

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

APR 06 2006

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

Plaintiff

v.

JAMES BRETT KRABLIN, M.D.,
LICENSE NO. 21711,

Defendant.

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 05-12-3027

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, James Brett Krablin, M.D., Oklahoma license no. 21711, 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, James Brett Krablin, M.D., holds Oklahoma license no. 21711.

PATIENT DMW

3. A review of Defendant's records reveals that Defendant began treating Patient DMW on or around May 29, 2003 and continuing through at least February 18, 2005. Defendant's records reflect that Patient DMW was treated on at least nineteen (19) different occasions in Defendant's office during this time period.

4. During this time, Patient DMW's chart reflects that Defendant wrote, administered or authorized prescriptions to her for Demerol IM, a Schedule II controlled dangerous substance, and Histussin HC, a Schedule III controlled dangerous substance. His chart also reflects that he "distributed" Ativan, a Schedule IV controlled dangerous substance, to her. Defendant's chart reflects that he additionally wrote, administered or authorized prescriptions for

non-controlled dangerous drugs to Patient DMW. These medications include antibiotics, antibiotic eye drops, Amoxil, Phenergan, Paxil XR, Lexapro, Nulev, Levaquin, Combivent, Prednisone, Skelaxin and Cipro.

5. A review of pharmacy records for Patient DMW reflects that Defendant wrote or authorized numerous other prescriptions for Patient DMW which he did not document anywhere in his records. These prescriptions include two (2) prescriptions for Hydrocodone, a Schedule III controlled dangerous substance, and one (1) prescription for Lomotil, a Schedule IV controlled dangerous substance. Defendant additionally kept no record of the prescriptions for Metoclopramide, Cotrim DS, antibiotic eye drops (7/1/04), Promethazine, Levaquin (2/18/05), Amoxil (4/29/05) and Cipro (7/11/05). On each instance when these drugs were prescribed, Patient DMW was seen in Defendant's office, in that her blood pressure, pulse and often her weight were recorded, yet Defendant failed to produce a chart for any of the days when these drugs were prescribed.

6. Beginning in or around spring 2003 and continuing through February 2005, Defendant engaged in sexual intercourse with Patient DMW. Defendant engaged in these sexual acts at his office and at Patient DMW's home. Defendant admits that he engaged in these sexual acts at the same time that he was maintaining a doctor-patient relationship and prescribing controlled dangerous substances and other dangerous drugs to this patient.

7. Defendant's records reflect that Patient DMW was last seen by Defendant in his office on February 18, 2005. However, pharmacy records reflect that Defendant continued to prescribe medications to her until at least July 11, 2005.

8. On or about December 15, 2005, the Board's investigator interviewed Defendant regarding his sexual relationship with Patient DMW. When questioned about whether he had engaged in any sexual relationships other than with Patient DMW, Defendant denied that he had. Board investigators subsequently learned that Defendant had also engaged in a sexual relationship with Patient PBW, as set forth below.

PATIENT PBW

9. Beginning on or around May 26, 2004 and continuing through at least February 16, 2005, Defendant treated Patient PBW, who was also an employee of Defendant. During this time, Defendant wrote, administered or authorized prescriptions for Patient PBW for Levall G and Tamiflu. Defendant additionally gave Patient PBW Effexor samples from his office. During this time, Defendant also performed a laser procedure on Patient PBW in his office. A review of Defendant's records reveals that he failed to perform any physical examination on this patient prior to prescribing the dangerous drugs, that he did not establish a legitimate medical need for the medications, that he did not establish a valid physician patient relationship prior to prescribing the medications, and that he failed to keep any record of the prescriptions written to or procedures performed on Patient PBW.

10. Beginning in or around October 2004 and continuing through March 1, 2005, Defendant engaged in a sexual relationship with Patient PBW, specifically, he engaged in oral sex with Patient PBW at his office. Defendant engaged in these sexual acts at the same time he was maintaining a doctor-patient relationship, treating Patient PBW, and prescribing dangerous drugs to this patient.

11. When Defendant's sexual relationship with Patient PBW was discovered by others, Defendant fired Patient PBW from his employment. Patient PBW subsequently received a letter from Defendant's attorney whereby he offered to pay her three (3) months salary in exchange for her agreement not to sue Defendant. Patient PBW signed the agreement in exchange for the payment from Defendant.

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

- A. 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).
- B. Engaged in physical conduct with a patient which is sexual in nature, ... in violation of 59 O.S. §509 (17).
- C. Committed an act of sexual ... misconduct or exploitation related or unrelated to the licensee's practice of medicine and surgery in violation of OAC 435:10-7-4 (23).
- D. Abused the physician's position of trust by coercion [or] manipulation ... in the doctor-patient relationship in violation of OAC 435:10-7-4(44).
- E. 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).
- F. 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).
- G. 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 (12).

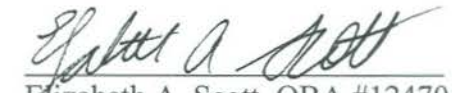
- H. Failed to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient in violation of 59 O.S. §509 (18).
- I. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- J. Failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).
- K. Failed to cooperate with a lawful investigation conducted by the Board in violation of OAC 435:10-7-4(38).

Conclusion

WHEREFORE, plaintiff 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 the revocation or suspension of the Defendant's license to practice as a physician and surgeon in the State of Oklahoma, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a physician and surgeon in the State of Oklahoma.

Dated this 17 day of April, 2006 at 11:00 a.m.

Respectfully submitted,


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Attorney for the State of Oklahoma ex rel.
Oklahoma State Board of Medical
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