

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

FILED

MAR 12 2015

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.*)
THE OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE AND)
SUPERVISION,)

Plaintiff,)

vs.)

JEROME EDWARD BLOCK, M.D.)
LICENSE NO. 22665)

Defendant.)

Case No. 13-05-4746

ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION

Plaintiff, the State of Oklahoma, *ex rel.* the Oklahoma State Board of Medical Licensure and Supervision ("Board"), by and through its attorney, Jason T. Seay, Assistant Attorney General, for the State of Oklahoma and the staff of the Board, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Jerome Edward Block, M.D., Oklahoma medical license no. 22665 who appears in person and through counsel, Gary Richardson, offer this Agreement effective March 12, 2015, for acceptance by the Board *en banc* pursuant to Okla. Admin. Code § 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, the Defendant pleads no contest to the allegations in the Complaint and Citation filed herein on May 23, 2014, and further acknowledges that a hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("Act").

The Defendant, Jerome Edward Block, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for an evidentiary hearing on the allegations made against him. The Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. The Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this agreement has been reviewed and discussed with him and his legal counsel.

**MEDICAL LICENSURE & SUPERVISION
OKLAHOMA STATE BOARD OF**

MAR 13 2012

FILED

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Agreements and Stipulations

The State and the Board Staff stipulate and agree, and to which the Defendant pleads no contest, 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 O.S. § 480 *et seq.*
2. The Defendant, Jerome Edward Block, M.D., holds Oklahoma medical license no. 22665.
3. This matter originated on May 17, 2013 with Patient BC filing an online complaint alleging the Defendant violated the Health Insurance Portability and Accountability Act (“HIPAA”) by bringing an unknown patient into the exam room with Patient BC to speak with her about her own personal experience with hormone replacement.
4. On July 2, 2013, Investigator JL traveled to the Defendant’s office to conduct an interview. The Defendant admitted he should have asked for permission to bring another patient into the exam room.
5. On August 9, 2013, DEA Agent BH called Investigator JL and advised the Defendant admitted to having his staff inject him with testosterone.
6. On November 22, 2013, Investigator JL and Investigator SW travelled to the Defendant’s clinic. A copy of the injection log provided to DEA BH was provided to Investigators. Upon review of the log, it was found to list twelve (12) different injections being given to the Defendant by his staff as follows:

No	Date	Recipient	Testosterone (cc)	B-12 (cc)	Administered by
1	10/23/2012	JE Block	1.5	0.5	AR
2	11/7/2012	JE Block	1	1	AR
3	12/27/2012	Block	2	-	AR
4	1/22/2013	Block	1.5	1	AR
5	2/8/2013	Block	1.5	-	AR
6	3/12/2013	Block	1	1	AR
7	3/29/2013	Block	1	-	AR
8	4/15/2013	Block	1	-	AR
9	6/11/2013	Dr. J Block	1.5	1	LB
10	7/5/2013	Block J	1	1	AR
11	7/30/2013	Dr. JE Block	1	1	JG
12	8/13/2013	-- Block	0.75	-	AR
10 months			14.75	6.5	12 injections

7. Upon review of the prescribing record of BB, the Defendant’s wife, it was found that Defendant prescribed his wife phentermine on two (2) or more occasions. The prescribing record also showed that the Defendant’s PA, PA Palmore, has written CDS to Defendant’s

wife ten (10) times with the last prescription being written on November 15, 2013. The Defendant did not recall authorizing the phentermine prescriptions BB had received which are as follows:

WRITTEN/FILLED	DRUG	STRENGTH	QTY	PHARMACY	Provider
11/12/2012	Phentermine	37.5	30	Dr. Block's Clinic	JE BLOCK, MD
12/20/2012	Phentermine	37.5	30	Dr. Block's Clinic	JE BLOCK, MD
2/11/2013	Phentermine	37.5	30	Dr. Block's Clinic	PA Palmore
4/10/2013	Phentermine	37.5	30	Dr. Block's Clinic	PA Palmore
5/24/2013	Phentermine	37.5	30	Dr. Block's Clinic	PA Palmore
7/3/2013	Phentermine	37.5	30	Dr. Block's Clinic	PA Palmore

8. BB's prescribing record also shows she received six (6) CDS prescriptions in addition to the phentermine prescriptions. The Defendant did not recall prescribing the CDS for BB. BB's medical chart is devoid of any notation where the Defendant prescribed the CDS to BB.
9. On December 20, 2013, an employee of the Defendant's, AR, stated PA Palmore never authorized phentermine for Defendant's wife. AR advised the Defendant had authorized the prescriptions, but she was told by "administration" to "put it under the name of whatever other provider was there at the time."
10. On that same day another employee, DW, was interviewed. DW advised DW called in three (3) CDS (one dated 10/09/2013 and two dated 11/15/2013) for BB under Defendant's authorization. DW did not prescribe the pharmacy with the prescriber's name, so DW assumes the pharmacy entered them under the name of PA Palmore. DW stated again that PA Palmore did not authorize these prescriptions to BB, the Defendant did.
11. PA Palmore was then interviewed. He advised he "did not recall" prescribing or authorizing any CDS or non-CDS to BB. He stated he "doesn't recall" the Defendant ever telling him to prescribe CDS to BB, and, if prescriptions were called in for her under his name, PA Palmore was unaware of it.

