

**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,

FILED

MAY 20 2004

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

v.

LESLIE ANN SIBLEY, M.D.,
LICENSE NO. 21537,

Defendant.

Case No. 03-09-2712

**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, Leslie Ann Sibley, M.D., Oklahoma license no. 21537, who appears in person and through counsel, Malinda S. Matlock, 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 certain specified allegations in the Complaint and Citation filed herein on October 13, 2003 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, Leslie Ann Sibley, M.D., states that she is of sound mind and is not under the influence of, or impaired by, any medication or drug and that she fully recognizes her right to appear before the Board for evidentiary hearing on the allegations made against her. Defendant hereby voluntarily waives her 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 she has

read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with her and her legal counsel.

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, Leslie Ann Sibley, M.D., holds Oklahoma license no. 21537.

3. Defendant admits that in or around early 2002, while employed at Cancer Care in Tulsa, Oklahoma, she wrote a prescription for Percocet, a Schedule II controlled dangerous substance, to a nurse, who in turn gave back a portion of the drugs to Defendant for her personal use.

4. Beginning in February 2002 and continuing through September 2003, Defendant wrote prescriptions for controlled dangerous substances in the name of Bonita Kay Dobbs, Defendant's household employee. These prescriptions include twelve (12) prescriptions for Oxycodone, a Schedule II controlled dangerous drug, for 785 dosage units, sixteen (16) prescriptions for Oxycontin, a Schedule II controlled dangerous drug, for 894 dosage units, four (4) prescriptions for Endocet, a Schedule II controlled dangerous drug, for 320 dosage units, five (5) prescriptions for Lorazepam, a Schedule IV controlled dangerous substance, for 340 dosage units, and two (2) prescriptions for Percocet and Isometh/APAP, both controlled dangerous drugs, for 105 dosage units. Defendant or Ms. Dobbs picked up these medications at at least three (3) different pharmacies in the Tulsa area. The prescriptions for Oxycontin were not for the use of Ms. Dobbs but were for the personal use of Defendant. Defendant admits that she kept no patient chart for Ms. Dobbs.

5. Beginning in May 2003 and continuing through September 2003, Defendant wrote prescriptions for controlled dangerous drugs in the name of Jesse Estep, the son of her household employee, Bonita Kay Dobbs, a set forth above. These prescriptions include one (1) prescription for Oxycodone, a Schedule II controlled dangerous drug, for 100 dosage units, four (4) prescriptions for Endocet, a Schedule II controlled dangerous drug, for 400 dosage units, two (2) prescriptions for Lorazepam, a Schedule IV controlled dangerous drug, for 200 dosage units, and three (3) prescriptions for Paxil, for 60 dosage units. Upon information and belief, Defendant or Ms. Dobbs picked up these medications at at least two (2) different pharmacies in the Tulsa area. Defendant admits that she kept no patient chart for Mr. Estep.

6. In June and August 2003, Defendant wrote prescriptions for controlled dangerous drugs in the name of Laura Cottingham, Defendant's sister who resided in the state of Texas. These prescriptions include two (2) prescriptions for Oxycontin, a Schedule II controlled dangerous drug, for 120 dosage units. Defendant picked up these prescriptions at a Tulsa area pharmacy. Defendant admits that these drugs were not for the use of Ms. Cottingham, but were for the personal use of Defendant. Defendant admits that she kept no patient chart on Ms. Cottingham.

7. Beginning in May 2003 and continuing until August 2003, Defendant wrote prescriptions for controlled dangerous drugs in the name of Linda Masters, Defendant's mother, who resided in the state of California. These prescriptions include four (4) prescriptions for Oxycontin, a Schedule II controlled dangerous drug, for 270 dosage units, and one (1) prescription for Oxycodone, a Schedule II controlled dangerous drug, for 60 dosage units. Defendant and Ms. Dobbs picked up these prescriptions at at least two (2) Tulsa area pharmacies. Defendant admits that these drugs were not for the use of Ms. Masters, but were for the personal use of Defendant. Defendant admits that she kept no patient chart on Ms. Masters.

8. In August and September 2003, Defendant wrote prescriptions for controlled dangerous drugs in the name of Timothy Dobbs, the husband of her household employee, Bonita Kay Dobbs. These prescriptions include four (4) prescriptions for Oxycontin, a Schedule II controlled dangerous drug, for 310 dosage units and one (1) prescription for Lorazepam, a Schedule IV controlled dangerous drug, for 60 dosage units. Either Defendant or Ms. Dobbs, at Defendant's request, picked up these medications at a Tulsa area pharmacy. The Oxycontin prescriptions were not for the use of Mr. Dobbs but were for the personal use of Defendant. According to Mr. Dobbs, he has never been a patient of Defendant.

9. During the time that Defendant was obtaining controlled dangerous drugs in the names of her family members, employee, and employee's family members, Defendant was also obtaining controlled dangerous drugs in her own name from at least two (2) other physicians in the Tulsa area.

10. After Board Investigator Washbourne and DEA investigators initiated their investigation, Defendant contacted Investigator Washbourne and admitted that she had lied to investigators in previous interviews and conversations.

11. On Defendant's Applications for Renewal of Oklahoma License dated May 2, 2002 and May 2, 2003, in response to the question "Have you been addicted to or abused any drug or chemical substance including alcohol?" since the last renewal, Defendant answered "NO".

