

**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.)
)
ESTER ELAINE COBB M.D.,)
LICENSE NO. MD 25831,)
)
Defendant.)

FILED

NOV - 2 2022

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 21-12-6076

VERIFIED COMPLAINT

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), for its Verified Complaint against Ester Elaine Cobb, M.D. (“Defendant”), alleges and states as follows:

I. JURISDICTION

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 and surgeons in the State of Oklahoma. 59 O.S. § 480, *et seq.* and Okla. Admin. Code 435:5-1-1, *et seq.*
2. Defendant holds medical license No. 25831, issued 01/09/2009 by the Oklahoma Board of Medical Licensure and Supervision. The acts and/or omissions complained of herein were made while Defendant was licensed to practice medicine by the State of Oklahoma.

II. ALLEGATIONS OF UNPROFESSIONAL CONDUCT

3. This action arises out of unprofessional conduct by the Defendant as detailed herein. The Board initially received a complaint on November 8, 2021, from a former patient of Defendant’s, reporting that Defendant had discontinued her care and treatment of the patient without allowing the patient adequate time to arrange for alternative care and treatment, among other alleged misconduct.
4. Defendant’s medical records for the complaining patient were subsequently obtained and reviewed, revealing numerous deficiencies and/or irregularities with the medical records documentation. Defendant was subsequently issued a subpoena to produce the medical record documentation for five (5) additional patients. Defendant initially failed to produce

the subpoenaed records and, after several months, the Board issued another subpoena for medical record documentation.

5. The second subpoena for medical record documentation was personally served upon Defendant by two Board investigators on April 22, 2022, wherein the investigators were able to obtain paper copies of the medical records for six (6) patients.
6. Based on review of the obtained medical record documentation, Defendant has demonstrated a pattern and practice of failing to provide the minimum standard of care to her patients in multiple regards. The charts for a total of seven (7) of Defendant's patients were reviewed by an expert, who determined that Defendant had failed to provide the minimum standard of care for diagnosis, treatment and medical records documentation for all seven patients. Specifically, the expert determined that Defendant habitually failed to adequately document, or document at all, significant portions of patient encounters. For instance, Defendant failed to document the diagnostic criteria which would have medically warranted the care and treatment provided or medications prescribed to patients. Defendant then failed to adequately document her assessment, or assess at all, the effectiveness of the prescribed treatments for her patients as which should have occurred as a matter of routine evaluation. While Defendant did procure controlled substance agreements with her patients for the prescription of opioids, benzodiazepines and stimulants, Defendant only did so after many months or years of prescribing the controlled substances. Defendant repeatedly failed to screen patients for any history of substance use disorders before prescribing controlled substances with a high potential for addiction, even where blatant indicators were or became ascertainable and where the patient was prescribed more than one such controlled substance. Defendant likewise failed to educate, or document that she educated, her patients to whom she prescribed controlled substances regarding addiction risk and medication interactions, including increased risk of respiratory depression and overdose. Similarly, Defendant failed to obtain or document obtaining informed consent for any of the medications prescribed. Finally, Defendant prescribed four hundred and thirty-one (431) prescriptions for controlled substances between October 31, 2021 and March 1, 2022, during which her OBN registration was expired. While not limited to the preceding description, the deficiencies detailed herein were observed per each patient record.
7. The foregoing acts and/or omissions constitute unprofessional conduct as defined under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act and corresponding regulations, as detailed herein.

III. VIOLATIONS

8. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
 - a. Indiscriminate or excessive prescribing, dispensing or administering of Controlled or Narcotic drugs, in violation of Okla. Admin. Code § 435:10-7-4(1).
 - b. Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship and not prescribing in a

safe, medically accepted manner, in violation of 59 O.S. § 509(12) and Okla. Admin. Code § 435:10-7-4(2).

- c. Prescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice, in violation of 59 O.S. § 509(16)(a) and Okla. Admin. Code § 435:10-7-4(2).
- d. Prescribing, dispensing or administering controlled substances or narcotic drugs without a medical need in accordance with pertinent licensing board standards, in violation of 59 O.S. § 509(16)(b) and Okla. Admin. Code § 435:10-7-4(2).
- e. 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. § 509(18).
- f. Violating any state or federal law or regulation relating to controlled substances per Okla. Admin. Code § 435:10-7-4(41), specifically including but not limited to 63 O.S. § 2-302 and Okla. Admin. Code § 475:10-1-9.
- g. Failure to maintain medical records to support diagnosis, procedure, treatment or prescribed medications, in violation of 59 O.S. § 509(20) and Okla. Admin. Code § 435:10-7-4(41).
- h. Improper management of medical records, in violation of Okla. Admin. Code § 435:10-7-4(36).
- i. Failure to obtain informed consent, based on full and accurate disclosure of risks, before prescribing, dispensing, or administering medical treatment for the therapeutic purpose of relieving pain in accordance with Oklahoma Administrative Code 435:10-7-11 where use may substantially increase the risk of death, in violation of Okla. Admin. Code § 435:10-7-4(48).

V. 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,



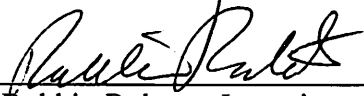
Alex A. Pedraza, OBA No. 33584
Assistant Attorney General
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

101 N.E. 51st Street
Oklahoma City, Oklahoma 73105
405.522.5264

VERIFICATION

I, Robbin Roberts, under penalty of perjury, under the laws of the State of Oklahoma, state as follows:

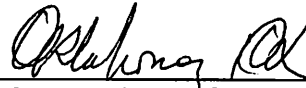
1. I have read the above Complaint regarding Ester Elaine Cobb, MD.; and
2. The factual statements contained therein are true and correct to the best of my knowledge and belief.



Robbin Roberts, Investigator
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Date:

11-2-22



County, State of Execution