

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,)

DEC 09 2011

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 11-04-4203

ZACHARIAH JESSIC ANDERSON, M.D.,)
LICENSE NO. 22198,)

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, Zachariah Jessic Anderson, 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, Zachariah Jessic Anderson, M.D., holds Oklahoma license no. 22198 and currently works in the Creek Nation Health System in Okemah, Oklahoma.

**PRIOR SUBSTANCE ABUSE
TREATMENT, ARRESTS AND BOARD ACTION**

3. In or around 1995, Defendant was arrested and charged with DUI (alcohol).

4. In or around 1998, Defendant completed a two (2) month outpatient treatment program for alcohol abuse in North Dakota.

5. As a result of Defendant's prior arrest and treatment for alcohol abuse, on or about June 25, 1999, Defendant was issued a Special Training License under an Agreement for Licensure. Under the terms of the Agreement, Defendant was monitored for substance abuse by

the Board. He was also required to comply with his five (5) year contract with the Oklahoma Physician Recovery Group.

6. Defendant did not complete his five (5) year contract with the Oklahoma Physician Recovery Group.

**CURRENT UNPROFESSIONAL
CONDUCT ALLEGATIONS**

7. On or about December 16, 2007, Defendant was arrested by the Okmulgee County Sheriff's Office for DUI. At the time of his arrest, his minor child was in the car with him. Defendant failed the Standard Field Sobriety Test and then refused to submit to a drug test. Defendant did, however, admit that he had consumed 5-6 beers. Defendant was then arrested, taken to jail, and subsequently charged with DUI (alcohol).

8. Defendant was later convicted of DUI (alcohol).

9. On or about April 25, 2008, Defendant submitted his Application for Renewal of Oklahoma License for the period May 2, 2008 through May 1, 2009. On his Application for Renewal, Defendant was asked the following question: "Since the last renewal...[h]ave you been arrested for, charged with or convicted of a traffic violation involving the use of drugs and/or alcohol?" In response to this question, Defendant answered "NO". Defendant was additionally asked the following question: "Since the last renewal...[h]ave you been addicted to or abused any drug or chemical substance including alcohol?" In response to this question, Defendant answered "NO". Defendant had in fact been arrested for DUI by the Okmulgee County Sheriff's Department just four (4) months earlier on December 16, 2007.

10. On or about June 21, 2011, Defendant submitted to an assessment at Palmetto Addiction Recovery Center. At the conclusion of the assessment, the assessment team determined that Defendant suffered from Alcohol Dependence and recommended long-term residential treatment.

11. From August 18, 2011 through October 25, 2011, Defendant submitted to treatment for alcohol dependence at Sante Center for Healing.

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

A. 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(15) and OAC 435:10-7-4(40).

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. Confessed to a crime involving violation of the laws of this state in violation of 59 O.S. §509(7).

E. Habitually uses habit-forming drugs in violation 59 O.S. 407 §509(4) and OAC 435:10-7-4(3).

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

G. 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).

H. Failed to report to the Board any adverse action taken against him by any court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section in violation of OAC 435:10-7-4(32).

I. Failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).

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

Elizabeth A. Scott (OBA #12470)

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