

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

FILED

APR 30 2019

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.*)
OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
)
ABOLGHASEM REZAEI, M.D.,)
LICENSE NO. MD 23655,)
)
Defendant.)

Case No. 09-12-3897

VERIFIED COMPLAINT

The State of Oklahoma, *ex rel.* the Oklahoma State Board of Medical Licensure and Supervision (the "Board") alleges and states as follows for its Complaint against Abolghasem Rezaei, M.D. (the "Defendant"):

1. The Board has jurisdiction over the subject matter and is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians, surgeons and other allied health professionals in the State of Oklahoma pursuant to 59 O.S. § 480 *et seq.*
2. The Defendant holds Oklahoma medical license number 23655.
3. The acts and omissions complained of herein were made while Defendant was acting as physician pursuant to his medical license conferred upon him by the State of Oklahoma. Such acts and omissions occurred within the physical territory of the State of Oklahoma.

I. HISTORY

4. On May 4, 2017, the Board entered an Order terminating Defendant's Probation and placing him on an Agreement For Licensure, with specific terms to comply with. *See Order Granting Motion to Terminate Probation and to Enter into Agreement For Licensure.*
5. Under the Agreement For Licensure, Defendant expressly agreed to comply with terms and conditions including, but not limited to:
 - A. Defendant will not authorize any personnel under his supervision to initiate an order for a controlled dangerous substance.

- B. Defendant will restrict his practice to family practice only, and specifically, will not engage in the practice of pain management.
- C. Defendant will prescribe controlled dangerous substances for acute situations only, and not to exceed a period of three (3) months for any patient.
- L. *Failure to meet any of the terms of this Agreement will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.* Immediately upon learning that a licensee is in violation of a Board-ordered probation, the Executive Director of the Board may summarily suspend the license based on imminent harm to the public and assign a hearing date for the matter to be presented at the next scheduled Board meeting.

II. ALLEGATIONS

- 6. The Board Secretary and Compliance Director reviewed the PMP from March to June 1, 2018. On June 14, 2018 the Compliance Director, Gary Ricks, met with Defendant to discuss his ongoing prescribing of CDS. Defendant admitted to practicing pain management.
- 7. Defendant was informed he was in violation of his Agreement For Licensure and must stop practicing pain management immediately.
- 8. The compliance Director subsequently reviewed Defendant's PMP for June, July, August and September and saw no decrease in CDS prescribing. Between March and September 2018, Defendant prescribed CDS to over ninety-one (91) different patients for longer than three (3) months.
- 9. Defendant violated the express terms of the Agreement For Licensure under Specific Terms A, B, and C.

III. VIOLATIONS

- 10. Defendant clearly and unambiguously violated express terms and conditions of his Agreement For Licensure. See Agreement For Licensure, Specific Terms A, B, and C.
- 11. Based on the foregoing, Dr. Rezaei is in violation of the Agreement For Licensure and is guilty of unprofessional conduct as follows:
 - a. The failure of a licensee who is the subject of an Agreement to comply with the terms of an Agreement shall be considered a violation of the rules of the Board and shall be grounds for disciplinary action by the Board pursuant to, among other things, OAC 435:10-7-4(11) and (39). Failure to comply with an Agreement hereunder may subject a licensee to revocation by the Board. *Okla. Admin. Code* § 435:10-4-11(b)(7).

- b. Conduct likely to deceive, defraud, or harm the public. *Okla. Admin. Code* § 435:10-7-4(11).
- c. Violation of any provision(s) of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board. *Okla. Admin. Code* § 10-7-4(39).

IV. CONCLUSION

Given the foregoing, the undersigned respectfully 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 Defendant's professional license, including an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



B. Grant Cody, OBA No. 32753
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VERIFICATION

I, Gary Ricks, 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, Abolghasem Rezaei, M.D.; and,
2. The factual statements contained therein are true and correct to the best of my knowledge and belief.



Gary Ricks, Compliance Coordinator
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Date: 4-24-19
OklaCo., OK

County, State of Execution