

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

FILED

MAR 22 2013

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

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

Plaintiff,

v.

Case No. 12-11-4630

**PATRICK HENRY HORN, M.D.
LICENSE NO. 26389**

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, Scott Randall Sullivan, Special Prosecutor, and for its Complaint against the Defendant, Patrick Henry Horn, M.D., 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 to 59 Okla. Stat. §480 *et seq*

2. Defendant Patrick Henry Horn, M.D., holds Oklahoma license no. 26389.

3. In or around October of 2012 Board Staff was notified by Theresa Garton, M.D., Residency Director at The University of Oklahoma, that she has reason to believe that Patrick Horn, M.D., a former resident, had been forging prescriptions for C-II medications, specifically Adderall and Vyvanse using Dr. Garton's name and DEA number. Dr. Garton advised she contacted a Walgreens pharmacist concerning prescriptions in her name that had been filled by Patrick Horn.

4. On October 31, 2012 Board Investigator RR travelled to two Walgreens' locations and a Walmart in the Oklahoma City area where Board Investigator RR interviewed the pharmacists and picked up several prescriptions filed under the name of Dr. Theresa Garton and picked up by a male using Defendant's Oklahoma Driver's License.

5. On November 1, 2012 Board Investigator SW verified through Dr. Garton's office that Defendant was not a patient of Dr. Garton and no patient charts existed.

6. On November 1, 2012 Board Investigator SW called Defendant and requested he to come to the Board office for an interview. Board Investigators RR and SW asked Defendant if he obtained C-II prescriptions, specifically Vyvanse and Adderall, from Dr. Theresa Garton. **Defendant admitted that on or about April of 2012 he began forging prescriptions for Adderall and Vyvanse, both C-II medications, in the name of Theresa Garton for his personal use.** Defendant stated that he was supplementing the medications that he was receiving from Dr. Juanita Ardis for his personal use and it just got out of hand.

7. After a review of the prescribing records, **Defendant confirmed that he forged approximately 15 Adderall prescriptions and 11 Vyvanse prescriptions from the time period April 13, 2012 through October 29, 2012.** Board Investigator SW then asked Defendant how many prescriptions he unlawfully obtained from his current psychiatrist, Dr. Juanita Ardis. **Defendant admits obtaining two prescriptions for Klonopin, a C-IV medication, for himself that were not authorized by Dr. Ardis.**

8. Board Investigator SW informed him to meet with the Oklahoma Health Professionals Program ("OHPP") to obtain an assessment. **Defendant was asked to sign a letter of agreement not to practice medicine, which he signed.**

9. Defendant entered treatment on November 26, 2012 and subsequently completed treatment in February of 2013.

10. Defendant is guilty of unprofessional conduct in that he engaged in:

- a) Dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public in violation of *Title 59 O.S. §509.8*;
- b) The 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. A complaint, indictment or confession of a criminal violation shall not be necessary for the enforcement of this provision. Proof of the commission of the act while in the practice of medicine or under the guise of the practice of medicine shall be unprofessional conduct public in violation of *Title 59 O.S. §509.9*;
- c) The writing of false or fictitious prescriptions for any drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs public in violation of *Title 59 O.S. §509.11*;
- d) The inability to practice medicine with reasonable skill and safety to

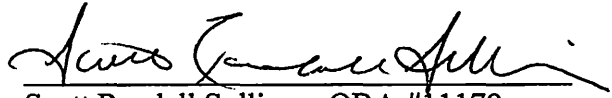
patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition in violation of *Title 59 O.S. §509.15*;

- e) The habitual or excessive use of any drug which impairs the ability to practice medicine with reasonable skill and safety to the patient in violation of *OAC Rule 435:10-7-4.3*;
- f) Purchasing or prescribing any regulated substance in Schedule I through V, as defined by the Uniform Controlled Dangerous Substances Act, for the physician's personal use in violation of *OAC Rule 435:10-7-4.5*;
- g) Conduct likely to deceive, defraud, or harm the public in violation of *OAC Rule 435:10-7-4.11*;
- h) Prescribing, selling, administering, distributing, ordering, or giving any drug legally classified as a controlled substance or recognized as an addictive dangerous drug to a family member or to himself or herself. Provided that this paragraph shall not apply to family members outside the second degree of consanguinity or affinity. Provided further that this paragraph shall not apply to medical emergencies when no other medical doctor is available to respond to the emergency in violation of *OAC Rule 435:10-7-4.26*;
- i) Violating any state or federal law or regulation relating to controlled substances in violation of *OAC Rule 435:10-7-4.27*; and
- j) The inability to practice medicine and surgery 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 physical condition in violation of *OAC Rule 435:10-7-4.40*.

CONCLUSION

WHEREFORE, the Plaintiff respectfully 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 suspension or revocation and any other appropriate action with respect to Defendant's medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott Randall Sullivan", written over a horizontal line.

Scott Randall Sullivan, OBA #11179
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
101 N.E. 51st Street
Oklahoma City, OK 73105

Attorney for Plaintiff