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

- A. Habitually uses habit-forming drugs in violation 59 O.S. 407 §509(5) 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(9) 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(14) and OAC 435:10-7-4(39).
- D. Is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physician condition in violation of 59 O.S. §509(16) and OAC 435:10-7-4(40).
- E. Purchased or prescribed a regulated substance in Schedules I through V for the physician's personal use in violation of OAC 435:10-7-4(5).
- F. Prescribed, sold, administered, distributed, ordered or gave a 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).
- G. Engaged in misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring a periodic reregistration of a medical license in violation of OAC 435:10-7-4(8).
- H. Prescribed, sold, administered, distributed, ordered or gave any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug for other than medically accepted therapeutic purposes in violation of OAC 435:10-7-4(24).
- I. 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(10).
- J. Violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27) and 63 O.S. §§2-402, 2-404, 2-406 and 2-407 and OAC 435:25-1-3 and OAC 435:30-1-3.

K. Wrote a false or fictitious prescription for any drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs in violation of 59 O.S. §509(12).

L. Prescribed or administered a drug or treatment without sufficient examination and the establishment of a valid physician patient relationship in violation of 59 O.S. §509(13).

M. Prescribed, dispensed or administered controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribed, dispensed or administered controlled substances or narcotic drugs without medical need in accordance with published standards in violation of 59 O.S. §509(17) and OAC 435:10-7-4(2) and (6).

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

O. Procured, aided or abetted a criminal operation in violation of 59 O.S. §509(1).

P. Was convicted of or confessed to a crime involving violation of the antinarcotics or prohibition laws and regulations of the federal government or the laws of this state in violation of 59 O.S. §509(8).

Q. Failed 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(19).

R. Failed to cooperate with a lawful investigation conducted by the Board in violation of OAC 435:10-7-4(38).

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, Leslie Ann Sibley, M.D., Oklahoma medical license 21537, 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(5) 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(9) 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(14) and OAC 435:10-7-4(39).

D. Is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physician condition in violation of 59 O.S. §509(16) and OAC 435:10-7-4(40).

E. Purchased or prescribed a regulated substance in Schedules I through V for the physician's personal use in violation of OAC 435:10-7-4(5).

F. Prescribed, sold, administered, distributed, ordered or gave a 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).

G. Engaged in misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring a periodic reregistration of a medical license in violation of OAC 435:10-7-4(8).

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

I. 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(10).

J. Violated a state or federal law or regulation relating to

controlled substances in violation of OAC 435:10-7-4(27) and 63 O.S. §§2-402, 2-404, 2-406 and 2-407 and OAC 435:25-1-3 and OAC 435:30-1-3.

K. Wrote a false or fictitious prescription for any drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs in violation of 59 O.S. §509(12).

L. Prescribed or administered a drug or treatment without sufficient examination and the establishment of a valid physician patient relationship in violation of 59 O.S. §509(13).

M. Prescribed, dispensed or administered controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribed, dispensed or administered controlled substances or narcotic drugs without medical need in accordance with published standards in violation of 59 O.S. §509(17) and OAC 435:10-7-4(2) and (6).

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

O. Procured, aided or abetted a criminal operation in violation of 59 O.S. §509(1).

P. Was convicted of or confessed to a crime involving violation of the antinarcotics or prohibition laws and regulations of the federal government or the laws of this state in violation of 59 O.S. §509(8).

Q. Failed 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(19).

R. Failed to cooperate with a lawful investigation conducted by the Board in violation of OAC 435:10-7-4(38).

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.

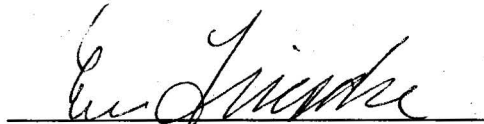
2. The license of Defendant, Leslie Ann Sibley, M.D., Oklahoma license no. 21537, is hereby **SUSPENDED INDEFINITELY** beginning January 23, 2004.

3. Defendant's suspension shall remain in effect until she submits to a clinical re-evaluation of her fitness for duty as a physician and presents proof that she has achieved adequate control of her pain, at which time she may apply for reinstatement and present the results of the evaluation to the Board for its consideration.

4. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

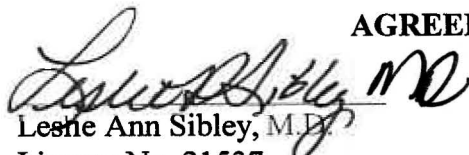
5. Defendant's suspension will be lifted, and her license will be reinstated only upon payment in full of all costs and expenses incurred by the State of Oklahoma.

Dated this 20 day of May, 2004.

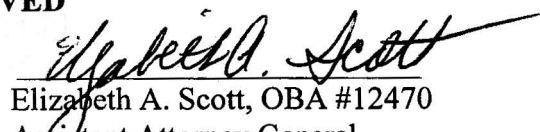


Eric Frische, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

AGREED AND APPROVED



Leslie Ann Sibley, M.D.
License No. 21537



Elizabeth A. Scott, OBA #12470
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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

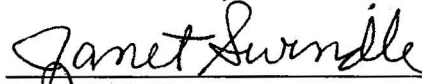


Malinda S. Matlock #14108
1109 N. Francis
Oklahoma City, OK 73106-6871

Attorney for Defendant

CERTIFICATE OF MAILING

I certify that on the 20 day of May, 2004, a mailed a true and correct copy of the Order Accepting Voluntary Submittal to Jurisdiction to Malinda S. Matlock, 1109 N. Francis, Oklahoma City, OK 73106-6871.



Janet Swindle