

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

**FILED**

FEB - 1 2002

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

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )

v. )

Case No. 01-09-2391

DAVID T. ABBOTT, P.A., )  
LICENSE NO. PA230 )

Defendant. )

**FINAL ORDER ISSUING LETTER OF CONCERN**

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on January 17, 2002, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and through counsel, Tom Adler.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

***Findings of Fact***

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physician assistants in the State of Oklahoma pursuant to 59 Okla. Stat. §§ 480 *et seq.* and 887.1 *et seq.*

2. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.

3. Defendant David T. Abbott, P.A. holds Oklahoma physician assistant license no. PA230.

4. On or about August 10, 2001, Defendant wrote a prescription for Hydrocodone Bitartrate W/APAP, a Schedule III controlled dangerous drug, to a patient. On or about October 8, 2001, Defendant wrote a prescription for Valium, a Schedule IV controlled dangerous drug, to a patient.

5. Defendant has admitted that he has no DEA permit authorizing him to write prescriptions for controlled dangerous substances.

6. Based on the allegations stated above, Defendant is guilty of unprofessional conduct as follows:

- A. He has violated a provision of the Medical Practice Act or the rules promulgated by the Board pursuant to OAC435:15-5-11(7).
- B. He has violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- C. He has 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 OAC 435:10-7-4(39).

### *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 Physician Assistant Act, and their applicable regulations. The Board is authorized to enforce these acts as necessary to protect the public health, safety and welfare.

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

- A. He has violated a provision of the Medical Practice Act or the rules promulgated by the Board pursuant to OAC 435:15-5-11(7).
- B. He has violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

- C. He has 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 OAC 435:10-7-4(39).

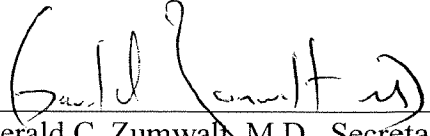
3. The Board further found that a letter of concern should be placed in Defendant's public file based upon his errant behavior and his violations of OAC 435:10-7-4(27) and (39) and OAC 435:15-5-11(7).

**Order**

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


1. David T. Abbott, P.A., Oklahoma license no. PA230, is hereby issued a **LETTER OF CONCERN** to be placed in his public file based upon his errant behavior.

Dated this 1 day of February, 2002.

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

**CERTIFICATE OF SERVICE**

I certify that on the 1 day of February, 2002, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order Issuing Letter of Concern to S. Tom Adler, 330 N.W. 10<sup>th</sup> Street, First Floor, Oklahoma City, OK 73103.

  
Janet Owens