

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

FILED

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OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 02-01-2464

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
)
THOMAS NGUYEN, M.D.,)
LICENSE NO. 21638,)
)
Defendant.)

COMPLAINT

COMES NOW the Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Complaint against the Defendant, Thomas Nguyen, 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, Thomas Nguyen, M.D., holds Oklahoma license no. 21638.

3. On or about February 2, 2002, the Board of Medical Examiners for the State of Iowa denied Defendant's application for a full medical license based upon the fact that he provided misleading or false information on his application for licensure. Defendant's appeal of the order denying his licensure request in Iowa was dismissed by the Board on May 3, 2002.

3. On or about June 24, 2002, Defendant attempted to fill a prescription for Triazolam, a Schedule __ controlled dangerous substance, at the K-Mart Pharmacy in St. Louis, Missouri. The prescription was written to David Lin and was purportedly signed by Kathleen Dougherty, M.D., a licensed physician in the state of Missouri. While Defendant was waiting at the pharmacy, the pharmacist confirmed with Dr. Dougherty that she had not written the prescription, nor did she have a patient named David Lin.

4. Defendant was subsequently arrested by the St. Louis County Police Department. At the time of his arrest, the police officers learned that Defendant was not David Lin but was

instead Thomas Nguyen, M.D. The police also discovered that Defendant possessed the following three (3) additional forged or fraudulent prescriptions:

- a. Prescription for Triazolam written to David Lin with the forged signature of Kathleen Dougherty, M.D.
- b. Prescription for Clonazepam written to Jeffrey Chen with the forged signature of Kathleen Dougherty, M.D.
- c. Prescription for Alprazolam written to Henry Le with the signature of Thomas Nguyen, M.D.

5. At the time of his arrest, Defendant admitted that he had forged these prescriptions and had taken them from Dr. Dougherty's office in an attempt to obtain Triazolam for his personal use. Defendant was subsequently charged in the Circuit Court of St. Louis County, State of Missouri with three (3) Class C Felony counts of **Attempting to Obtain a Controlled Substance by Fraud and Possession of a Forged Instrument.**

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

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. 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).

H. Confessed to a crime involving a violation of the anti-narcotic laws of the federal government or the laws of this state in violation of 59 O.S. §509(8).

I. Committed an 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. Prescribed a controlled substance 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).

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

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

Conclusion

WHEREFORE, the Plaintiff respectfully requests that the Board conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to Defendant's medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



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