

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

FILED

JAN 14 2010

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

VOLUNTARY SUBMITTAL TO JURISDICTION.

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 for the State of Oklahoma and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Teresa Diane Loftin, M.D., Oklahoma license no. 22820, who appears in person and through counsel, Lance Freije, offer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on July 2, 2009, and further acknowledges that hearing before the Board would likely result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

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

PARTIES' AGREEMENT AND STIPULATIONS

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

Findings of Fact

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 an acquaintance of Defendant.

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 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 agreed with Investigator DuVall that she had previously lied to him and that the prescription for Valtrex was meant for ARD. She agreed 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 oral herpes. She further agreed 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.

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

- A. Confessed to a crime involving violation of ...the laws of this state... in violation of 59 O.S. § 509 (7).
- B. 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).
- C. 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).
- D. 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).
- E. 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).
- F. 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).

- G. Failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).
- H. Failed to cooperate with a lawful investigation conducted by the Board in violation of OAC 435:10-7-4(38).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Based on the foregoing facts, Defendant, Teresa Diane Loftin, Oklahoma license 22820, is guilty of the unprofessional conduct set forth below:

- A. Confessed to a crime involving violation of ...the laws of this state... in violation of 59 O.S. § 509 (7).
- B. 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).
- C. 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).
- D. 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).
- E. 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).
- F. 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).


- G. Failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).
- H. Failed to cooperate with a lawful investigation conducted by the Board in violation of OAC 435:10-7-4(38).

Order

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

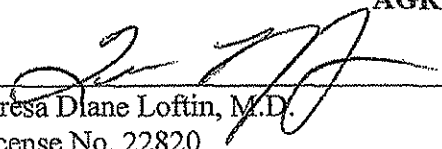
1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.
2. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, Teresa Diane Loftin, M.D., holding Oklahoma license No. 22820, is hereby **FORMALLY REPRIMANDED**.
3. Defendant shall pay an **ADMINISTRATIVE FINE** in the amount of **\$8,000.00**, to be paid on or before January 14, 2011.
4. The license of Defendant, **TERESA DIANE LOFTIN, M.D.**, Oklahoma license no. 22820, is hereby placed on **PROBATION** for a period of **ONE (1) YEAR**, during which time Defendant shall complete both a Prescribing Course and an Ethics Course at facilities approved in advance in writing by the Board Secretary. Defendant shall provide to the Board Secretary proof of completion of said course.
5. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

Dated this 14 day of January, 2010.




Curtis Harris, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

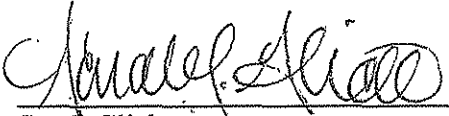
AGREED AND APPROVED:



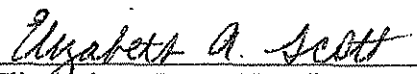
Teresa Diane Loftin, M.D.
License No. 22820



Gerald C. Zumwalt, M.D.
Secretary & Medical Advisor
Oklahoma State Board of
Medical Licensure and Supervision



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Attorney for Defendant

Attorney for the Oklahoma State Board
of Medical Licensure and Supervision

Certificate Service

On the 15th day of January, 2010, a true and correct copy of this order was mailed, postage prepaid, to Sarah Glick, 201 Robert S. Kerr, Suite 710, Oklahoma City, OK 73102, and Teresa Diane Loftin, MD, PO Box 1095 Tahlequah, OK 74465.



Janet Swindle, Secretary