

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

FILED

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OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
)
JOHN MATTHEW NAVARRO, M.D.,)
MEDICAL LICENSE NO. 23253,)
)
Defendant.)

Case No. 03-05-2669

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, John Matthew Navarro, M.D., 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, John Matthew Navarro, M.D, holds Oklahoma medical license no. 23253.

3. On or about October 30, 2002, while working at Jefferson Memorial Hospital in Crystal City, Missouri, Defendant, who is an anesthesiologist, was observed injecting an unknown substance into the IV of Patient RSB. When asked by the CRNA what the substance was, Defendant responded that it was Remifentanyl, a Schedule II controlled dangerous substance which was not on the hospital's approved formulary. The anesthesia administration log for Patient RSB does not document the administration of Remifentanyl.

4. On or about November 1, 2002, while working at Jefferson Memorial Hospital, Defendant was observed injecting an unknown substance from an unlabeled syringe into the IV of Patient CWB. When asked by the CRNA what the substance was, Defendant responded that it was Remifentanyl, a Schedule II controlled dangerous substance which was not on the hospital's approved formulary. When the CRNA asked for the dosage amount for charting, Defendant

instructed the CRNA not to chart the administration of the Remifentanyl. A review of the anesthesia administration log for Patient CWB does not document the administration of Remifentanyl.

5. On or about November 4, 2002, while working at Jefferson Memorial Hospital, Defendant was observed injecting an unknown substance from an unlabeled syringe into the IV of Patient SDB. When asked by the CRNA what the substance was, Defendant responded that it was Remifentanyl, a Schedule II controlled dangerous substance which was not on the hospital's approved formulary. The anesthesia administration log for Patient SDB does document the administration of Remifentanyl.

6. On or about December 3, 2002, Defendant submitted his application for an Oklahoma medical license.

7. On or about January 10, 2003, and then again on February 27, 2003, Defendant was questioned by the Missouri Bureau of Narcotics and Dangerous Drugs regarding these incidents. Defendant admitted all of the allegations of the CRNA's as set forth above.

8. Defendant obtained the Remifentanyl from California, where he had practiced prior to coming to Missouri. Defendant admitted that he administered the drug in California and falsified charts in California by documenting that he had administered more than he actually had. He was then able to keep a supply of Remifentanyl in his possession, which he brought with him to the State of Missouri. He did not document the administration of Remifentanyl in charts of the Missouri patients because he admittedly knew what he had done was wrong.

9. Defendant stored the Remifentanyl at his home, which was an unregistered site for the storing of controlled dangerous substances. He did not maintain an initial inventory for the controlled dangerous substances in his possession, nor did he maintain an annual inventory of the controlled dangerous substances in his possession.

10. Defendant obtained the Remifentanyl without executing a DEA Form 222 Official Order Form, he did not maintain receipt records and record the date of receipt of the controlled dangerous substances, and he did not maintain an administration log for the administration of the controlled dangerous substances in his possession.

11. Based upon these facts, the Missouri Bureau of Narcotics and Dangerous Drugs advised Defendant that it proposed to revoke his Missouri Controlled Substances Registration. Prior to the Missouri Bureau taking formal action, Defendant discontinued his practice in Missouri, thereby automatically terminating his Missouri Controlled Substances Registration. Accordingly, the Missouri Bureau of Narcotics and Dangerous Drugs dismissed its case against Defendant as moot.

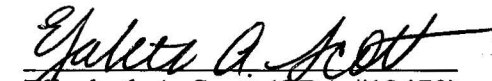
12. Based on the allegations stated above, Defendant is guilty of unprofessional conduct as follows:

- A. Violated, directly or indirectly, the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, and the rules and regulations of the Board, either as a principal, accessory or accomplice in violation of 59 Okla. Stat. §509(14) and OAC 435:10-7-4(39).
- B. Was convicted of or confessed to a crime involving violation of the antinarcotics or prohibition laws and regulations of the federal government in violation of 59 O.S. §509(8).
- 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(10).
- D. Engaged in conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11).
- E. Failed to keep complete and accurate records of the purchase and disposal of controlled drugs or of narcotic drugs in violation of 59 O.S. §509(11).
- F. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- G. 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(19).
- H. 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).

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 suspension or revocation, 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 14 day of December, 2003 at 8:30 p.m.

Respectfully submitted,



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Attorney for State ex rel.

Oklahoma State Board of Medical Licensure
and Supervision