

**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, )

JUN 08 2012

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

**Plaintiff,** )

v. )

Case No. 11-06-4238

FRANCES PETER ARMENDARIZ, M.D., )  
LICENSE NO. 22257, )

**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, Frances Peter Armendariz, 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, Frances Peter Armendariz, M.D., holds Oklahoma license no. 22257 and at the time of the incidents in question, practiced psychiatry at Lawton Psychiatry Services in Lawton, Oklahoma.

3. In November 2011, Board Investigators received information that Defendant was leaving blank pre-signed prescriptions in his office for use by his employees, and that an employee, Francis Newsome, was using these pre-signed prescriptions to give herself and her husband controlled dangerous substances without Defendant's permission. Investigators also received information that Frances Newsome and other employees were using the pre-signed prescriptions to give prescriptions for controlled dangerous drugs to patients when they called or came by the office and Defendant was not there.

4. When first questioned by Board investigators, Defendant initially lied and stated that he did not use pre-signed prescriptions in his office. After further questioning by Board investigators, Defendant then admitted that he did leave pre-signed prescriptions in his office for the use of his staff.

5. As a result of this practice, between December 14, 2009 and October 27, 2011, Defendant's secretary, Frances Newsome, was able to issue numerous prescriptions to herself using the pre-signed prescriptions left by Defendant. These prescriptions include seventeen (17) prescriptions for Adderall, a Schedule II controlled dangerous substance, for 474 dosage units, one (1) prescription for Oxycodone, a Schedule II controlled dangerous substance, for 40 dosage units, and three (3) prescriptions for Ambien, a Schedule IV controlled dangerous substance, for 90 dosage units.

6. Defendant admits that he never authorized any of these prescriptions to Frances Newsome.

7. Pharmacy records additionally reflect that Frances Newsome also obtained three (3) prescriptions for Lyrica, a Schedule V controlled dangerous substance, and one (1) prescription for amoxicillin, a non-controlled dangerous drug. Defendant believes he may have authorized some of these prescriptions for Frances Newsome. However, Defendant admits he kept no medical record of his treatment of Frances Newsome and thus, cannot be sure what he may have prescribed to her.

8. As a result of this practice, between December 8, 2010 and July 6, 2011, Defendant's secretary, Frances Newsome, was also able to issue numerous prescriptions to her husband, CND, using the pre-signed prescriptions left by Defendant. These prescriptions include four (4) prescriptions for Oxycodone, a Schedule II controlled dangerous substance.

9. Defendant admits that he never authorized any of these prescriptions to CND.

10. Pharmacy records additionally reflect that CND also obtained five (5) prescriptions for Lyrica, a Schedule V controlled dangerous substance, five (5) prescriptions for Dovonex, one (1) prescription for Doxycycline, one (1) prescription for Metronidazol, and two (2) prescriptions for SMZ/TMP, all non-controlled dangerous drugs. Defendant believes he may have authorized some of these prescriptions for CND. However, Defendant admits he kept no medical record of this treatment of CND and thus, cannot be sure what he may have prescribed to him.

11. Office staff also confirmed to Board investigators that when Defendant was out of the office and patients came by or called for prescriptions, Defendant allowed Frances Newsome, his secretary, to decide which patients got prescriptions and what medications they were to be prescribed. Ms. Newsome would then direct the receptionist to fill out the pre-signed prescriptions and give the patient the prescription that Ms. Newsome felt they needed.

12. Title 21 CFR §1306.05 provides as follows:

**Manner of issuance of prescriptions.**

(a) All prescriptions for controlled substances shall be dated as of, and signed on, the day when issued and shall bear the full name and address of the patient, the drug name, strength, dosage form, quantity prescribed, directions for use, and the name, address and registration number of the practitioner.

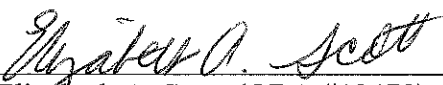
13. Defendant is guilty of unprofessional conduct in that he:
- A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).
  - B. Confessed to a crime involving violation of the antinarcotic or prohibition laws and regulations of the federal government or the laws of this state in violation of 59 O.S. §509(7).
  - C. 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 OAC 435:10-7-4(41).
  - D. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
  - E. Aided or abetted, directly or indirectly, the practice of medicine by any person not duly authorized under the laws of this state in violation of 59 O.S. §509(14) and OAC 435:10-7-4(21).
  - F. 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).
  - 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 adequate medical records to support diagnosis, procedure, treatment or prescribed medications in violation of 59 O.S. §509 (20).

- I. Failed to establish a physician/patient relationship prior to providing patient-specific medical services, care or treatment, except in a clearly emergent, life threatening situation in violation of OAC 435:10-7-4(49).
- J. Engaged in gross or repeated negligence in the practice of medicine and surgery in violation of OAC 435:10-7-4(15).

***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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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



**RETURN OF SERVICE BY AGENT**

Received the attached and foregoing Citation and Scheduling Order in the investigation of FRANCES PETER ARMENDARIZ, at Oklahoma City, Oklahoma, on the 16 day of July, 2012, and on the 16 day of July, 2012, at 10:15 o'clock A.M. served it on the within named by delivering a copy to FRANCES PETER ARMENDARIZ, MD

(Name of person served)

At (address):

605 WEST GORE

SUITE 1

LAWTON, OK 73501

Served by:

*Gary E. Richs*

Subscribed and sworn to before me on this 16<sup>th</sup> day of July, 2012



*Jana Lane*  
Notary Public

My Commission expires:

06-26-2016

CASE NAME: FRANCIS PETER ARMENDARIZ, MD

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