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

FILED

FEB 10 2012

OKLAHOMA STATE BOARD OF MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA EX REL. THE OKLAHOMA BOARD OF MEDICAL LICENSURE AND SUPERVISION,	)	
Plaintiff	)	
v.	)	**Case No. 11-08-4377**
BRYAN JOSEPH TREACY, M.D., LICENSE NO. 23781,	)	
Defendant.	)	

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, Bryan Joseph Treacy, M.D., Oklahoma license no. 23781, 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, Bryan Joseph Treacy, M.D., holds Oklahoma license no. 23781 and practices Obstetrics and Gynecology in Moore, Oklahoma.

3. A review of Defendant's records reveals that beginning on or around June 4, 2008 and continuing through December 12, 2011, Defendant treated Patient NWR for various gynecological problems. Defendant's chart on this patient documents at least twenty-eight (28) office visits, at least ten (10) prescriptions authorized outside of these office visits, and numerous labs and tests ordered. Additionally, during this time, Defendant performed surgery on Patient NWR, specifically, a hysterectomy and left ovarian cystectomy. He also performed numerous PAP smears and a colposcopy examination, and treated her for weight loss with controlled dangerous substances.

4. When questioned by Board investigators, Defendant lied and claimed that he stopped treating Patient NWR in May 2011 and that they then began a sexual relationship shortly thereafter in June 2011.

5. When Board investigators asked Patient NWR when she and Defendant began engaging in a sexual relationship, she admitted that it was in the spring of 2011. She then stated that the sexual relationship began in May 2011. At that time, Defendant "corrected" her and told her that "no", it wasn't until June 2011 that they entered into a sexual relationship. Patient NWR then stated that she could not remember exactly when their sexual relationship began.

6. A review of pharmacy records as well as Patient NWR's patient chart reveals that Defendant did **not** stop treating Patient NWR and acting as her gynecologist in May 2011, but instead continued to act as her physician and gynecologist through **at least** December 2011. Pharmacy records reflect seven (7) additional prescriptions, for both controlled and non-controlled dangerous drugs, written or authorized by Defendant to Patient NWR on May 18, 2011, June 13, 2011, August 9, 2011, August 12, 2011, September 9, 2011 and October 27, 2011. Additionally, according to Defendant's patient chart, he ordered labs for her and discussed the results with her on both August 15, 2011 and September 27, 2011. He then he referred her to a specialist on December 12, 2011 for a submandibular lymphadenopathy based upon his **diagnosis on that date** that she had "chronic lymph swelling submandibular right side, tender to palpation".

7. Defendant engaged in a sexual relationship with Patient NWR at the same time he was maintaining a doctor-patient relationship, treating her, acting as her gynecologist, and prescribing both controlled and non-controlled dangerous drugs to her.

8. The American College of Obstetricians and Gynecologists has set the following standard for sexual conduct between a physician and patient:

> Sexual contact or a romantic relationship between a physician and a current patient is **always unethical.**

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

A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. § 509 (8) and OAC 435:10-7-4 (11).

B. Engaged in physical conduct with a patient which is sexual in nature, … in violation of 59 O.S. §509 (17).

C. Committed an act of sexual … misconduct or exploitation related or unrelated to the licensee's practice of medicine and surgery in violation of OAC 435:10-7-4 (23).

D. Abused the physician's position of trust by coercion [or] manipulation … in the doctor-patient relationship in violation of OAC 435:10-7-4(44).

E. 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 59 O.S. §509 (13) and OAC 435:10-7-4(39).

F. Failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).

G. Failed to cooperate with a lawful investigation conducted by the Board in violation of OAC 435:10-7-4(38).

Conclusion

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 the revocation or suspension of the Defendant's license to practice as a physician and surgeon in the State of Oklahoma, 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 15th day of February, 2012 at 11:30 a.m.

Respectfully submitted,

Elizabeth A. Scott

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