. During the pendency of the above-mentioned probation ordered by this Board, a Complaint and Citation was issued to the Defendant on 30 June 2014 for allowing unlicensed persons to practice medicine and for failure to keep adequate medical records (the "2014 Complaint"). See Exhibit 3. Specifically, the 2014 Complaint concerned the Defendant permitting unlicensed staff to perform medical procedures, and without overseeing the procedures, at a clinic owned by the Defendant without the Defendant first establishing a physician-patient relationship with, or physically examining the, patients undergoing the medical procedures. The Defendant wrote progress notes in patient charts reflecting he saw and spoke with patients but, in fact, did not do so.
8. The 2014 Complaint was resolved on 15 January 2015 by the Defendant executing, and this Board subsequently approving of, a VSJ. See Exhibit 4. Therein, the Defendant admitted to the conduct described in the 2014 Complaint. This VSJ concludes the Defendant was guilty of unprofessional conduct by:
 - a. Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid

physician-patient relationship, in violation of 59 O.S. 2011, § 509(12);

- b. Failing to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of patients, in violation of 59 O.S. 2011, § 509(18);
 - c. Violating any provision of the medical practice act or the rules and regulations of this Board or of an action, stipulation, or agreement of the Board, in violation of Okla. Admin. Code § 435:10-7-4(39); and
 - d. Failing to establish a physician-patient relationship prior to providing patient-specific medical services, care or treatment, in violation of Okla. Admin. Code § 435:10-7-7(11).
9. This VSJ ordered the Defendant to pay a \$5,000.00 fine and be placed back on probation for a period of two (2) years. The VSJ also required the Defendant to provide written proof of face-to-face visits occurring with patients on a regular basis to Board staff and undertake further education courses in the areas of ethics, boundaries and professionalism.
10. The Defendant was placed on probation by this Board for two (2) years, commencing 15 January 2015, the same day the VSJ resolving the 2014 Complaint was accepted by this Board. In pertinent part, the VSJ required the Defendant “to conduct the practice of medicine in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Board.” Exhibit 4 at p. 4, ¶ 3(a).
11. This VSJ also states that the failure to meet any terms of the Board ordered probation constitutes “cause for this Board to initiate additional proceedings to suspend, revoke or modify the Defendant’s license Immediately upon learning that the Defendant is in violation of the Board-ordered probation, the Executive Director of the Board may summarily suspend the Defendant’s license based on imminent harm to the public and assign a hearing date for the matter

to be presented at the next scheduled Board meeting.” *Id.* at pp. 5-6, ¶ 3(i).

12. On 26 January 2015, agents from the Office of the Oklahoma Attorney General (“OAG”) served a search warrant upon the Defendant at his office. OBN agents also conducted inspection activities on the same day. During the search, OBN agents recovered approximately 18 pre-signed blank prescriptions along with a large number of signed prescriptions which had previously been filled out.
13. OBN Agents also recovered a bag of pills next to bottles of liquor in a facility break room. The bag contained 787 identifiable pills, of which 506 were Schedule II CDS and 14 were Schedule IV CDS. The bag also contained 31 Fentanyl patches, which is a Schedule II CDS. The CDS pills, patches, and blank signed prescriptions were not secure and were easily accessible. No records, invoices or inventories were located evidencing lawful possession of the CDS. The Defendant was, and is not, authorized to collect CDS from ultimate users and other non-registrants pursuant to 21 C.F.R. § 1317.30.
14. Three of the signed, prepared prescription forms recovered by the agents on 26 January 2015 were for JB, an employee of the Defendant. One prescription was for a 15-day supply of Oxycodone 30mg, #100, dated 21 January 2015. Employee JB had already filled a prescription for a 15-day supply of Oxycodone 30mg, #100, on 21 January 2015. That prescription was also signed by the Defendant and dated 19 January 2015.
15. Four days after the Defendant was again placed on probation by this Board, he prescribed to employee JB 100 thirty milligram dosages of Oxycodone for 15 days, which is the daily morphine milligram equivalent (“MME”) of 360. When coupled with the second prescription, dated 21 January 2015, employee JB was prescribed by the Defendant Oxycodone dosages of 720 MME per day for the period between 21 January and 4 February 2015.
16. Based upon this evidence, and other substantial evidence obtained by the OBN through undercover operations conducted at the Defendant’s clinic, the OBN issued an order immediately suspending

the Defendant's OBN license on 5 February 2015. *See generally* Exhibit 5. The OBN order found in pertinent part:

- a. The Defendant violated 63 O.S. 2011, § 2-304(A)(4) and Okla. Admin. Code § 475:20-1-2 by failing to maintain effective controls against the diversion of CDS to unauthorized persons or entities;
 - b. The Defendant violated 63 O.S. 2011, § 2-402(A)(1) and Okla. Admin. Code § 475:35-1-1, *et seq.*, by unlawfully obtaining and possessing Schedule II CDS while acting the course of his professional practice;
 - c. The Defendant violated 63 O.S. 2011, §§ 2-304(A)(9), 2-307, and Okla. Admin. Code § 475:25-1-1, *et seq.*, by possessing CDS for other than a legitimate medical or scientific purposes or for purposes outside the normal course of his professional practice and failed to maintain appropriate records, reports and inventories of all CDS in his possession; and
 - d. The Defendant violated 63 O.S. 2011, § 2-304(A)(4), (11), Okla. Admin. Code §§ 475:30-1-3, 475:30-1-4, and 21 C.F.R. § 1306.05 by pre-signing prescriptions for the use of employees when the Defendant was not present at his clinic.
17. OAG Investigator AC conducted surveillance of the Defendant's medical clinic on 20 January 2015. At that time, Investigator AC observed an off duty deputy sheriff ("DO"), an employee of the Defendant, leave the Defendant's medical clinic with what appeared to be several prescriptions in his hand and leave the clinic's parking lot. Investigator AC observed DO return to the Defendant's clinic with what appeared to be prescriptions and reenter the clinic. Investigator AC then observed numerous patients leave the clinic shortly after DO's return, which was before the Defendant arrived at the clinic. Investigator AC interviewed DO on 26 January 2015 wherein DO admitted to taking prescriptions to the Defendant's residence, which the Defendant would sign at his residence, and DO would return to the clinic and hand the prescriptions to patients before being seen by the Defendant. DO confirmed that this practice had occurred on numerous occasions. The Defendant does not have access to patient records at his residence.

II. CONCLUSIONS OF LAW

18. 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 O.S. § 480, *et seq.*, including the Defendant's activities as holder of a probationary license to practice medicine within the State of Oklahoma.
19. The Defendant violated the terms of his probation imposed upon him by this Board on 15 January 2015 as follows:
- a. Engaging in the dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public, in violation of 59 O.S. 2011, § 509(8) and Okla. Admin. Code § 435:10-7-4(11);
 - b. Committing 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. 2011, § 509(9);
 - c. Failing to keep complete and accurate records of purchase and disposal of controlled drugs or of narcotic drugs, in violation of 59 O.S. 2011, § 509(10);
 - d. Violating, or attempting to violate, directly or indirectly, any of the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, either as a principal, accessory or accomplice, in violation of 59 O.S. 2011, § 509(13) and Okla. Admin. Code § 435:10-7-4(21);
 - e. Engaging in repeated negligence in the practice of medicine, in violation of Okla. Admin. Code § 435:10-7-4(15);
 - f. Prescribing, dispensing or administering controlled substances or narcotic drugs in a manner prohibited by 59 O.S. 2011, § 509(12), (16); Okla. Admin. Code § 435:10-7-4(1), (2), (24), (27), (49); and
 - g. Failing to provide a proper and safe medical facility setting and qualified assistive personnel for a recognized medical act, in violation of 59 O.S. 2011, § 509(20) and Okla. Admin. Code § 435:10-7-4(41).

20. The Defendant's conduct evinces a pattern and practice of disregarding applicable statutes and regulations regarding the use of CDS in the practice of medicine and failing to conduct appropriate face-to-face visits with patients undergoing medical care. The Defendant's conduct presents a clear threat of, and imminent harm to, the public.
21. The Defendant's probationary license, License No. 21473, is hereby IMMEDIATELY SUSPENDED pending hearing of this matter by the Board at the next scheduling hearing date, pursuant to 59 O.S. 2011, § 506(B).
22. This matter is hereby scheduled to be heard by the Board on the date and at the place and time stated in the Citation served contemporaneously herewith.

DATED this 11th Day of February 2015.



Lyle Kelsey, MBA, CMBE
Executive Director
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
101 N.E. 51st Street
Oklahoma City, Oklahoma 73105
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EXHIBIT NO. 1

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).

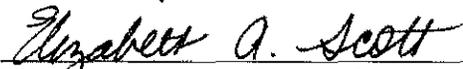
H. Prescribed or administered a controlled substance without medical need in accordance with published standards in violation of 59 O.S. §509(16) and OAC 435:10-7-4(2) and (6).

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,



Elizabeth A. Scott (OBA #12470)
Assistant Attorney General
State of Oklahoma
101 N.E. 51st Street
Oklahoma City, OK 73105
Attorney for the Plaintiff

EXHIBIT NO. 2

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,)

NOV 03 2011

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

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

Case No. 10-12-4125

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

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 for the State of Oklahoma, and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Harvey C. Jenkins, Jr., M.D., Oklahoma license no. 21473, who appears in person and pro se, proffer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on September 30, 2011 and acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

Defendant, Harvey C. Jenkins, Jr., M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein.

