

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,)

MAR 16 2012

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 10-11-4112

STEVEN WILLIAM DELIA , M.D.,)
LICENSE NO. 22941,)

Defendant.)

VOLUNTARY SURRENDER OF LICENSE
IN LIEU OF PROSECUTION

State of Oklahoma)

Sequoyah County)

I, Steven William Delia, M.D., being of lawful age and after first being duly sworn, depose and state as follows:

1. I hereby voluntarily surrender my Oklahoma medical license no. 22941.
2. The surrender of my license is freely and voluntarily made. I have not been subject to any coercion or duress, and I am fully aware of the consequences of the surrender of my license.
3. I am the subject of a Complaint filed by the Oklahoma State Board of Medical Licensure and Supervision involving allegations that if proven, would constitute grounds for disciplinary action by the Board.
4. For purposes of this proceeding only and surrendering my license, I admit that sufficient evidence exists that I could be found to have committed the allegations set forth below.
5. The allegations of the Complaint include, but are not limited to, the following:

A. Defendant, Steven William Delia, M.D., holds Oklahoma license no. 22941 and at the time of the incidents in question, practiced family medicine and psychiatry in Sallisaw, Oklahoma.

B. In or around mid-October 2010, Defendant was deployed to Afghanistan to serve in the military as part of the Army Reserve.

C. In November 2010, Board Investigators received information that Defendant had left blank pre-signed prescriptions for his employees to utilize in maintaining his patients medication regiments while he was out of the country. An Oklahoma State Pharmacy Board Investigator reported that prescriptions for Schedule II controlled dangerous substances were being presented at pharmacies when Defendant was out of the country.

D. On or about November 5, 2010, Board investigators travelled to Defendant's clinic in Sallisaw, Oklahoma and learned that Defendant employed three (3) individuals: LeeAnn Dewberry, LPN, Jennifer Campney, LPN, and Susan Davis, PA. Defendant was the only supervising physician listed for PA Davis at the time of the events in question. However, Dr. Delia believed he had arranged for either Dr. Zachary or Dr. Jason Beaman to be working in the clinic on Saturdays to provide supervision, but neither were not listed as supervising physicians for PA Davis with the Medical Board.

E. Board investigators determined that Defendant had not been in the clinic since mid-October and that the LPNs and PA had been treating all patients in his absence.

F. Board investigators also determined that when Defendant was out of the office or out of the country, he left blank pre-signed prescriptions in a cabinet for use by the two (2) LPNs as well as his PA. 103 unused prescription pads containing 5625 blank prescriptions pre-signed by Defendant were confiscated.

G. Board investigators confiscated a prescription pad sign-out log which showed that pre-signed prescriptions had been signed out for use by the two (2) LPNs and the PA between March 1, 2010 and November 3, 2010. The total number of blank pre-signed prescriptions signed out and used by the above employees during this period of time was 4330.

H. Board investigators determined that over the past year, Defendant had been out of the office for numerous occasions for weeks to months at a time due to vacations and military duties. During this time over the past year, PA Davis regularly utilized the blank prescriptions pre-signed by Defendant to issue medications, including Schedule II to patients. It was also determined that the LPNs were treating patients and using the blank prescriptions pre-signed by Defendant to continue medication regiments previously established by the Defendant.

I. Board investigators also determined that at the Defendant was not scheduled to return to the United States for almost four (4) more months until February 28, 2011.

J. As a result of this practice, LPN Dewberry was able to issue nine (9) prescriptions for Hydrocodone to herself by using the blank prescriptions pre-signed by Defendant.

K. Under the Oklahoma Nursing Practices Act, nurses are not allowed to prescribe any controlled dangerous substances.

L. Under the Oklahoma Physician Assistant Practices Act, Physician Assistants are not allowed to prescribe Schedule II controlled dangerous substances in an outpatient setting.

M. Oklahoma Administrative Code Section 435:15-5-11 (b) provides as follows as it relates to violations of the Physician Assistant laws:

(b) A physician who knowingly allows or participates with a physician assistant who is in violation of the above will be prohibited from supervising physician assistants for so long as the Board deems appropriate.

L. 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.

N. Defendant is guilty of unprofessional conduct in that he:

i. 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).

ii. Wrote a pre-signed prescription for any drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs in violation of 59 O.S. §509 (11).

iii. Violated any state or federal law or regulation relating to controlled substances in violation of 435:10-7-4(27)

iv. 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).

v. Violated any provisions 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).

6. I hereby submit my wallet card and wall certificate as evidence of my intent to surrender my license.

7. I hereby agree that I will not apply for reinstatement of my Oklahoma medical license for a minimum of one year from the entry of the Order Accepting Voluntary Surrender in Lieu of Prosecution, and that if the Board ever reinstates my Oklahoma medical license, it will be under terms of probation to be set by the Board at the time of reinstatement.

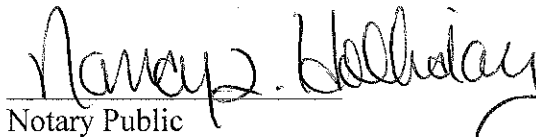
8. As a condition to accepting my surrender of license in lieu of prosecution, I acknowledge that the Board may require me to pay all costs expended by the Board for any legal fees and costs, and any investigation, probation and monitoring fees, including but not limited to staff time, salary and travel expense, witness fees and attorney fees.

DATED this 7th day of March, 2012.



Steven William Delia, M.D.

Subscribed and sworn before me this 7 day of March, 2012.

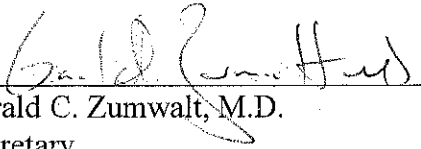


Notary Public

My commission expires on 12-10-12



ACCEPTED:



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

Date: 3-16-12