

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

FILED

MAY 16 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.)	
)	

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

Plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision ("Board"), by and through its attorney, Scott Randall Sullivan, Special Prosecutor, for the State of Oklahoma and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Patrick Henry Horn, MD, Oklahoma license no. 26389, who appears in person, offer this Agreement effective May 16, 2013, for acceptance by the Board *en banc* pursuant to *Oklahoma Administrative Code* section 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on March 22, 2013, and further acknowledges that a hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("Act").

Defendant, Patrick Henry Horn, MD, states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for an evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with him and his legal counsel, if any.

Agreements and Stipulations

Plaintiff, Defendant and the Board staff stipulate and agree 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 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.

Conclusions of Law

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*.

Order

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

1. The Board en banc hereby adopts the agreement of the parties in his Voluntary Submittal to Jurisdiction; and
2. It is ORDERED that the Defendant will be placed on PROBATION for a period of five (5) years and said probation shall have the following provisions:

Standard Terms:

- a) Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Board. Any question of interpretation regarding the Act or this order shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Board or its designee.
- b) Defendant will furnish a copy of this order to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.
- c) Defendant will not supervise allied health professionals that require surveillance of a licensed physician.
- d) Defendant will keep the Board informed of his current address.

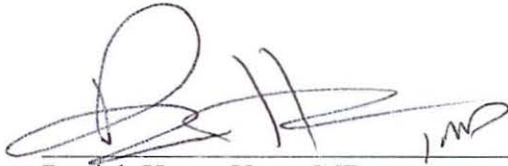
- e) Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his case unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- f) Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.
- g) Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.
- h) Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or designee.
- i) Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Coordinator to obtain copies of medical records and authorize the Compliance Coordinator to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.
- j) Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify license after due notice and hearing.

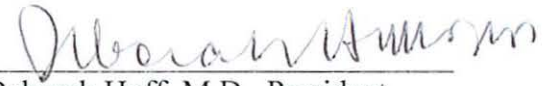
Specific Terms:

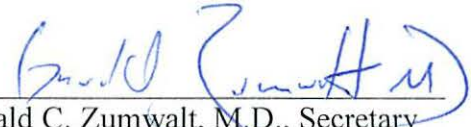
- k) Defendant will submit for analysis biological fluid specimens including, but not limited to, blood and urine, upon request of the Board or its designee, and Defendant will pay for the costs attendant thereto. Said analysis of biological fluid specimens **shall also include the panel for methylphenidate or similar CNS stimulates.**
- l) Defendant will not prescribe, administer or dispense any medications for personal use.
- m) 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 this Board Order immediately upon initiation, or continuation, of treatment.
- n) Defendant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances.

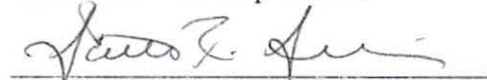
- o) Defendant shall follow all guidelines and recommendations as set forth in the Pine Grove Behavioral Health and Addictive Services Discharge Summary.
- p) Defendant will sign a contract with Oklahoma Health Professionals Program (“OHPP”).
- q) Defendant will attend an Alcoholics Anonymous meeting at least four (4) times weekly and Defendant will attend a Caduceus meeting at least once weekly.
- r) Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.
- s) Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse.
- t) Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Coordinator or other Board designee to obtain copies of medical records and authorize the Compliance Coordinator or other Board designee to discuss Defendant’s case with Defendant’s treating physicians and/or any physicians holding Defendant’s records.
- u) Defendant will **not** prescribe any drugs in Schedules I, II or III.
- v) Defendant will only prescribe drugs in Schedules IV and V.
- w) Defendant will not authorize any personnel under his supervision to initiate an order for a prescription to be issued.
- x) Defendant will request all hospitals, clinics and other facilities in which he practices to furnish to the Board a written statement monitoring his practice.
- y) Defendant will continue in counseling for general relationship and family issues with quarterly reports to be sent from Defendant’s counselor or pastor to the Board Secretary.
- z) Defendant is hereby placed on PROBATION for a term of five years beginning from the date of this Order.

Dated this 16th day of May, 2013.


Patrick Henry Horn, MD
License No. MD26389


Deborah Huff, M.D., President
Oklahoma State Board of Medical
Licensure and Supervision


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


Scott Randall Sullivan, OBA #11179
101 N.E. 51st Street
Oklahoma City, OK 73105

Attorney for Oklahoma State Board of
Medical Licensure and Supervision

CERTIFICATE OF MAILING

This is to certify that on this 16th day of May, 2013, a true and correct copy of this order was mailed, postage prepaid, to Patrick Henry Horn, MD, 5001 NW 63rd Street, Edmond, OK 73013.


Barbara J. Smith, Legal Assistant