PARTIES' AGREEMENT AND STIPULATIONS

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

Findings of Fact

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.* The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.

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).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant, Harvey C. Jenkins, Jr., M.D., Oklahoma medical license 21473, is guilty of unprofessional conduct set forth below based on the foregoing facts:

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).

Order

IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.

2. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, Defendant shall be placed on **PROBATION** for a period of **THREE (3) YEARS** under the following terms and conditions:

A. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act shall be submitted in writing to the Board and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Oklahoma State Board of Medical Licensure and Supervision.

B. Upon request of the Board Secretary, Defendant will

request all hospitals in which he anticipates practicing to furnish to the Board Secretary of the Oklahoma State Board of Medical Licensure and Supervision a written statement regarding monitoring of his practice while performing services in or to that hospital.

C. Defendant will furnish to each and every state in which he holds licensure or applies for licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.

D. Defendant will not supervise allied health professionals that require surveillance of a licensed physician.

E. Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or physicians holding Defendant's records.

F. Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, as well as hair samples for analysis, upon request of the Oklahoma State Board of Medical Licensure and Supervision or its designee, and Defendant will pay for the analysis thereof.

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 medication 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.

J. Defendant will authorize in writing the release of any and all information regarding his medical, emotional or psychiatric

treatment to the Oklahoma State Board of Medical Licensure and Supervision.

K. Defendant will abide by the terms and recommendations of Sante.

L. Defendant shall promptly notify the Board of any positive drug test, including any re-entry into an assessment program for substance abuse or entry into a treatment program for substance abuse.

M. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses, including but not limited to those involving substance abuse.

N. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of his current address.

O. Defendant will keep current payment of all assessments by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of his case, which shall include but is not limited to a one hundred fifty dollar (\$150.00) per month fee during the term of probation.

P. Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

Q. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.

R. Defendant shall submit any required reports and forms on a timely, accurate and prompt basis to the Compliance Coordinator or designee.

S. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

3. If Defendant ever tests positive for alcohol or any other prohibited substance during the term of probation, he agrees to immediately enter residential treatment for substance abuse. Defendant further agrees that he will not return to the practice of medicine until he has

completed formal substance abuse treatment, has established a substantial track record of abstinence from prohibited substances and has been comprehensively reassessed as fit to return to the practice of medicine.

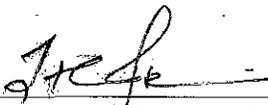
4. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

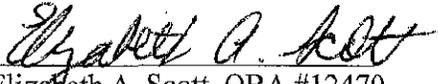
5. Defendant's probation shall not be lifted until he has reimbursed the Board for all costs, legal fees and investigation costs.

Dated this 3 day of November, 2011.


J. Andy Sullivan, President
Oklahoma State Board of
Medical Licensure and Supervision

AGREED AND APPROVED


Harvey C. Jenkins, Jr., M.D.
License No. 21473


Elizabeth A. Scott, OBA #12470
Assistant Attorney General
State of Oklahoma
101 N.E. 51st Street
Oklahoma City, OK 73105

Attorney for the Oklahoma State
Board of Medical Licensure and
Supervision


Gerald C. Zumwalt, M.D.
Secretary and Medical Advisor
Oklahoma State Board of
Medical Licensure and Supervision

CERTIFICATE OF MAILING

I certify that on the 4 day of November, 2011, a mailed a true and correct copy of the Order Accepting Voluntary Submittal to Jurisdiction to Harvey C. Jenkins, Jr., M.D., 8603 S. Western, Oklahoma City, OK 73139.

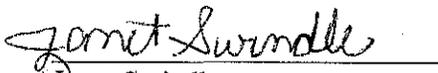

Janet Swindle

EXHIBIT NO. 3

**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 JENKINS, M.D.,)
LICENSE NO. 21473,)
)
Defendant.)

JUN 26 2014

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 13-10-4833

COMPLAINT

The State of Oklahoma, *ex rel.* the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), alleges and states as follows for its Complaint against the Defendant, Harvey Jenkins, M.D.:

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 O.S. § 480, *et seq.*
2. The Defendant, Harvey Jenkins, M.D., holds Oklahoma medical license no. 21473.

Allegations of Unprofessional Conduct

3. This case was initiated on or about October 11, 2013, when Board Staff received a phone call from Patient AML advising she received a laser treatment from an unlicensed technician at Body Trends in Tulsa, Oklahoma, and did not see the Defendant, Harvey Jenkins, M.D., who is also the owner of the clinic, prior to treatment.
4. Upon investigation, it was found that Patient AML had, in fact, received a tattoo removal laser procedure from an unlicensed staff member at Body Trends in Tulsa, Oklahoma. Patient AML's medical record contain a typed progress note dated August 9, 2013, and signed by the Defendant, which gives the impression that Patient AML was evaluated by the Defendant prior to treatment.
5. On or about August 21, 2013, Patient AML returned to Body Trends with complaints of redness and pain at the site of the treatment. A photograph of Patient AML's foot treatment site was taken and electronically sent to the Defendant. The Defendant called

Patient AML and discussed the matter with her before calling in prescriptions for treatment.

6. On or about October 17, 2013, Board Investigator JL went undercover as Patient JRL and received a consult for a tattoo removal by Rachel Cummings, the unlicensed office manager of Body Trends in Tulsa, Oklahoma. The Defendant was not in the facility on this day, however, the paperwork Undercover Patient JRL filled out on this day is signed by the Defendant and dated October 17, 2013.
7. On December 20, 2013, Undercover Patient JRL went to Body Trends in Tulsa, Oklahoma, where she proceeded to the reception window and paid the \$75.00 fee. Undercover Patient JRL observed the Defendant sitting in a chair behind the reception window.
8. Undercover Patient JRL was taken to an examination room by the unlicensed technician. The unlicensed technician had the laser in one hand and a cold air blower in the other hand and was ready to proceed with the treatment. At this point, Undercover Patient JRL asked the unlicensed technician to stop and bring the Defendant into the room. The Defendant, Harvey Jenkins, M.D., was brought into the room whereupon an interview with Undercover Patient JRL commenced.
9. During this interview, the Defendant admitted to Undercover Patient JRL that his face-to-face visits with some patients consist of merely visualizing them from behind the reception window.
10. Board Investigator JL further learned that Patient JGL received an Intense Pulsed Light ("IPL") laser treatment on or about February 16, 2012. The Defendant did not see this patient prior to her receiving the treatment from the Defendant's unlicensed technician. The following morning, February 17, 2012, Patient JGL called Body Trends and reported to "Sarah" (last name unknown) that the treatment site was burned and hurting. The condition of her treatment site continued to deteriorate over the weekend and she spoke with Sarah multiple times about it. On or about February 20, 2012, Patient JGL was told to go to Body Trends so the Defendant could evaluate her. When Patient JGL arrived, the Defendant was not there. She was seen by Sarah who applied biafine and wrapped her arm. On February 21, 2012, a prescription for biafine was called in for Patient JGL.
11. Board Investigator JL further learned that on or about December 20, 2013, Patient JPL received a laser treatment at Body Trends in Tulsa, Oklahoma. Patient JPL stated he did not see a physician, only the technician who performed the procedure. This is the only visit Patient JPL had at this clinic and he states that his hand is scarred where the procedure was performed.
12. Board Investigator JL further learned that on or about October 11, 2013, December 20, 2013, and January 17, 2014, Patient DLL received a total of three (3) laser treatments at Body Trends. Patient DLL states she did not see the Defendant on any of these three (3) visits. Patient DLL claims she was burned on the last visit, January 17, 2014, which resulted in scar tissue. Patient DLL returned on June 6, 2014, and was finally seen by the Defendant who promised Patient DLL he would give her a complimentary IPL treatment

to help get rid of the scarring.

