

8. An investigation was conducted by Board Investigator J.L. who obtained K.P.'s medical records on 30 December 2015, consisting of 59 pages.
9. K.P.'s healthcare and prescribing records show he had only received a small quantity of opioids before being treated by Dr. Koenen-Myers, consisting exclusively of short term pain management by a dentist in July of 2013.
10. K.P.'s healthcare and prescribing records show Dr. Koenen-Myers first saw K.P. on 25 August 2013, when he prescribed K.P. with Norco 10 mg, #120, and Soma 350 mg, #120.
11. K.P.'s healthcare and prescribing records show Dr. Koenen-Myers prescribed these same two drugs to K.P. again and included a prescription for Xanax 2 mg, #30, on 23 September 2013.
12. K.P.'s healthcare and prescribing records show Dr. Koenen-Myers continued to prescribe only the above-mentioned quantities and amounts of Norco, Soma and Xanax to K.P. between 23 September and 20 December 2013.
13. K.P.'s healthcare and prescribing records show Dr. Koenen-Myers changed the CDS prescriptions to K.P. on 15 January 2014 to Oxycodone 30 mg (the highest available dosage in immediate release form), #120, Norco 10 mg, #120, and Valium 10 mg, #30.
14. Prior to the 15 January 2014 doctor's visit, K.P. was prescribed 40 mg/day morphine equivalent dosage of CDS ("MED") by Dr. Koenen-Myers.
15. On 15 January 2014, Dr. Koenen Myers prescribed K.P. an MED of 220 mg/day.
16. K.P. filled these prescriptions on 15 January 2014 and died the same day.
17. The medical examiner's report for K.P. included full autopsy and toxicology reports ("M.E. Report").
18. The M.E. Report states K.P.'s cause of death as Oxycodone toxicity and reports femoral blood levels of Oxycodone of 1.0 mcg/ml – Oxycodone is lethal at 0.2 mcg/ml.
19. The M.E. Report shows blood samples taken from K.P.'s heart were positive for Valium and Soma was detected but not confirmed.

II. EXPERT REVIEW

20. A qualified expert was retained to review the K.P.'s medical chart and Dr. Koenen-Myers' prescribing conduct for this patient in particular.
21. In summary, the qualified expert made in pertinent part the following observations and opinions regarding Dr. Koenen-Myers' care of K.P.:
 - a. There was no written treatment plan;

- b. Only one urine drug screen was conducted on 24 November 2013, and no pill counts or other diversion or abuse oversight was conducted;
- c. The patient's charting does not reflect the use of an opioid risk tool;
- d. The charting does not reflect attempts to use non-CDS therapies for the treatment of pain;
- e. The charting does not reflect an adequate history was taken, including a review of potential mood disorders or substance abuse history;
- f. The charting does not contain any previous physician records;
- g. The charting from the first doctor's visit on 25 August 2013 provides no adequate explanation or rationale for the ongoing use of hydrocodone and carisoprodol or continuing thereafter;
- h. On 30 September 2013, the charting notes the patient received Norco from another physician, but this was not addressed with the patient;
- i. The charting provides no justification or rationale for the prescribing of alprazolam on 23 September 2013 or continuing thereafter;
- j. Prior to 15 January 2014, the charting reflects the patient's subjective pain while on Norco was 5 out of 10;
- k. The charting provides no justification or rationale for the prescribing of Oxycodone on 15 January 2014;
- l. The charting provides no justification or rationale for increasing the patient's daily MED from 40 mg to 220 mg;
- m. No assessment tools were used to gauge the effect of the drug treatments or the adverse effects of any potential behavioral issues of the patient;
- n. Dr. Koenen-Myers' care of K.P. fell below the minimal standard of care required of physicians treating patients with opioid CDS for pain and presents a safety risk to patients; and
- o. K.P.'s death was caused, at least in part, due to the unprofessional prescribing conduct of Dr. Koenen-Myers.

III. VIOLATIONS

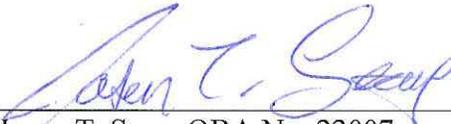
- 22. Based on the foregoing, Dr. Koenen-Myers is guilty of professional misconduct by:
 - a. Engaging in dishonorable or immoral conduct likely to deceive, defraud or harm the public, in violation of 59 O.S. 2011, § 509(8) and Okla. Admin. Code § 435:10-7-4(8);

- b. Violating any state or federal law or regulation relating to CDS, in violation of Okla. Admin. Code § 435:10-7-4(27);
- c. Prescribing or administering a drug or treatment without sufficient examination, in violation of 59 O.S. 2011, § 509(12);
- d. Excessively prescribing CDS in excess of the amount considered good medical practice, or without medical need, in violation of 59 O.S. 2011, § 509(16) and Okla. Admin. Code §§ 435:10-7-4(1), (2), (6), (24);
- e. Failing to maintain office records accurately reflecting the evaluation, treatment and medical necessity of a treatment of a patient, in violation of 59 O.S. 2011, §§ 509(18), (20), and Okla. Admin. Code §§ 435:10-7-4(36), (41);
- f. Failing to provide an adequate, initial patient examination, in violation of 59 O.S. 2011, § 509(20);
- g. Failing to provide necessary on-going medical treatment when a doctor-patient relationship has been established, in violation of 59 O.S. 2011, § 509(19);
- h. Failing to abide by Okla. Admin. Code § 435:10-7-11 regarding the use of opioids for the treatment of chronic pain, in violation of Okla. Admin. Code § 435:10-7-4(39); and
- i. Engaging in the gross negligence of the practice of medicine, in violation of Okla. Admin. Code § 435:10-7-4(15).

IV. CONCLUSION

Given the foregoing, and pursuant to 59 O.S. 2011 & Supp. 2014, §§ 504, 509.1, and 513(A)(1), the undersigned requests 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 suspension or revocation and any other appropriate action with respect to the Dr. Koenen-Myers' Oklahoma professional healthcare license, including an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



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VERIFICATION

I, Jana Lane, under penalty of perjury, under the laws of the State of Oklahoma, state as follows:

1. I have read the above Complaint regarding the Defendant, Howard Peter Koenen-Myers, Jr., M.D.; and
2. The factual statements contained therein are true and correct to the best of my knowledge and belief.

Jana Lane

Date:

05-02-2016

Jana Lane, Investigator
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Oklahoma City, OK
Place of Execution