

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

STATE OF OKLAHOMA, *ex rel.* )  
OKLAHOMA STATE BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
BRUCE THOMPSON, M.D., )  
LICENSE NO. MD 24945, )  
 )  
Defendant. )

**FILED**  
NOV 09 2016  
OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 15-06-5165

**ORDER OF INDEFINITE SUSPENSION OF LICENSE  
PENDING EVALUATIONS AND BOARD APPROVAL**

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision ("Board") on September 22, 2016, at the office of the Board, 101N.E. 51<sup>st</sup> Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and the rules of the Board.

Bruce Doyle Thompson, M.D., ("Defendant") appeared in person, *Pro se*.

Joseph L. Ashbaker, Assistant Attorney General, appeared on behalf of the State of Oklahoma ("State").

The Board considered testimony, arguments of counsel, exhibits admitted into evidence and being fully apprised of the premises, makes the following findings of fact, conclusions of law and orders:

**Findings of Fact**

1. Defendant is an Oklahoma resident holding Oklahoma medical license no. 24945, which was issued on July 20, 2006.
2. In 2015 Defendant began ordering Oxycodone immediate release delivered to his home.
3. On June 22, 2015, Board Investigator Larry Carter ("LC") and two DEA representatives unsuccessfully attempted to meet with Defendant at his home office. Defendant returned a voice-message left by LC and agreed to meet.

4. On June 23, 2015, LC and two DEA representatives interviewed Defendant at his home office to retrieve eight (8) subpoenaed patient files. Defendant admitted to treating friends and neighbors for minor conditions at his home.

Defendant was only able to produce a few months of the required two years invoices and DEA-222 order forms for the Controlled Dangerous Substances (“CDS”) ordered, and stated that he was not as aware of the DEA requirements as he should be. Defendant stated he was familiar with the OBN Prescription Monitoring Program (“PMP”).

5. On June 24, 2015, LC again met with Defendant, who revealed approximately twenty (20) electronic patient files. The files were copied to a flash drive for LC and included seven of the subpoenaed patient files. Defendant stated he did not have the eighth file. Review of the patient files showed the following:

- Eleven patient files were created or modified after June 22, 2015; an examination note dated April 13, 2015 was created 40 minutes before the interview on June 23, 2015; another patient file was modified 20 minutes after the interview; and one file was created on June 24, 2015.
- There were no records of dispensations noted in the medical records subpoenaed.

6. On June 26, 2015, Defendant admitted he had not kept his patient records up and that tried to recreate them before the meeting on June 24, 2015. Defendant refused to submit to a urine drug screen until after he consulted with his attorney.

7. On December 29, 2015, a Complaint and Citation were filed by the State against Defendant for allegations of unprofessional conduct including, commission of an act in violation of the criminal laws of any state connected with physician’s practice of medicine, violating any state or federal law relating to CDS, prescribing and record keeping violations, and failure to cooperate with a lawful investigation conducted by the Board. A Board hearing was set on July 14, 2016.

8. An Amended Citation was filed on February 3, 2016, with a Board hearing set on September 22, 2016. Defendant was properly served with the Complaint and Amended Citation on February 5, 2016, as is evidenced by a Return of Service filed February 8, 2016.

9. The following State’s Exhibits were admitted into evidence:

Exhibit 2: Dr. Thompson Computer Patient Files – Created and Modified Dates

Exhibit 5: Controlled Substance Report  
Substances that were shipped from or returned to  
Moore Medical during: 01/01/13 thru 06/17/15

### Conclusions of Law

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. 59 O.S. 2011, § 480 *et seq.*
2. Notice was given as required by law and the rules of the Board. 59 O.S. 2011, § 504 and Okla. Admin. Code § 435:3-3-5 and 3-3-6.
3. The Board is authorized to suspend, revoke or order any other appropriate sanctions against the license of any physician or surgeon holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. 59 O.S. 2011, § 503. 59 O.S. 2011, §§ 509.1(A)(2), (8), (C). This authority is *quasi-judicial* 59 O.S. 2011, § 513(A)(1).
4. The Board found that the State has proven, by clear and convincing evidence, that the Defendant is guilty of unprofessional conduct as follows:
  - a. Prescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribing, dispensing or administering controlled substances or narcotic drugs without medical need in accordance with published standards, in violation of 59 O.S. 2011, § 509(16) and Okla. Admin. Code § 435:10-7-4(2);
  - b. Commission of 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. 2011, § 509(9).
    - i. Failure to submit information related to dispensed CDS to the Oklahoma PMP. 63 O.S. 2013, § 2-309C.
    - ii. Failure to make, keep or furnish required records. 63 O.S. 2004, § 2-204.
  - c. Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship, in violation of 59 O.S. 2011, § 509(12).
  - d. Failure 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. 2011, § 509(18).
  - e. Dispensing, prescribing or administering a Controlled substance or Narcotic drug without medical need, in violation of Okla. Admin. Code § 435:10-7-4(6).
  - f. Violating any state or federal law or regulation relating to controlled substances, in violation of Okla. Admin. Code § 435:10-7-4(27).