13. The Defendant wrote progress notes in the medical records which appear as though he saw patients in person on days when he did not. For example: Patient JPL's records state on December 20, 2013, a day when PTL was not seen by the Defendant: "Spoke with patient, explained protocol. Sister had same procedure with good results. Answered Questions. No contraindications. Tolerated treatment well. Precautions given." This record is signed by the Defendant. On Patient DLL's medical record of December 20, 2013, it states: "Spoke with patient, doing well. Questions answered." This record is signed by the Defendant. And on Undercover JRL's medical record, a consult was provided by an unlicensed staff member on October 17, 2013. The Defendant initialed and dated the consult records October 17, 2013, even though he was not present in the clinic on that day.
14. The Defendant did not conduct a proper face-to-face visit with at least five (5) patients prior to allowing unlicensed staff to perform medical procedures on those patients. According to the Policy & Guidelines for Medical Spas & Aesthetic Procedures from the Oklahoma State Board of Medical Supervision and Licensure dated November 7, 2008: "The practice of medicine and surgery as defined above is grounded upon the doctor/patient relationship which at a minimum requires a face-to-face evaluation of the patient by the physician or a physician assistant under a physician's supervision, prior to the determined treatment of procedure, development of a patient chart, providing patient informed consent and the process for the patient's follow up care."
15. These alleged violations occurred with the Defendant was already on probation with the Board in Case. No. 10-12-4125.
16. The 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. §509.8 and Okla. Admin. Code 435:10-7-4(11);
 - b) Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship in violation of Title 59 O.S. §509.12;
 - c) Aiding or abetting, directly or indirectly, the practice of medicine by any person not duly authorized under the laws of this state in violation of Title 59 O.S. §509.14;
 - 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. §509.18;
 - e) Failure to provide a proper and safe medical facility setting and qualified assistive personnel for a recognized medical act, including but not limited to an initial in-person patient examination, office surgery, diagnostic

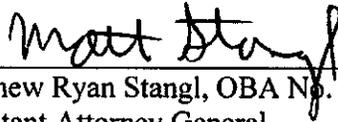
service or any other medical procedure or treatment. Adequate medical records to support diagnosis, procedure, treatment or prescribed medications must be produced and maintained in violation of Title 59 O.S. §509.20 and Okla. Admin. Code 435:10-7-4(41);

- f) Aiding or abetting the practice of medicine and surgery by an unlicensed, incompetent, or impaired person in violation of Okla. Admin. Code § 435:10-7-4(21);
- g) Allowing another person or organization to use a physician's license to practice medicine and surgery in violation of Okla. Admin. Code § 435:10-7-4(22);
- h) Violation of any provision(s) 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 Okla. Admin. Code § 435:10-7-4(39);
- i) Failure to establish a physician/patient relationship prior to providing patient-specific medical services, care or treatment, except in a clearly emergent, life threatening situation in violation of Okla. Admin. Code § 435:10-7-4(11);

Conclusion

Given the foregoing, the undersigned requests 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 the Defendant's professional license, including an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



Matthew Ryan Stangl, OBA No. 20343
Assistant Attorney General
State of Oklahoma
313 N.E. 21st Street
Oklahoma City, OK 73105
Phone: (405) 521-3921
Fax: (405) 522-4536

*Attorney for State of Oklahoma ex rel.
The Oklahoma State Board of Medical
Licensure and Supervision*

EXHIBIT NO. 4

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

FILED

JAN 15 2015

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.*)
THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
)
HARVEY JENKINS, M.D.,)
LICENSE NO. 21473,)
)
Defendant.)

Case No. 13-10-4833

ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION

Plaintiff, the State of Oklahoma, *ex rel.* the Oklahoma State Board of Medical Licensure and Supervision ("Board"), by and through its attorney, Joseph L. Ashbaker, Jr., Assistant Attorney General, for the State of Oklahoma and the staff of the Board, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Harvey Jenkins, M.D., Oklahoma medical license no. 21473 who appears in person and through counsel, Linda Scoggins, offer this Agreement effective January 15, 2015, for acceptance by the Board *en banc* pursuant to Okla. Admin. Code § 435.5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, the Defendant pleads guilty to certain allegations in the Complaint and Citation filed herein on June 26, 2014, as more specifically set forth herein, and further acknowledges that a hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("Act").

The Defendant, Harvey Jenkins, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for an evidentiary hearing on the allegations made against him. The Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. The Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this agreement has been reviewed and discussed with him and his legal counsel.

Agreements and Stipulations

1. The Plaintiff, the Defendant and the Board Staff stipulate and agree as follows:
2. 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 O.S. § 480 *et seq.*
3. The Defendant, Harvey Jenkins, M.D., holds Oklahoma medical license no. 21473.
4. This case was initiated on or about October 11, 2013, when Board Staff received a phone call from Patient AML advising she received a laser treatment from an unlicensed, trained technician at Body Trends in Tulsa, Oklahoma, and did not see the Defendant, Harvey Jenkins, M.D., who is also the owner of the clinic, prior to treatment.
5. Upon investigation, it was found that Patient AML had, in fact, received a tattoo removal laser procedure from an unlicensed, trained technician at Body Trends in Tulsa, Oklahoma. Patient AML's medical record contain a typed progress note dated August 9, 2013, and signed by the Defendant, which gives the impression that Patient AML was evaluated by the Defendant prior to treatment. Defendant was present in the facility during the tattoo removal laser procedure, but did not have a face-to-face meeting with Patient AML. The staff member was trained in the laser procedure and Defendant contends that his intent was for the chart to reflect his review of the records therein.
6. On or about August 21, 2013, Patient AML returned to Body Trends with complaints of redness and pain at the site of the treatment. A photograph of Patient AML's foot treatment site was taken and electronically sent to the Defendant. The Defendant called Patient AML and discussed the matter with her before calling in prescriptions for treatment. A follow-up appointment with Defendant was scheduled, but Patient AML did not return for the appointment.
7. On or about October 17, 2013, Board Investigator JL went undercover as Patient JRL and received a consult for a tattoo removal by Rachel Cummings, the office manager of Body Trends in Tulsa, Oklahoma. The Defendant was not in the facility on this day, however, the paperwork Undercover Patient JRL filled out on this day is signed by the Defendant and dated October 17, 2013.
8. On December 20, 2013, Undercover Patient JRL went to Body Trends in Tulsa, Oklahoma, where she proceeded to the reception window and paid the \$75.00 fee. Undercover Patient JRL observed the Defendant sitting in a chair behind the reception window.
9. Undercover Patient JRL was taken to an examination room by the unlicensed, trained technician. The technician had the laser in one hand and a cold air blower in the other hand and was ready to proceed with the treatment. At this point, Undercover Patient JRL asked the technician to stop and bring the Defendant into the room. The Defendant, Harvey Jenkins, M.D., was brought into the room whereupon an interview with

Undercover Patient JRL commenced.

10. During this interview, the Defendant admitted to Undercover Patient JRL that his face-to-face visits with some patients consist of merely visualizing them from behind the reception window.
11. Board Investigator JL further learned that Patient JGL received an Intense Pulsed Light ("IPL") laser treatment on or about February 16, 2012. The Defendant did not meet this patient prior to her receiving the treatment from the Defendant's technician. The following morning, February 17, 2012, Patient JGL called Body Trends and reported to "Sarah" (last name unknown) that the treatment site was burned and hurting. The condition of her treatment site continued to deteriorate over the weekend and she spoke with Sarah multiple times about it. On or about February 20, 2012, Patient JGL was told to go to Body Trends so the Defendant could evaluate her. When Patient JGL arrived, the Defendant was not there. She was seen by Sarah who applied biafine and wrapped her arm. On February 21, 2012, a prescription for biafine was called in for Patient JGL.
12. Board Investigator JL further learned that on or about December 20, 2013, Patient JPL received a laser treatment at Body Trends in Tulsa, Oklahoma. Patient JPL stated he did not see a physician, only the technician who performed the procedure. This is the only visit Patient JPL had at this clinic and he states that his hand is scarred where the procedure was performed.
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14. The Defendant wrote progress notes in the medical records which appear as though he saw patients in person on days when he did not. For example: Patient JPL's records state on December 20, 2013, a day when PTL was not seen by the Defendant: "Spoke with patient, explained protocol. Sister had same procedure with good results. Answered Questions. No contraindications. Tolerated treatment well. Precautions given." This record is signed by the Defendant. On Patient DLL's medical record of December 20, 2013, it states: "Spoke with patient, doing well. Questions answered." This record is signed by the Defendant. And on Undercover JRL's medical record, a consult was provided by a staff member on October 17, 2013. The Defendant initialed and dated the consult records October 17, 2013, even though he was not present in the clinic on that day.
15. The Defendant did not conduct a proper face-to-face visit with at least five (5) patients prior to allowing technicians to perform medical procedures on those patients. According to the Policy & Guidelines for Medical Spas & Aesthetic Procedures from the Oklahoma State Board of Medical Supervision and Licensure dated November 7, 2008: "The practice of medicine and surgery as defined above is grounded upon the doctor/patient

relationship which at a minimum requires a face-to-face evaluation of the patient by the physician or a physician assistant under a physician's supervision, prior to the determined treatment of procedure, development of a patient chart, providing patient informed consent and the process for the patient's follow up care."

16. These alleged violations occurred with the Defendant was already on probation with the Board in Case. No. 10-12-4125.

Conclusions of Law

17. The Defendant is guilty of unprofessional conduct in that he engaged in:
- a) Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship in violation of Title 59 O.S. §509.12;
 - b) 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. §509.18;
 - c) Violation of any provision(s) 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 Okla. Admin. Code § 435:10-7-4(39);
 - d) Failure to establish a physician/patient relationship prior to providing patient-specific medical services, care or treatment, except in a clearly emergent, life threatening situation in violation of Okla. Admin. Code § 435:10-7-4(11);

Order

IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction;
2. It is **ORDERED** that Defendant will pay an **ADMINISTRATIVE FINE** in the amount of **FIVE THOUSAND DOLLARS (\$5,000.00)**; and
3. It is **ORDERED** that the Defendant will be placed on **PROBATION** for a period of two (2) years and said probation shall have the following provisions:

Standard Terms:

- a) The Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Board. Any question of interpretation regarding the Act or this order shall be submitted

in writing to the Board, and no action based on the subject of the question will be taken by the Defendant until clarification of interpretation is received by the Defendant from the Board or its designee.