WRITTEN/FILLED	DRUG	STRENGTH	QTY	PHARMACY	HOW RX GENERATED?
4/1/2013	Unk-Ketamine Compound		54	CareFirst	Compound Rx & Fax form (appears it was called in by PA John Palmore)
8/30/2013	Unk-EI(3)35,T9 Compound		1.05	CareFirst	Called in by PA Palmore
9/5/2013	Zolpidem Compound	10	13.5	CareFirst	Called in by PA Palmore
10/9/2013	Unk-EI(3)35,T9 Compound		1.05	CareFirst	Called in by Employee DW
11/15/2013	Unk-EI(3)35,T9 Compound		0.29	CareFirst	Called in by Employee DW

11/15/2013	Zolpidem Compound	10	13.5	CareFirst	Called in by Employee DW
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12. Finally SF, Operations Manager of the Defendant's clinic, was interviewed. SF provided Investigator JL a memo he prepared dated December 20, 2013, wherein he states that "Dr. Block had engaged in self-treatment and prescribed medication to his wife in the past, but they are now under the care of Paul Howard, M.D."
13. Although the Defendant denies he had knowledge of these prescribing activities related to BB, he takes full responsibility for them.

Conclusions of Law

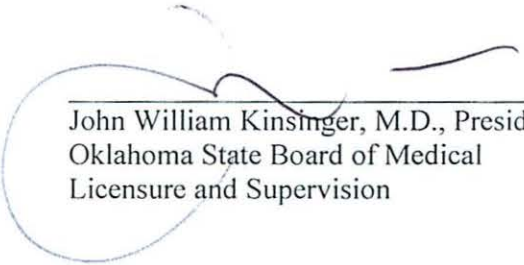
14. The Defendant is guilty of unprofessional conduct in that he engaged in:
- a) Dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public in violation of Title 59 O.S. 2011 § 509(8);
 - b) Failure to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient in violation of Title 59 O.S. 2011 § 509(18);
 - c) Purchasing or prescribing any regulated substance in Schedule I through V, as defined by the Uniform Controlled Dangerous Substances Act, for the physician's personal use in violation of Oklahoma Administrative Code Section 435:10-7-4(5);
 - d) Conduct likely to deceive, defraud, or harm the public in violation of Oklahoma Administrative Code Section 435:10-7-4(11);
 - e) Willfully or negligently violating the confidentiality between physician and patient to the detriment of a patient except as required by law in violation of Oklahoma Administrative Code Section 435:10-7-4(14);
 - f) Prescribing, selling, administering, distributing, ordering, or giving any drug legally classified as a controlled substance or recognized as an addictive dangerous drug to a family member or to himself or herself in violation of Oklahoma Administrative Code Section 435:10-7-4(26); and
 - g) Violating state or federal law or regulation relating to controlled substances in violation of Oklahoma Administrative Code Section 435:10-7-4(27).

Order

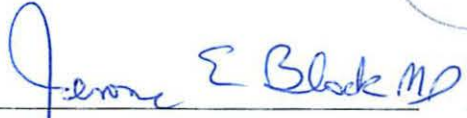
IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction;
2. It is **ORDERED** that Defendant will pay an **ADMINISTRATIVE FINE** in the amount of **SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00)**;
3. It is **ORDERED** that Defendant will attend a prescribing course at Vanderbilt University and submit proof of completion to Board Secretary within six (6) months from the date of this Order; and
4. It is **ORDERED** that Defendant is hereby **PUBLICALLY REPRIMANDED**.
5. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.
6. A copy of this written order shall be sent to Defendant as soon as it is processed.

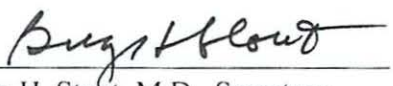
Dated this 12th day of March, 2015.



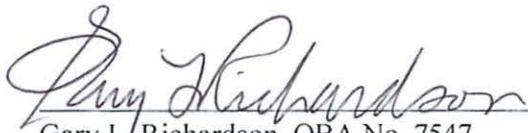
John William Kinsinger, M.D., President
Oklahoma State Board of Medical
Licensure and Supervision



Jerome Edward Block, M.D.
License No. 22665



Billy H. Stout, M.D., Secretary
Oklahoma State Board Of Medical
Licensure And Supervision



Gary L. Richardson, OBA No. 7547
Richardson, Richardson & Boudreaux
7447 South Lewis Avenue
Tulsa, OK 74136
Attorney for Defendant



Jason T. Seay
OBA No. 22007
Assistant Attorney General

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND
SUPERVISION
101 N.E. 51st Street
Oklahoma City, Oklahoma 73105
405/962.1400
405/962.1499 – Facsimile

Certificate of Service

I certify that on the 17th day of March, 2015, a true and correct copy of this Order was provided, postage prepaid, to Mr. Gary Richardson at Richardson, Richardson & Boudreaux, 7447 South Lewis Avenue, Tulsa, Oklahoma 74136.



Nancy Thremann, Legal Secretary