



5. Dr. Bogle then left the patient's room, called Defendant and asked him if he had seen the patient. Defendant initially lied to Dr. Bogle and told her that he had seen the patient. Upon further questioning by Dr. Bogle, Defendant admitted that he in fact had not seen the patient.

6. When questioned by Board investigators, Defendant admitted that with respect to this patient, he filled out the patient record in advance with "expected results" with the intent to go back later and examine the patient. However, in this case, he never went back to examine the patient.

7. Defendant further admitted to Board investigators that in other instances involving other patients, he has input patient information into the patient chart prior to examining the patient.

8. As a result of his falsification of Patient WWR's patient record, The University of Oklahoma took administrative action against him for his unprofessional conduct whereby Defendant's fellowship training program was extended for an additional three (3) months, along with additional monitoring and education on medical fraud and documentation. The Program Director then reported Defendant's fraud and unprofessional conduct to the Board.

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

A. Engaged in 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. 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).

C. 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).

D. 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) and 435:10-7-4(41).

*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. 51<sup>st</sup> Street

Oklahoma City, OK 73105

Attorney for the Plaintiff