- i. Failure to submit information related to dispensed CDS to the Oklahoma PMP. 63 O.S. 2013, § 2-309C.
  - ii. Failure to make, keep or furnish required records. 63 O.S. 2004, § 2-404.
  - iii. Requirement to make and keep readily retrievable records related to CDS prescribed, administered, or dispensed. Okla. Admin. Code § 475:25-1-3(b).
  - iv. Requirement to maintain all CDS records for at least two (2) years. Okla. Admin. Code § 475:25-1-4.
- g. Improper management of medical records, in violation of Okla. Admin. Code § 435:10-7-4(36).
  - h. Failure to furnish the Board, its investigators or representatives, information lawfully requested by the Board, in violation of Okla. Admin. Code § 435:10-7-4(37).
  - i. Failure to cooperate with a lawful investigation conducted by the Board, in violation of Okla. Admin. Code § 435:10-7-4(38).
  - j. Improper use of controlled substances for the management of chronic pain, in violation of Okla. Admin. Code § 435:10-7-11.
5. The State has met its burden showing that there is probable cause that Dr. Thompson cannot currently practice medicine or surgery with reasonable skill and safety.

### Orders

**IT IS THEREFORE ORDERED** by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The Oklahoma medical license of **BRUCE DOYLE THOMPSON, M.D.**, is **INDEFINITELY SUSPENDED** until such time as he attends, completes and appears before the Board with the results of a substance abuse evaluation and a fit-for-duty evaluation, approved of in advance by the Board Secretary.

2. Failure to meet any of the terms of this Order will be grounds for the Board to initiate proceedings to revoke the Oklahoma medical license of Bruce Doyle Thompson, M.D., after additional notice and hearing as required by law.

3. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

4. A copy of this Order shall be provided to Defendant as soon as it is processed.

5. This Order is subject to review and approval by the Oklahoma Attorney General, and this Order shall become final upon completion of the review by the Oklahoma Attorney General unless disapproved, in which case this Order shall be null and void.

Dated this 9<sup>th</sup> day of November, 2016.



\_\_\_\_\_  
Billy H. Stout, M.D., Board Secretary  
OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION

**Certificate of Service**

This is to certify that on the 9<sup>th</sup> day of November, 2016, a true and correct copy of this Order was transmitted as specified, postage prepaid, to the following:

*U.S. Certified Mail*  
Bruce Doyle Thompson  
607 N.E. 15<sup>th</sup> Street  
Oklahoma City, Oklahoma 73106-4624  
***Defendant***

*U.S. First Class Mail*  
Kwame T. Mumina  
Bianca J. Bryant  
GREEN, JOHNSON, MUMINA & D'ANTONIO  
400 North Walker Avenue, Suite 100  
Oklahoma City, Oklahoma 73102  
Telephone: (405) 702-7228  
Facsimile: (405) 702-6898  
kmumina@gjmlawyers.com  
bbryant@gjmlawyers.com  
***Attorneys for Defendant,***  
***Bruce Doyle Thompson, M.D.***



\_\_\_\_\_  
Nancy Thiemann, Legal Secretary



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-641A

**FILED**

NOV 09 2016

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Billy Stout, Board Secretary  
State Board of Medical Licensure and  
Supervision  
101 N.E. 51st Street  
Oklahoma City, Oklahoma 73105

November 4, 2016

Dear Board Secretary Stout:

This office has received your request for a written Attorney General Opinion regarding agency action that the State Board of Medical Licensure and Supervision intends to take with respect to medical doctor licensee 24945. The proposed action is to suspend the license and require the licensee to submit a substance abuse evaluation and a fit-for-duty evaluation, approved by the Board secretary, to determine the licensee's competence to practice medicine. After notice and hearing, the Board found the licensee unlawfully prescribed controlled dangerous substances and falsified patient records. Specifically, evidence showed that the licensee ordered large quantities of Oxycodone to his home such that the supplier stopped sending drugs to the licensee; that in response to a subpoena the licensee falsely claimed records were unavailable due to a broken computer, then provided electronic records that were either created or modified *after* the records were requested; that the licensee dispensed controlled dangerous substance medications from his home but did not maintain records as required; and that the licensee refused to submit to a urine drug test.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S.2011 & Supp.2015, §§ 480-518.1, authorizes the Board to impose sanctions against the license of any physician for unprofessional conduct, 59 O.S.Supp.2015, § 503. Unprofessional conduct includes "commi[tting] 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," "prescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribing, dispensing or administering controlled substances or narcotic drugs without medical need in accordance with published standards," and "fail[ing] to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient," 59 O.S.2011, § 509(9), (16), (18). "Failure to cooperate with a lawful investigation conducted by the Board" also constitutes unprofessional conduct under the rules of the Board. OAC 435:10-7-4(38). It is unlawful to dispense controlled dangerous substance medications and fail to maintain proper records, 63 O.S.2011, § 2-404(A)(4). The action enforces requirements that licensees lawfully dispense controlled dangerous substance medications, properly maintain patient records, and cooperate with Board

investigations. The Board may reasonably believe that suspending the license and requiring substance abuse evaluation is necessary to protect patients.

It is, therefore, the official opinion of the Attorney General that the State Board of Medical Licensure and Supervision has adequate support for the conclusion that this action advances the State of Oklahoma's policy requiring medical doctors observe standards of professionalism.

A handwritten signature in black ink, appearing to read "Scott Pruitt", with a large, stylized flourish above the name.

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA