

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

**FILED**

JUL 02 2009

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

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

Plaintiff )

v. )

TERESA DIANE LOFTIN, M.D., )  
LICENSE NO. 22820, )

Defendant. )

Case No. 09-03-3697

**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, Teresa Diane Loftin, M.D., Oklahoma license no. 22820, 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, Teresa Diane Loftin, M.D., holds Oklahoma license no. 22820 and practices family medicine in Tahlequah, Oklahoma.

3. On or about Monday, January 19, 2009, Defendant called in a prescription for Omnicef for Patient JERD, a three (3) year old female child. On or about Friday, January 23, 2009, Defendant called in a prescription for Acyclovir ointment for Patient JERD. Patient JERD is the child of a masseuse, ARD, who works at Defendant's office in her medical spa.

4. A review of Defendant's records reflects that Defendant kept no record of the prescriptions authorized by her to Patient JERD, nor has Patient JERD ever been a patient of hers.

5. Three (3) weeks later, on Friday, February 13, 2009, Defendant called in a prescription for Valtrex, with three (3) refills, for Patient JURD, a six (6) year old male child.

6. A review of Defendant's records reflects that Defendant kept no record of the prescription authorized by her to Patient JURD, nor has Patient JURD ever been a patient of hers.

7. Board investigator Robert DuVall interviewed Defendant on April 1, 2009. During this interview, Defendant stated that her employee, ARD, had called her on the weekend about her alleged sick child, Patient JERD. Defendant advised that she had in fact examined Patient JERD and determined that she had chicken pox and prescribed oral suspension Valtrex to her. She stated that she had also prescribed Valtrex tablets to Patient JURD as a precaution for the patient's exposure to his sister's chicken pox.

8. Investigator DuVall advised Defendant that he believed the Valtrex had been prescribed to Patient JURD, but was intended for his mother, ARD. He stated that he believed that prescription was written to Patient JURD so that it could be billed to Sooner Care so that ARD would not have to pay for it. Defendant again denied these claims and stated that the medication was for Patient JURD due to his alleged exposure to his sister's chicken pox.

9. On April 29, 2009, Investigator DuVall again interviewed Defendant and advised her that his investigation had revealed that the prescriptions she had called in for Patients JERD and JURD were not called in on the weekend as she had previously told him. He also advised her that pharmacy records reflected that she had not called in Valtrex suspension as she had previously told him, but had instead called in an antibiotic and an ointment. Investigator also advised her that prescribing Valtrex tablets three (3) weeks after alleged exposure to chicken pox did not seem appropriate.

10. Defendant then admitted that she had previously lied to Investigator DuVall and that the prescription for Valtrex was meant for her employee, ARD. She admitted that she had authorized the prescription for Valtrex, a fairly expensive medication, to JURD so it could be billed to Sooner Care and his mother would not have to pay for it, even though it was for her herpes. She further admitted that she and ARD had concocted the story about prescribing Valtrex to JURD prior to her first interview with Investigator DuVall after the child's father had questioned the prescription.

11. Although the Valtrex prescription for Patient JURD was meant for use by his mother, ARD, Defendant admits that she kept no chart on ARD.

13. Defendant is guilty of unprofessional conduct in that she:

- 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 laws of this state... in violation of 59 O.S. § 509 (7).

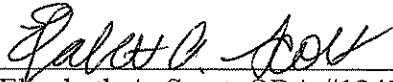
- C. Committed any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine in violation of 59 O.S. § 509 (9).
- D. Prescribed or administered a drug or treatment without sufficient examination and the establishment of a valid physician patient relationship in violation of 59 O.S. § 509 (12).
- E. 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).
- F. 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(36) and (41).
- 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 furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).
- I. Failed to cooperate with a lawful investigation conducted by the Board in violation of OAC 435:10-7-4(38).

***Conclusion***

WHEREFORE, plaintiff 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 the revocation or suspension of the Defendant's license to practice as a physician and surgeon in the State of Oklahoma, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a physician and surgeon in the State of Oklahoma.

Dated this 2nd day of July, 2009 at 11:00 a.m.

Respectfully submitted,



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