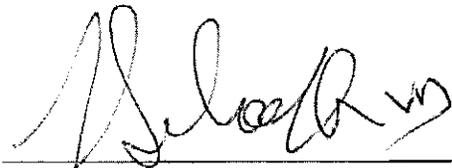
- b) The Defendant will furnish a copy of this order to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.
- c) The Defendant will keep the Board informed of his current address.
- d) The Defendant will keep current payment of all assessments by the Board for prosecution, investigation and monitoring of his case, which shall include, but is not limited to, a fee of one hundred fifty dollars (\$150.00) per month during the term of probation, unless the Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- e) Until such time as all indebtedness to the Board has been satisfied, the Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.
- f) The Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.
- g) The Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or designee.
- h) The Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Coordinator to obtain copies of medical records and authorize the Compliance Coordinator to discuss the Defendant's case with the Defendant's treating physicians and/or any physicians holding the Defendant's records.
- i) Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify the Defendant's license after due notice and hearing. Immediately upon learning that a licensee is in violation of a Board-ordered probation, the Executive Director of the Board may summarily suspend the license

based on imminent harm to the public and assign a hearing date for the matter to be presented at the next scheduled Board meeting.

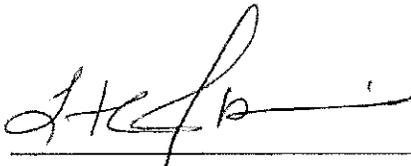
Specific Terms:

- j) Defendant will conduct a proper face-to-face visit with each patient. Defendant will present for review and signature to each patient, a verification that a face-to-face physician/patient visit was conducted. These signed verifications will be submitted to Board Compliance Coordinator on a monthly basis by Defendant.
- k) Defendant will attend two CME courses in Ethics/Boundaries/Professionalism. These two CME courses are *in addition to* his normally required CME courses and will be completed during the term the probation as stated herein.

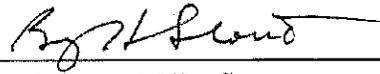
Dated this 15th day of January, 2015.



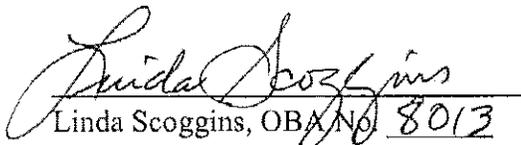
John William Kinsinger, M.D., President
Oklahoma State Board of Medical
Licensure and Supervision



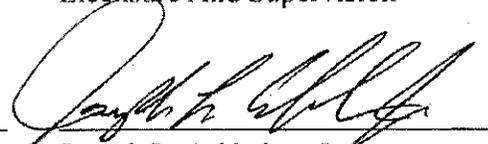
Harvey Jenkins, M.D.
License No. 21473



Billy H. Stout, M.D., Secretary
Oklahoma State Board Of Medical
Licensure And Supervision



Linda Scoggins, OBA No. 8013
Doerner Saunders Daniel & Anderson
105 N. Hudson, Suite 500
Oklahoma City, OK 73102
Attorney for Defendant



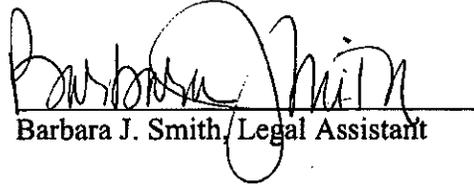
Joseph L. Ashbaker, Jr.
OBA No. 19395
Assistant Attorney General
General Counsel Section
OFFICE OF THE ATTORNEY GENERAL
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105
405/521.3921
405/522.4536 – Facsimile

– Primary Contact Information –

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND
SUPERVISION
101 N.E. 51st Street
Oklahoma City, Oklahoma 73105
405/962.1400
405/962.1499 – Facsimile

Certificate of Service

I certify that on the 15th day of January, 2015, a true and correct copy of this Order was provided, postage prepaid, to Ms. Linda Scoggins, Doerner Saunders Daniel & Anderson , 105 N. Hudson, Suite 500, Oklahoma City, OK 73102.


Barbara J. Smith, Legal Assistant

3283967v1

EXHIBIT NO. 5

MARY FALLIN
Governor



R. DARRELL WEAVER
Director

OKLAHOMA STATE BUREAU OF NARCOTICS
AND DANGEROUS DRUGS CONTROL

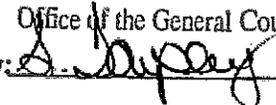
419 NE 38th Terrace
Oklahoma City, Oklahoma 73105
TELEPHONE 405/521-2885 • 1/800-522-8031

FILED
Oklahoma State Bureau of Narcotics
and Dangerous Drugs Control

FEB - 4 2015

February 4, 2015

Dr. Harvey C. Jenkins
8603 S. Western Avenue
Oklahoma city, OK 73139

Office of the General Counsel
By: 

RE: **Immediate Suspension Due to Imminent Danger OBND v. Harvey C. Jenkins, M.D. SCH-2015-003 OBN# 29444**

Harvey Jenkins, M.D.:

You are hereby notified that, pursuant to *Title 63 O.S. §§ 2-304, 2-305 and 75 O.S. § 314.1*, your privileges, to possess, administer, dispense, prescribe and/or distribute, scheduled controlled dangerous substances as provided for under the Uniform Controlled Dangerous Substances Act are **IMMEDIATELY SUSPENDED**. For reasons set forth herein, it is my determination that the privilege to possess, administer, dispense, prescribe and/or distribute, scheduled controlled dangerous substances by you constitutes an imminent danger to the public health, safety, and welfare of the citizens of Oklahoma.

According to *Title 63 O.S. § 2-304*, a license or permit shall be denied, suspended, or revoked by the Director upon finding that the licensee or permit holder:

4. Has failed to maintain effective controls against the diversion of controlled dangerous substances to unauthorized persons or entities;
6. Has had a restriction, suspension, revocation, limitation, condition, or probation placed on his professional license or certificate or practice as a result of a proceeding pursuant to the general statutes;
7. Is abusing or, within the past five (5) years, has abused or excessively used drugs or controlled dangerous substances;
9. Has possessed, used, prescribed, dispensed or administered drugs or controlled dangerous substances for other than legitimate medical or scientific purposes or for purposes outside the normal course of his professional practice;
11. Has violated any federal law relating to any controlled substances, any provision of the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title or any rules of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

"Committed to honor, integrity, and excellence, The Oklahoma State Bureau of Narcotics will Serve the citizens of Oklahoma in the quest for a drug-free state."

Additionally, pursuant to the provisions of **63 O.S. § 2-305(B)**, the Director has the authority to suspend, without an order to show cause, any registration if he finds there is imminent danger to the public health or safety which warrants this action.

Respondent was disciplined by the Oklahoma Medical Board and the Oklahoma Bureau of Narcotics in 2011, wherein Respondent stipulated that he had abused and/or excessively used CDS and that he prescribed CDS for Respondent's own use in violation of **OAC 475:30-1-3** and **63 O.S. § 2-304(A)(7)** and (11). Pursuant to the Stipulation and Agreed Order, Respondent was on probation with OBND until November 3, 2014, and agreed that he would provide duplicate reports to OBND of any biological fluid and hair samples ordered by the Oklahoma State Board of Medical Licensure and Supervision. Respondent failed to provide OBND any duplicate reports in violation of the provisions of Respondent's probation with OBND. The 2011 OBND and Medical Board Orders are attached as **Exhibit A** and incorporated by reference as if fully set forth herein.

Respondent was again disciplined by the Oklahoma Medical Board on January 15, 2014, for unprofessional conduct in that he engaged in prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship in violation of **59 O.S. § 509.12** and 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 **59 O.S. § 509.18**. The Order Accepting Voluntary Submittal to Jurisdiction entered by the Medical Board is attached as **Exhibit B** and incorporated by reference as if fully set forth herein.

On or about July 10, 2013, OBND Agent BT conducted an undercover operation wherein Agent BT called Respondent's Clinic and obtained the first available appointment, which was scheduled for October 9, 2013. On October 9, 2013, Agent BT arrived for his appointment at 8:45 and noted that 9 people were already standing in line outside the locked Clinic door. Agent BT noticed that one of the individuals standing in line appeared to be under the influence of an intoxicating substance in that her speech was heavily slurred and she was having difficulty maintaining her balance.

After entering the Clinic, surveillance reported to Agent BT that Respondent was not yet at the Clinic. However, Agent BT noticed that several groups of six patients were taken back to the exam rooms. The patients were in the exam rooms anywhere from 2-5 minutes before leaving the Clinic with what appeared to be prescriptions in their hands. After several groups exited the Clinic with prescriptions, surveillance reported at 10:35 a.m., that Respondent arrived at the Clinic. Agent BT was then brought back to an exam room at 10:36 a.m. and spoke with a member of Respondent's staff. Agent BT provided his height and weight and reported he was there for back pain as a result of an ATV accident in January 2012. Although Agent BT was instructed to bring medical records from his previous diagnosis, he provided none.

At 11:06 a.m., Respondent entered the exam room and asked Agent BT what he was there for. Agent BT reported that he was injured in an ATV accident in January of 2012 and was previously taking Lortab, but had not had a prescription since April or May. Agent BT reported that he did not have an MRI and responded "no" when Respondent asked if it hurt when he bent forward at the waist, if it hurt when he bent backward at the waist or if his back was sore to the touch. Respondent then stated that it appeared that the Lortab was working for Agent BT and asked if Agent BT thought a muscle relaxer would help. Agent BT stated that he thought it would and Agent BT was then given prescriptions for Flexeril 10 mg #90 and

Hydrocodone 10/500 #90. Agent BT's initial examination was completed in approximately 3 minutes.

