

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

FILED

APR 30 2010

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

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )

v. )

Case No. 08-04-3543

JONATHAN EK, M.D., )  
LICENSE NO. 23862 )

Defendant. )

VOLUNTARY SURRENDER OF LICENSE  
IN LIEU OF PROSECUTION

State of Oklahoma )  
 )  
OK/A County )

I, Jonathan Ek, M.D., being of lawful age and after first being duly sworn, depose and state as follows:

1. I hereby voluntarily surrender my Oklahoma medical license no. 23862.

2. The surrender of my license is freely and voluntarily made. I have not been subject to any coercion or duress, and I am fully aware of the consequences of the surrender of my license.

3. I am the subject of an investigation by the Oklahoma State Board of Medical Licensure and Supervision involving allegations that if proven, would constitute grounds for disciplinary action by the Board.

4. The allegations to which I have plead guilty are as follows:

A. Defendant, Jonathan Ek, holds Oklahoma license no. 23862, and is authorized to practice as a physician in the State of Oklahoma. At the time of

the incidents in question, Defendant was working at the Oklahoma Veterans Center in Clinton, Oklahoma.

- B. On January 29, 2009, the Board suspended Applicant's license for unprofessional conduct in violation of 59 O.S. §509 (4), (7), (8), (9), (13), (15), (16) and (17), and OAC 435: 10-7-4 (2), (3), (5), (6), (8), (11), (17), (18), (19), (23), (24), (26), (27), (39), (40) and (44). This suspension was based upon admitted substance abuse and sexual misconduct.
- C. On September 17, 2009, Defendant requested reinstatement of his license based upon the fact that he had obtained treatment for substance abuse and sexual boundary issues. The Board granted Defendant's request and ordered that his license be reinstated under terms of **PROBATION** for a term of **FIVE (5) YEARS**. Defendant's probation provides as follows:
- E. Defendant will not prescribe, order, administer, dispense or possess any drugs in Schedules I through V.
  - I. Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating him of the Board Order immediately upon initiation, or continuation of treatment.
  - J. Defendant will have the affirmative duty not to ingest any substance, including but not limited to alcohol, which will cause a body fluid sample to test positive for prohibited substances.
  - L. Defendant will abide by the terms and recommendations of Talbott and will comply with his postcare contract with the Oklahoma Health Professionals Recovery Program.
  - O. Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.
- D. Beginning in February 2010, Defendant began abusing cocaine.
- E. On or about April 7, 2010, the family of a patient who had been transferred to the facility where Defendant worked gave the patient's medications to Defendant. These medications included injectable morphine. Defendant placed the injectable morphine returned by the patient into his pocket. He then took it home with him, at which time he injected himself on three (3) separate occasions, causing him to

overdose on the morphine. Defendant had to be resuscitated and was taken to the Clinton, Oklahoma emergency room.

F. Defendant's employment with the Oklahoma Veterans Center was terminated after this incident.

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

i. Habitually uses habit-forming drugs in violation 59 O.S. 407 §509(4) and OAC 435:10-7-4(3).

ii. 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).

iii. 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).

iv. Is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physician condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).

v. Purchased or prescribed a regulated substance in Schedules I through V for the physician's personal use in violation of OAC 435:10-7-4(5).

vi. Prescribed, sold, administered, distributed, ordered or gave a drug legally classified as a controlled substance or recognized as an addictive dangerous drug to a family member or to himself or herself in violation of OAC 435:10-7-4(26).

vii. Violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

viii. 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(9).

ix. Prescribed or administered a controlled substance without medical need in accordance with published standards in violation of 59 O.S. §509(16) and OAC 435:10-7-4(2) and (6).

x. Is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).

xi. Prescribed, sold, administered, distributed, ordered, or gave any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug for other than medically accepted therapeutic purposes in violation of OAC 435:10-7-4(24).

xii. Confessed to a crime involving violation of the antinarcotic laws and regulations of the federal government and the laws of this state in violation of 59 O.S. §509(7).

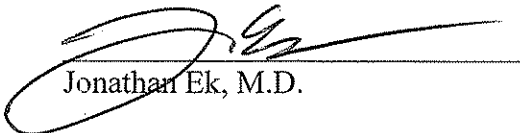
xiii. Failed to keep complete and accurate records of the purchase and disposal of controlled drugs or of narcotic drugs in violation of 59 O.S. §509(10).

5. I hereby submit my wallet card and wall certificate as evidence of my intent to surrender my license.

6. I hereby agree that I will not apply for reinstatement of my Oklahoma medical license for a minimum of one year from the entry of the Order Accepting Voluntary Surrender in Lieu of Prosecution, and that if the Board ever reinstates my Oklahoma medical license, it will be under terms of probation to be set by the Board at the time of reinstatement.

7. As a condition to accepting my surrender of license in lieu of prosecution, I acknowledge that the Board may require me to pay all costs expended by the Board for any legal fees and costs, and any investigation, probation and monitoring fees, including but not limited to staff time, salary and travel expense, witness fees and attorney fees.

DATED this 24 day of April, 2010.

  
Jonathan Ek, M.D.

Subscribed and sworn before me this 30 day of April, 2010.

Janet Swindle  
Notary Public

My commission expires on 8-22-2010

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

**ACCEPTED:**

Date: 4-30-10

**Certificate of Service**

I certify that on the 28th day of May, 2010, via first class mail, postage prepaid, a true and correct copy of this Order to Jonathan Ek, MD, 1000 State Street, Clinton, OK 73601.

Janet Swindle  
Janet Swindle, Secretary