

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

FILED

FEB 03 2012

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

Plaintiff,)

v.)

MICHAEL LYNN PARTIN, M.D.,)
LICENSE NO. 22386,)

Defendant.)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 11-06-4240

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, Michael Lynn Partin, 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, Michael Lynn Partin, M.D., holds Oklahoma license no. 22386 and is board certified in internal medicine. He currently practices at the Oklahoma Heart Hospital in Oklahoma City, Oklahoma.

1ST ARREST

3. On or about June 11, 2009, Defendant was arrested by the Oklahoma City Police Department for **DOMESTIC ABUSE BY STRANGULATION AND ASSAULT AND BATTERY**. According to the police report, Defendant's girlfriend alleged that Defendant had been drinking alcohol and had assaulted her by punching her, biting her and choking her. The police report documents that that officers observed injuries on Defendant's girlfriend, including busted and swollen lips, bite marks on several places on her body, as well as redness around the neck area. The report also states that the officers smelled alcohol on Defendant. Defendant was then arrested and taken to the Oklahoma County Jail. The case was later dismissed after prosecutors declined to file.

2ND ARREST

4. On or about November 26, 2009, Defendant was arrested by the Oklahoma City Police Department for **PUBLIC DRUNKENNESS**. According to the police report, Defendant was intoxicated and in the manager's office at a restaurant causing problems. When officers arrived, Defendant was attempting to drive away, but was stopped. Officers noted that he appeared to be "extremely intoxicated". He was arrested and taken to the Oklahoma County Jail. He was later charged with Public Drunkenness in Oklahoma City Municipal Court and received a six (6) month probation, after which time the case was dismissed.

3RD ARREST

5. On or about January 3, 2010, Defendant was arrested by the Oklahoma County Sheriff's Department for **DUI**. According to the Affidavit of Probable Cause, Defendant was stopped after weaving and crossing the center line of traffic. He failed the field sobriety test. He was then arrested and taken to the Oklahoma County Jail where he submitted to a Breathalyzer test and registered at a 0.12% level.

6. On or about January 27, 2010, Defendant was charged with DUI and on May 26, 2010, Defendant plead guilty to DUI and received a two (2) year deferred sentence.

FRAUDULENT LICENSURE RENEWAL

7. On or about June 18, 2010, Defendant submitted his Application for Renewal of Oklahoma License for the period July 2, 2010 through July 1, 2011. 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 felony or misdemeanor other than a traffic violation?" In response to this question, Defendant answered "NO". Defendant was also asked the following questions: "Since the last renewal...[h]ave you been arrested for, charged with or convicted of a traffic violation involving the use of any drug or chemical substance including 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 **three (3) times** in the previous year for alcohol related incidents and had been charged with DUI just six (6) months earlier.

4TH ARREST

8. On or about August 8, 2010, Defendant was arrested for a fourth time. According to the police report, Defendant's wife reported that Defendant had grabbed her, shoved her against the wall, then grabbed her hair and threw her to the ground. The officers observed injuries consistent with her story. Defendant's wife also reported that Defendant had been

drinking at the time. When police officers arrived, Defendant was attempting to drive away. He was detained and asked to submit to a Breathalyzer test, to which he refused. He was then arrested for **DOMESTIC ABUSE/ASSAULT AND BATTERY AND DUI** and taken to the Oklahoma County Jail. The case was later dismissed after prosecutors declined to file.

9. As a result of Defendant's DUI arrest on January 3, 2010 where he tested at a 0.12% level, as well as his refusal to submit to a Breathalyzer test at the time of his August 8, 2010 arrest for DUI, on or about March 4, 2011, the Oklahoma Department of Public Safety issued a Final Order of revocation whereby Defendant's Oklahoma driver's license was revoked. He was then issued a modified driver's license whereby he could drive only in a vehicle equipped with an ignition interlock device for a period of one (1) year and 180 days.

10. 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).

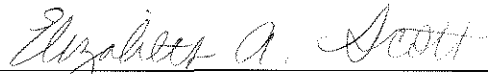
H. Failed to report to the Board any adverse action taken against him by any court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section in violation of OAC 435:10-7-4(32).

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,



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