Agent BT returned for his follow-up office visit on October 23, 2013, exactly 2 weeks after his initial exam even though the prescriptions were written for a 30 day supply. Agent BT reported that his pain level was 1 and that he was having trouble sleeping. Respondent then gave Agent BT a prescription for Ambien 10 mg #15. The examination was completed in approximately 2 minutes.

Agent BT returned on November 7, 2013, for his next scheduled appointment. Respondent informed Agent BT that the drug screen conducted on October 23, 2013, did not show that Agent BT was taking the Hydrocodone. Agent BT reported that he only took it when he needed it. Respondent told Agent BT he would not issue a prescription that day, but that he should come back in 4 weeks. The examination was completed in approximately 3 minutes.

On April 14, 2014, an undercover operation was initiated with Agent TB working under a false identity. Agent TB arrived at her appointment at 9:30 a.m. and presented her identification and Medicaid card and paid the \$3.00 Medicaid co-pay. Agent TB observed the waiting room which was overflowing to the point that office staff was bringing in folding chairs. Agent TB also noted that several of the patients were very groggy, some of which had slumped over in their chairs and appeared to be asleep.

Agent TB initiated a conversation with a patient in the waiting room, who identified herself as Brandy. Agent TB asked Brandy what Respondent usually prescribed and Brandy stated "Oxycodone." Brandy added that "you can probably ask for whatever you want."

Approximately 2 hours after arriving, Agent TB was called back to an examination room where her blood pressure was taken by one of Respondent's staff. Approximately 30 minutes after that, Respondent entered the examination room and asked Agent TB why she was there. Agent TB stated that she hurt her shoulder in a four wheeler accident. Respondent checked different areas of Agent TB's shoulder for tenderness and measured her range of motion. Respondent asked Agent TB if she was allergic to any medications and then wrote two prescriptions, one for Percocet 7.5/325 #90 and Mobic 15 mg #30. Respondent requested that Agent TB bring her MRI report and prescription pills on the follow-up visit in two weeks. Agent TB at no time provided any medical records from a previous physician.

Agent TB arrived for her second appointment on April 28, 2014, at approximately 10:00 a.m. and presented her Medicaid card and paid the \$3.00 co-pay. Again, Agent TB noted that the waiting room was filled to capacity and the office staff again handed out folding chairs for the overflow. When Agent TB was taken back to examination room at 11:00 a.m., a staff member asked her what her pain level was and asked her height and weight. No vitals were taken. When Respondent entered the examination room, Respondent asked how the medication was working and Agent TB stated it was okay. Respondent told her to make an appointment in two weeks for refills and informed her that he would see her every month after that. Although Respondent requested an MRI and told Agent TB to bring in her pills for a pill count at her previous visit, neither the MRI nor the pill count was mentioned or conducted. Respondent spent less than 15 seconds with Agent TB during her second office visit.

Agent TB arrived at Respondent's Clinic for her third appointment on May 12, 2014. Agent TB again paid the Medicaid \$3.00 co-pay and again noticed that the waiting room was overflowing. When a staff member asked for patients there for refills only, a majority of the

waiting room stood and provided the staff member with paperwork. Agent TB was quickly called back and a staff person followed her into the room. The employee asked if Agent TB was there for back pain and Agent TB responded "no, shoulder pain." The staff person then scratched out the code on her paperwork and wrote the word "shoulder" and wrote down a different code. The staff person stated that "he's giving you Percocet and Mobic. Take them to the check out and schedule another appointment." Agent TB never saw Respondent at this office visit and spent approximately 15 seconds with the staff member handling the office visit. Agent TB was handed a prescription for Percocet and Mobic.

Agent TB conducted her final undercover office visit on June 16, 2014, and again noted upon her arrival that the waiting room was full and that several of the patients were either lethargic or already asleep. When Respondent entered the examination room, Respondent asked Agent TB if the medications were working and then handed her two prescriptions along with the Medicaid paperwork and exited the examination room. Agent TB timed the interval between Respondent entering the examination room and his departure, which amounted to 31 seconds. Agent TB noted that the Medicaid paperwork indicated a level 4 office visit.

On January 26, 2015, Agents from the Attorney General's Office and OBNDP served a search warrant at Respondent's office. During the search of the premises, agents located approximately 18 pre-signed blank prescriptions along with a large number of signed prescriptions which had previously been filled out. Additionally, Agents located a bag of pills next to bottles of liquor in a room frequently used by staff as a break room. The bag contained 787 pills that were identifiable. Also in the bag were several unidentifiable partial pills and several pill bottles with the labels removed. Of these pills 787 pills, 506 were Schedule II CDS and 14 were Schedule IV CDS. In addition to the CDS pills, Agents located 31 Fentanyl patches (Schedule II). (Exhibit C). The CDS pills and blank signed prescriptions were not secured in any way and were accessible to anyone in the Clinic. No records, invoices or inventories were located evidencing lawful possession of the CDS nor was Respondent authorized by DEA to collect CDS from ultimate users and other non-registrants pursuant to 21 CFR § 1317.30.

Of the signed prepared prescriptions seized in the Attorney General's Search Warrant, 3 were for an employee JB, one of which was for Oxycodone 30 mg #100 for a 15 day supply and dated January 21, 2015. However, employee JB filled a prescription for Oxycodone 30 mg #100, also for a 15 day supply on January 21, 2015, which was dated January 19, 2015. Respondent authorized a 15 day supply of Oxycodone for patient/employee JB on January 19, 2015 and again on January 21, 2015.

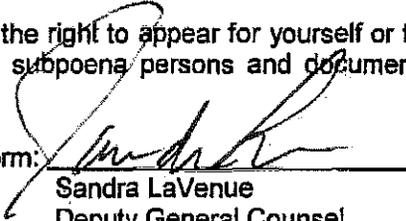
Both Agents TB and BT went to Respondent's Clinic on multiple occasions and were prescribed either a Schedule II or III CDS without providing any medical records, diagnostic testing, or adequate medical exam. Additionally, on each occasion that OBNDP Agents went to Respondent's Clinic, both Agent TB and Agent BT witnessed patients that appeared to be under the influence of intoxicating substances, were groggy or asleep. They also saw that a majority of the patients stand up when Clinic staff asked "who is here for refills" and which were taken back to the examination rooms. Agents TB and BT both reported that these patients were in the examination room from 2-5 minutes and came out with what appeared to be prescriptions in their hands. Outside surveillance confirmed that Respondent was not yet at the Clinic when these patients were in the examination rooms and subsequently exited with prescriptions. Surveillance of Respondent's Clinic also revealed that Clinic employee, Mike Oxley, would leave in the morning with multiple pieces of paper in his hands and then return with what appeared to be the same pieces of paper. On January 26, 2015, Oklahoma Attorney General Investigator

AC, interviewed Mike Oxley, who reported that he would take the morning prescriptions to Respondent for his signature and would bring them back to the Clinic to be handed out to the patients.

Based upon the evidence set forth above, I hereby find by clear and convincing evidence that Respondent continuing status as an OBND registrant represents an imminent danger to the public health and safety. The above evidence is clear and convincing that Respondent is failing to maintain effective controls against the diversion of CDS to unauthorized persons or entities in violation of 63 O.S. § 2-304(A)(4) and OAC 475:20-1-2. Additionally, the above evidence is clear and convincing that Respondent is in violation of 63 O.S. §§ 2-402(A.1) and 2-308 and OAC 475:35-1-1 *et seq.*, in that Respondent unlawfully obtained and possessed Schedule II CDS while acting in the course of his professional practice, which is a felony punishable by imprisonment for not less than two (2) nor more than ten (10) years and by a fine not exceeding \$5,000.00. Further, Respondent is in violation of 63 O.S. §§ 2-304(A)(9) and 2-307 as well as OAC 475:25-1-1 *et seq.*, in that Respondent possessed CDS for other than legitimate medical or scientific purposes or for purposes outside the normal course of his professional practice and failed to maintain appropriate records, reports and inventories of all CDS in his possession. Respondent also violated the provisions of 63 O.S. § 2-304(A)(4) and (11) as well as 475:30-1-3, 475:30-1-4 and 21 CFR 1306.05 by pre-signing prescriptions for use by Respondent's staff when Respondent was not present at the Clinic. Finally, the evidence is clear and convincing that Respondent is prescribing CDS for other than legitimate medical or scientific purposes or for purposes outside the normal course of his professional practice by prescribing CDS with little to no physical examination and without a proper physical examination establishing a legitimate medical purpose.

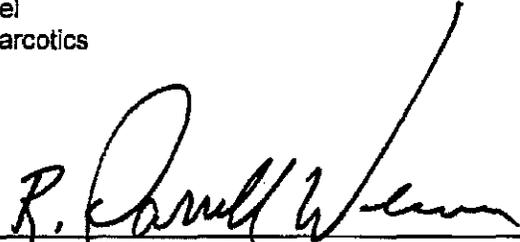
Pursuant to *OAC 475:15-1-3*, you are entitled to a hearing within fourteen (14) days of the date of this order. You are hereby given notice of a hearing scheduled for **February 18, at 9:30 a.m.** at the offices of the Oklahoma Bureau of Narcotics located at 419 N.E. 38th Terrace, Oklahoma City, Oklahoma, to show cause as to why this action should not be taken. The proceedings will be conducted in accordance with *63 O.S. §§ 2-101 through 2-608* of the Uniform Controlled Dangerous Substances Act, the Oklahoma State Bureau of Narcotics Rules and Regulations, the Oklahoma Administrative Procedures Act, *75 O.S. §§ 301-323*, and the general statutes of the State of Oklahoma.

You have the right to appear for yourself or to be represented by an attorney. You also have the right to subpoena persons and documents, and to examine or cross-examine any witnesses.

Approved as to form: 

Sandra LaVenue
Deputy General Counsel
Oklahoma Bureau of Narcotics

Dated this 4th day of February, 2015.


R. Darrell Weaver, Director
Oklahoma Bureau of Narcotics and Dangerous
Drugs Control

IN AND BEFORE THE OKLAHOMA STATE BUREAU OF
NARCOTICS AND DANGEROUS DRUGS CONTROL
STATE OF OKLAHOMA

FILED
Oklahoma State Bureau of Narcotics
and Dangerous Drugs Control

STATE OF OKLAHOMA, ex rel.)
THE OKLAHOMA STATE BUREAU OF)
NARCOTICS AND DANGEROUS DRUGS)
CONTROL, R. DARRELL WEAVER, Director)

Plaintiff,)

vs.)

HARVEY C. JENKINS, JR., M.D.,)
registration # 29444)

Respondent.)

APR 11 2012

Office of the General Counsel
By: *Sandra G. LaVenu*

SCH No. 2011-034

STIPULATION AND AGREED ORDER

COMES NOW Sandra G. LaVenu, Deputy General Counsel for the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control ("OBND") and Harvey C. Jenkins, Jr., M.D. ("Respondent") who stipulate and agree to the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent admits that his license with the Oklahoma State Board of Medical Licensure was placed on probation on November 3, 2011, in case number 10-12-4125 which is a violation of 63 O.S. § 2-304(A)(6). Exhibit A
2. Respondent admits to abusing and/or excessively using CDS within the past five (5) years which is a violation of 63 O.S. § 2-304(A)(7).
3. Respondent admits to prescribing CDS in Schedules I through V for the Respondent's own use in violation of OAC 475:30-1-3 and 63 O.S. 2-304(A)(11).
4. Respondent has voluntarily submitted to the jurisdiction of the OBND without a hearing, and entered into this Agreed Order.

**Exhibit
A**

5. In exchange for the aforementioned stipulation, Respondent agrees that his OBNDP Registration shall be placed on probation until November 3, 2014, to coincide with the probation on his medical license. Exhibit A

6. Respondent will provide duplicate reports to OBNDP of any biological fluid and hair samples ordered by the Oklahoma State Board of Medical Licensure and Supervision.

7. Respondent shall not prescribe, administer or dispense any medications for personal use or for that of any family member.

8. Respondent shall take no medication except that which is authorized by a physician treating him for a legitimate medical need.

9. Respondent shall 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.

10. Failure to comply with any of the terms of this agreement shall constitute cause for OBNDP to initiate additional proceedings, suspend, revoke or modify Respondent's registration after due notice and hearing.

CONCLUSIONS OF LAW

11. The Oklahoma State Bureau of Narcotics and Dangerous Drugs has jurisdiction over this matter and the Director has the authority to enter into this Stipulation and Agreed Order.

12. Respondent has violated the provisions of 63 O.S. § 2-304(A)(6) in that Respondent's license with the Oklahoma State Board of Medical licensure has been placed on probation due to violations of the general statutes.

13. Respondent has violated the provisions of 63 O.S. § 2-304(A)(7) in that

Respondent has abused or excessively used CDS within the past five (5) years.

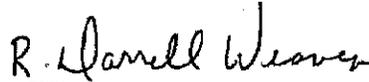
14. Respondent has violated the provisions of 63 O.S. § 2-304(A)(11) by prescribing CDS in Schedules I through V for Respondent's own use in violation of OAC 475:30-1-3.

15. The Director of the OBNDD has the authority to render this Agreed Order.

AGREED ORDER

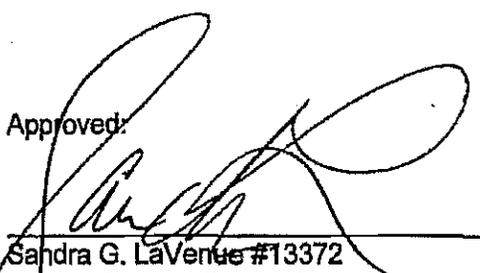
Based on the above stipulation and findings of fact and conclusions of law, I hereby order that Respondent's OBNDD Registration be placed on probation until November 3, 2014 and maintained with the agreed stipulations and conditions as set forth above.

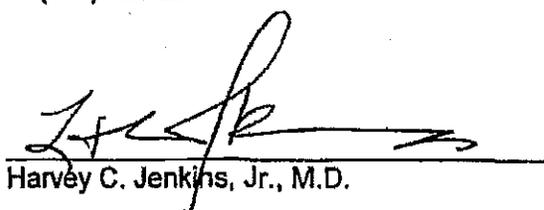
Dated this 11th day of April, 2012.



R. Darrell Weaver, Director
OKLAHOMA STATE BUREAU
OF NARCOTICS AND DANGEROUS
DRUGS CONTROL

Approved:


Sandra G. LaVente #13372
Deputy General Counsel
Oklahoma State Bureau of Narcotics
And Dangerous Drugs Control
440 N.E. 39th
Oklahoma City, OK 73105
(405) 521-2885


Harvey C. Jenkins, Jr., M.D.

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,)

NOV 03 2011

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

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

Case No. 10-12-4125

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

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 for the State of Oklahoma, and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Harvey C. Jenkins, Jr., M.D., Oklahoma license no. 21473, who appears in person and pro se, proffer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on September 30, 2011 and acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

Defendant, Harvey C. Jenkins, Jr., M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein.

PARTIES' AGREEMENT AND STIPULATIONS

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

Findings of Fact

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.* The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.

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).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant, Harvey C. Jenkins, Jr., M.D., Oklahoma medical license 21473, is guilty of unprofessional conduct set forth below based on the foregoing facts:

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).

Order

IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.

2. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, Defendant shall be placed on **PROBATION** for a period of **THREE (3) YEARS** under the following terms and conditions:

A. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act shall be submitted in writing to the Board and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Oklahoma State Board of Medical Licensure and Supervision.

B. Upon request of the Board Secretary, Defendant will

request all hospitals in which he anticipates practicing to furnish to the Board Secretary of the Oklahoma State Board of Medical Licensure and Supervision a written statement regarding monitoring of his practice while performing services in or to that hospital.

C. Defendant will furnish to each and every state in which he holds licensure or applies for licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.

D. Defendant will not supervise allied health professionals that require surveillance of a licensed physician.

E. Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or physicians holding Defendant's records.

F. Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, as well as hair samples for analysis, upon request of the Oklahoma State Board of Medical Licensure and Supervision or its designee, and Defendant will pay for the analysis thereof.

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 medication 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.

J. Defendant will authorize in writing the release of any and all information regarding his medical, emotional or psychiatric

treatment to the Oklahoma State Board of Medical Licensure and Supervision.

K. Defendant will abide by the terms and recommendations of Sante.

L. Defendant shall promptly notify the Board of any positive drug test, including any re-entry into an assessment program for substance abuse or entry into a treatment program for substance abuse.

M. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses, including but not limited to those involving substance abuse.

N. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of his current address.

O. Defendant will keep current payment of all assessments by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of his case, which shall include but is not limited to a one hundred fifty dollar (\$150.00) per month fee during the term of probation.

P. Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

Q. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.

R. Defendant shall submit any required reports and forms on a timely, accurate and prompt basis to the Compliance Coordinator or designee.

S. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

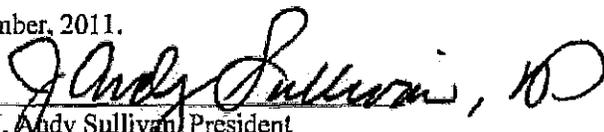
3. If Defendant ever tests positive for alcohol or any other prohibited substance during the term of probation, he agrees to immediately enter residential treatment for substance abuse. Defendant further agrees that he will not return to the practice of medicine until he has

completed formal substance abuse treatment, has established a substantial track record of abstinence from prohibited substances and has been comprehensively reassessed as fit to return to the practice of medicine.

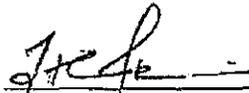
4. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

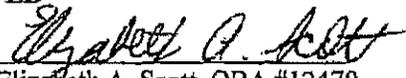
5. Defendant's probation shall not be lifted until he has reimbursed the Board for all costs, legal fees and investigation costs.

Dated this 3 day of November, 2011.


J. Andy Sullivan, President
Oklahoma State Board of
Medical Licensure and Supervision

AGREED AND APPROVED


Harvey C. Jenkins, Jr., M.D.
License No. 21473


Elizabeth A. Scott, OBA #12470
Assistant Attorney General
State of Oklahoma
101 N.E. 51st Street
Oklahoma City, OK 73105

Attorney for the Oklahoma State
Board of Medical Licensure and
Supervision

Gerald C. Zumwalt, M.D.
Secretary and Medical Advisor
Oklahoma State Board of
Medical Licensure and Supervision

CERTIFICATE OF MAILING

I certify that on the 4 day of November, 2011, a mailed a true and correct copy of the Order Accepting Voluntary Submittal to Jurisdiction to Harvey C. Jenkins, Jr., M.D., 8603 S. Western, Oklahoma City, OK 73139.


Janet Swindle

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

FILED

JAN 15 2015

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.*)
THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
)
HARVEY JENKINS, M.D.,)
LICENSE NO. 21473,)
)
Defendant.)

Case No. 13-10-4833

ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION

Plaintiff, the State of Oklahoma, *ex rel.* the Oklahoma State Board of Medical Licensure and Supervision ("Board"), by and through its attorney, Joseph L. Ashbaker, Jr., Assistant Attorney General, for the State of Oklahoma and the staff of the Board, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Harvey Jenkins, M.D., Oklahoma medical license no. 21473 who appears in person and through counsel, Linda Scoggins, offer this Agreement effective January 15, 2015, for acceptance by the Board *en banc* pursuant to Okla. Admin. Code § 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, the Defendant pleads guilty to certain allegations in the Complaint and Citation filed herein on June 26, 2014, as more specifically set forth herein, and further acknowledges that a hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("Act").

The Defendant, Harvey Jenkins, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for an evidentiary hearing on the allegations made against him. The Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. The Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this agreement has been reviewed and discussed with him and his legal counsel.



Agreements and Stipulations

1. The Plaintiff, the Defendant and the Board Staff stipulate and agree as follows:
2. 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 O.S. § 480 *et seq.*
3. The Defendant, Harvey Jenkins, M.D., holds Oklahoma medical license no. 21473.
4. This case was initiated on or about October 11, 2013, when Board Staff received a phone call from Patient AML advising she received a laser treatment from an unlicensed, trained technician at Body Trends in Tulsa, Oklahoma, and did not see the Defendant, Harvey Jenkins, M.D., who is also the owner of the clinic, prior to treatment.
5. Upon investigation, it was found that Patient AML had, in fact, received a tattoo removal laser procedure from an unlicensed, trained technician at Body Trends in Tulsa, Oklahoma. Patient AML's medical record contain a typed progress note dated August 9, 2013, and signed by the Defendant, which gives the impression that Patient AML was evaluated by the Defendant prior to treatment. Defendant was present in the facility during the tattoo removal laser procedure, but did not have a face-to-face meeting with Patient AML. The staff member was trained in the laser procedure and Defendant contends that his intent was for the chart to reflect his review of the records therein.
6. On or about August 21, 2013, Patient AML returned to Body Trends with complaints of redness and pain at the site of the treatment. A photograph of Patient AML's foot treatment site was taken and electronically sent to the Defendant. The Defendant called Patient AML and discussed the matter with her before calling in prescriptions for treatment. A follow-up appointment with Defendant was scheduled, but Patient AML did not return for the appointment.
7. On or about October 17, 2013, Board Investigator JL went undercover as Patient JRL and received a consult for a tattoo removal by Rachel Cummings, the office manager of Body Trends in Tulsa, Oklahoma. The Defendant was not in the facility on this day, however, the paperwork Undercover Patient JRL filled out on this day is signed by the Defendant and dated October 17, 2013.
8. On December 20, 2013, Undercover Patient JRL went to Body Trends in Tulsa, Oklahoma, where she proceeded to the reception window and paid the \$75.00 fee. Undercover Patient JRL observed the Defendant sitting in a chair behind the reception window.
9. Undercover Patient JRL was taken to an examination room by the unlicensed, trained technician. The technician had the laser in one hand and a cold air blower in the other hand and was ready to proceed with the treatment. At this point, Undercover Patient JRL asked the technician to stop and bring the Defendant into the room. The Defendant, Harvey Jenkins, M.D., was brought into the room whereupon an interview with

Undercover Patient JRL commenced.

10. During this interview, the Defendant admitted to Undercover Patient JRL that his face-to-face visits with some patients consist of merely visualizing them from behind the reception window.
11. Board Investigator JL further learned that Patient JGL received an Intense Pulsed Light ("IPL") laser treatment on or about February 16, 2012. The Defendant did not meet this patient prior to her receiving the treatment from the Defendant's technician. The following morning, February 17, 2012, Patient JGL called Body Trends and reported to "Sarah" (last name unknown) that the treatment site was burned and hurting. The condition of her treatment site continued to deteriorate over the weekend and she spoke with Sarah multiple times about it. On or about February 20, 2012, Patient JGL was told to go to Body Trends so the Defendant could evaluate her. When Patient JGL arrived, the Defendant was not there. She was seen by Sarah who applied biafine and wrapped her arm. On February 21, 2012, a prescription for biafine was called in for Patient JGL.
12. Board Investigator JL further learned that on or about December 20, 2013, Patient JPL received a laser treatment at Body Trends in Tulsa, Oklahoma. Patient JPL stated he did not see a physician, only the technician who performed the procedure. This is the only visit Patient JPL had at this clinic and he states that his hand is scarred where the procedure was performed.
13. Board Investigator JL further learned that on or about October 11, 2013, December 20, 2013, and January 17, 2014, Patient DLL received a total of three (3) laser treatments at Body Trends. Patient DLL states she did not see the Defendant on any of these three (3) visits. Patient DLL claims she was burned on the last visit, January 17, 2014, which resulted in scar tissue. Patient DLL returned on June 6, 2014, and was finally seen by the Defendant who promised Patient DLL he would give her a complimentary IPL treatment to help get rid of the scarring.
14. The Defendant wrote progress notes in the medical records which appear as though he saw patients in person on days when he did not. For example: Patient JPL's records state on December 20, 2013, a day when PTL was not seen by the Defendant: "Spoke with patient, explained protocol. Sister had same procedure with good results. Answered Questions. No contraindications. Tolerated treatment well. Precautions given." This record is signed by the Defendant. On Patient DLL's medical record of December 20, 2013, it states: "Spoke with patient, doing well. Questions answered." This record is signed by the Defendant. And on Undercover JRL's medical record, a consult was provided by a staff member on October 17, 2013. The Defendant initialed and dated the consult records October 17, 2013, even though he was not present in the clinic on that day.
15. The Defendant did not conduct a proper face-to-face visit with at least five (5) patients prior to allowing technicians to perform medical procedures on those patients. According to the Policy & Guidelines for Medical Spas & Aesthetic Procedures from the Oklahoma State Board of Medical Supervision and Licensure dated November 7, 2008: "The practice of medicine and surgery as defined above is grounded upon the doctor/patient

relationship which at a minimum requires a face-to-face evaluation of the patient by the physician or a physician assistant under a physician's supervision, prior to the determined treatment of procedure, development of a patient chart, providing patient informed consent and the process for the patient's follow up care."

16. These alleged violations occurred with the Defendant was already on probation with the Board in Case. No. 10-12-4125.

Conclusions of Law

17. The Defendant is guilty of unprofessional conduct in that he engaged in:
- a) Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship in violation of Title 59 O.S. §509.12;
 - b) 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. §509.18;
 - c) Violation of any provision(s) 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 Okla. Admin. Code § 435:10-7-4(39);
 - d) Failure to establish a physician/patient relationship prior to providing patient-specific medical services, care or treatment, except in a clearly emergent, life threatening situation in violation of Okla. Admin. Code § 435:10-7-4(11);

Order

IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction;
2. It is **ORDERED** that Defendant will pay an **ADMINISTRATIVE FINE** in the amount of **FIVE THOUSAND DOLLARS (\$5,000.00)**; and
3. It is **ORDERED** that the Defendant will be placed on **PROBATION** for a period of two (2) years and said probation shall have the following provisions:

Standard Terms:

- a) The Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Board. Any question of interpretation regarding the Act or this order shall be submitted

in writing to the Board, and no action based on the subject of the question will be taken by the Defendant until clarification of interpretation is received by the Defendant from the Board or its designee.

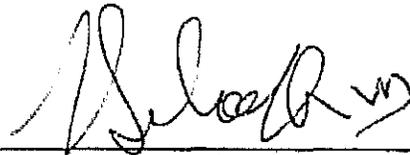
- b) The Defendant will furnish a copy of this order to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.
- c) The Defendant will keep the Board informed of his current address.
- d) The Defendant will keep current payment of all assessments by the Board for prosecution, investigation and monitoring of his case, which shall include, but is not limited to, a fee of one hundred fifty dollars (\$150.00) per month during the term of probation, unless the Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- e) Until such time as all indebtedness to the Board has been satisfied, the Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.
- f) The Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.
- g) The Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or designee.
- h) The Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Coordinator to obtain copies of medical records and authorize the Compliance Coordinator to discuss the Defendant's case with the Defendant's treating physicians and/or any physicians holding the Defendant's records.
- i) Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify the Defendant's license after due notice and hearing. Immediately upon learning that a licensee is in violation of a Board-ordered probation, the Executive Director of the Board may summarily suspend the license

based on imminent harm to the public and assign a hearing date for the matter to be presented at the next scheduled Board meeting.

Specific Terms:

- j) Defendant will conduct a proper face-to-face visit with each patient. Defendant will present for review and signature to each patient, a verification that a face-to-face physician/patient visit was conducted. These signed verifications will be submitted to Board Compliance Coordinator on a monthly basis by Defendant.
- k) Defendant will attend two CME courses in Ethics/Boundaries/Professionalism. These two CME courses are *in addition to* his normally required CME courses and will be completed during the term the probation as stated herein.

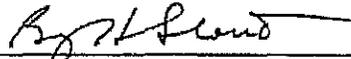
Dated this 15th day of January, 2015.



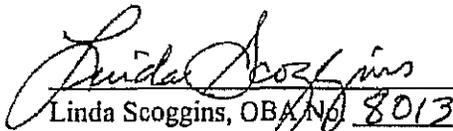
John William Kinsinger, M.D., President
Oklahoma State Board of Medical
Licensure and Supervision



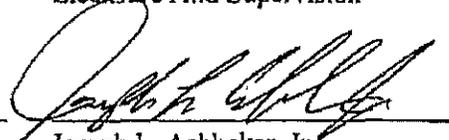
Harvey Jenkins, M.D.
License No. 21473



Billy H. Stout, M.D., Secretary
Oklahoma State Board Of Medical
Licensure And Supervision



Linda Scoggins, OBA No. 8013
Doerner Saunders Daniel & Anderson
105 N. Hudson, Suite 500
Oklahoma City, OK 73102
Attorney for Defendant



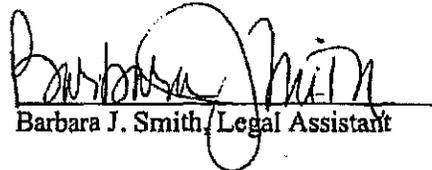
Joseph L. Ashbaker, Jr.
OBA No. 19395
Assistant Attorney General
General Counsel Section
OFFICE OF THE ATTORNEY GENERAL
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105
405/521.3921
405/522.4536 – Facsimile

– Primary Contact Information –

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND
SUPERVISION
101 N.E. 51st Street
Oklahoma City, Oklahoma 73105
405/962.1400
405/962.1499 – Facsimile

Certificate of Service

I certify that on the 15th day of January, 2015, a true and correct copy of this Order was provided, postage prepaid, to Ms. Linda Scoggins, Doerner Saunders Daniel & Anderson, 105 N. Hudson, Suite 500, Oklahoma City, OK 73102.


Barbara J. Smith, Legal Assistant

3283967v1

HARVEY C. JENKINS, Ph.D., M.D.

8603 South Western • Oklahoma City, OK 73139
Phone: 405-888-1700 • Fax: 405-888-1777

DEA# BJ6346921

NPI# 1124060199

NAME J [REDACTED] D [REDACTED]

DOB [REDACTED]

ADDRESS _____

DATE _____

M / F _____

R



Refill NR 1 2 3 4 5 Spanish

Void after _____

Do Not Substitute - Dispense As Written

[Handwritten Signature]

Signature

Prescription is void if more than one (1) controlled substance prescription is written per blank.

**Exhibit
C**

HARVEY C. JENKINS, Ph.D., M.D.

8603 South Western • Oklahoma City, OK 73139

Phone: 405-686-1700 • Fax: 405-686-1777

DEA# BJ6346921

NPI# 1124060199

NAME

DOB

ADDRESS

DATE

M / F

Rx

Testoster



Refill NR 1 2 3 4 5 Spanish

Void after _____

Do Not Substitute - Dispense As Written

A handwritten signature in black ink, appearing to be "H. Jenkins", written over a horizontal line.

Signature

Prescription is void if more than one (1) controlled substance prescription is written per blank.



Harvey Jenkins, Ph.D., M.D.
 8603 S. Western
 Oklahoma City, OK 73139
 Phone: (405) 686-1700 Fax: (405) 686-1777

DATE: 12/17/2014
 NAME: B [REDACTED]
 DOB: [REDACTED]

MEDICATION
 ZANAFLEX 4MG TABS

NUMBER	REFILL
150	3

SIG Take 1 tablet by mouth twice daily

Dispense as Written

Rx
 Safety Paper - Green front shows VOID if photocopied.

[Signature]
 Harvey Jenkins, M.D.
 DEA: BJ6346921 NPI: 1124060199

Harvey Jenkins, Ph.D., M.D.
 8603 S. Western
 Oklahoma City, OK 73139
 Phone: (405) 686-1700 Fax: (405) 686-1777

DATE: 11/2/2014
 NAME: J [REDACTED]
 DOB: [REDACTED]

MEDICATION
 FREMETAZONE HCL 25 MG TABS

NUMBER	REFILL
50	3

SIG Take 1 tabs by mouth twice a day

Dispense as Written

Rx
 Safety Paper - Green front shows VOID if photocopied.

[Signature]
 Harvey Jenkins, M.D.
 DEA: BJ6346921 NPI: 1124060199

Harvey Jenkins, Ph.D., M.D.
 8603 S. Western
 Oklahoma City, OK 73139
 Phone: (405) 686-1700 Fax: (405) 686-1777

DATE: 10/29/2014
 NAME: B [REDACTED]
 DOB: [REDACTED]

MEDICATION
 XANAX (ALPRAZOLAM) 0.5 MG TABS

NUMBER	REFILL
150	3

SIG Take 1 by mouth 45 minutes before procedure may repeat X 1 if needed

Generic Equivalent: Acceptable

Rx
 Safety Paper - Green front shows VOID if photocopied.

[Signature]
 Harvey Jenkins, M.D.
 DEA: BJ6346921 NPI: 1124060199

Harvey Jenkins, Ph.D., M.D.
 8603 S. Western
 Oklahoma City, OK 73139
 Phone: (405) 686-1700 Fax: (405) 686-1777

DATE: 11/3/2014
 NAME: B [REDACTED]
 DOB: [REDACTED]

MEDICATION
 MEPROL (METHYLPREDNISOLONE) 4 MG TABS

NUMBER	REFILL
1	3

SIG TAKE AS DIRECTED

Generic Equivalent: Acceptable

Rx
 Safety Paper - Green front shows VOID if photocopied.

[Signature]
 Harvey Jenkins, M.D.
 DEA: BJ6346921 NPI: 1124060199



Fentanyl Transdermal System
 25 mcg/h

WARNING
 Fentanyl is a Schedule II controlled substance. Abuse may lead to addiction, tolerance, and dependence. It may also cause respiratory depression, coma, and death. Do not use if you are allergic to fentanyl or any of the ingredients. Do not use if you are pregnant or breastfeeding. Do not use if you are taking other medications that may interact with fentanyl. Do not use if you have a history of seizures, asthma, or other respiratory conditions. Do not use if you have a history of alcohol or drug abuse. Do not use if you are taking other medications that may interact with fentanyl. Do not use if you are pregnant or breastfeeding. Do not use if you are taking other medications that may interact with fentanyl. Do not use if you have a history of seizures, asthma, or other respiratory conditions. Do not use if you have a history of alcohol or drug abuse.

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Fentanyl Transdermal System
 25 mcg/h

WARNING
 Fentanyl is a Schedule II controlled substance. Abuse may lead to addiction, tolerance, and dependence. It may also cause respiratory depression, coma, and death. Do not use if you are allergic to fentanyl or any of the ingredients. Do not use if you are pregnant or breastfeeding. Do not use if you are taking other medications that may interact with fentanyl. Do not use if you have a history of seizures, asthma, or other respiratory conditions. Do not use if you have a history of alcohol or drug abuse. Do not use if you are taking other medications that may interact with fentanyl. Do not use if you are pregnant or breastfeeding. Do not use if you are taking other medications that may interact with fentanyl. Do not use if you have a history of seizures, asthma, or other respiratory conditions. Do not use if you have a history of alcohol or drug abuse.



Harvey Jenkins, Ph.D., M.D.
8603 S. Western
Oklahoma City, OK 73139
Phone: (405) 686-1700 Fax: (405) 686-1777

DATE: 1/21/2014
NAME: B. J.

INDICATION
AN 8 MG TABS
Take 1 by mouth every 8 hours as needed

NUMBER	REFILL
30	***1***

Dispense as Written

Green front shows VOID if photocopied.

[Signature]
Harvey Jenkins, M.D.
DEA: BJ6346921 NPI: 1124060199

Harvey Jenkins, Ph.D., M.D.
8603 S. Western
Oklahoma City, OK 73139
Phone: (405) 686-1700 Fax: (405) 686-1777

DATE: 1/21/2014
NAME: B. J.

DOB: [REDACTED]
MEDICATION
VISTARIL PAMOATE 25 MG CAPS

SIG Take 1 by mouth every 12 hours as needed

Dispense as Written

Rx

Safety Paper - Green front shows VOID if photocopied.

[Signature]
Harvey Jenkins, M.D.
DEA: BJ6346921

Phone: (405) 686-1700 Fax: (405) 686-1777

Void if Receiving Narcotics
From Another Physician

DATE: 1/21/2014
NAME: B. J.

DOB: [REDACTED]
MEDICATION
OXYCODONE HCL 30 MG TABS

SIG Take 1 by mouth every 4-6 hours (15 day supply)

Generic Equivalent Acceptable

Rx

Safety Paper - Green front shows VOID if photocopied.

[Signature]
Harvey Jenkins, M.D.
DEA: BJ6346921