

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, )  
 )  
vs. )  
 )  
JAN MARIE ROSNOW, M.D. )  
LICENSE NO. MD 27462, )  
 )  
Defendant. )

**FILED**  
OCT 31 2016  
OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 15-10-5226

**VERIFIED COMPLAINT**

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

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 pursuant to 59 Okla. Stat. § 480 *et seq.*
2. Defendant holds Oklahoma medical license number 27462, which was issued on November 24, 2009.
3. The acts and omissions complained of herein were made while Defendant was acting as a physician pursuant to the medical license conferred upon her by the State of Oklahoma. Such acts and omissions occurred within the physical territory of the State of Oklahoma.

**I. ALLEGATIONS OF PROFESSIONAL MISCONDUCT**

4. This matter resulted from a referral by the Oklahoma Bureau of Narcotics (OBN). That agency advised that they had received reports from pharmacists and law enforcement of “ridiculous overprescribing” on the part of Defendant.
5. Board investigators subpoenaed approximately 56 records between the various medical clinics, hospice care companies and home healthcare companies purportedly associated with Defendant. Investigators also interviewed employees and Defendant while investigating this case.

6. Defendant was hired by Registered Nurse L.E.L., owner of Wildhorse Clinic in Sallisaw, OK. Dr. Rosnow is a pediatric anesthesiologist and moved to Oklahoma from California to begin working for L.E.L. Defendant began working in Oklahoma in July 2014 for \$300,000 per year. Defendant also agreed to be the medical director of L.E.L.'s local hospice and home healthcare agencies. For this she was paid an additional \$2,000 a month.
7. While Defendant is a pediatric anesthesiologist, she was working in pain management and hospice medicine with very little training in either. Defendant admitted that her only chronic pain management training was attending a course that this Board (OSBMLS) offered, and that she had taken a Physician Assessment and Clinical Education ("PACE") course, as well as block courses (shoulders, knees, etc.), even though these were not performed at the clinic where she worked.
8. During an interview with Board investigators Defendant made multiple admissions in the presence of her counsel.

#### Hospice Admissions

9. Defendant admitted that she had not once gone to a hospice patient's house.
10. Defendant admitted that during the time in question, a hospice nurse would see the patients who were applying for, or already under, hospice care and write the narrative portion of the certifications/re-certifications ("certifications"). Defendant then signed the certifications without having examined the patients herself, in spite of the fact that the certifications state specifically that the doctor has examined the patient personally.
11. Defendant stated that once a week a hospice worker would bring her the hospice paperwork and advised her what was wrong with the hospice patients. Defendant admitted she would sign the paperwork without seeing the hospice patients.

#### Clinic Admissions

12. Defendant admitted she signed two to three books of blank prescriptions (100 to 150 prescriptions) and left them with clinic employees while she was on Christmas vacation in 2015 (12-25-2015 through 01-03-2016). Defendant admitted clinic staff used these prescriptions to prescribe controlled dangerous substances ("CDS").
13. Defendant admitted that she routinely ordered medical treatment, including prescribing CDS, without adequate documentation to support the treatments and prescriptions in the patient's medical records.
14. Defendant admitted that she would routinely issue prescriptions for CDS, including Schedule II drugs, without establishing a physician patient relationship. These patients were typically examined by a nurse practitioner or other office staff and there would be CDS prescriptions issued by Defendant, without Defendant ever having examined the patient. Defendant admitted she did not conduct an actual face to face examination with the majority of the clinic's pain patients.

15. The records relating to patient care from the Wildhorse Clinic were sent for an expert review. The hospice records in this case were sent to a separate expert for review.
16. The expert review for hospice records found several trends including, but not limited to, the following:
  - a. Patients would routinely be admitted without having been examined by Defendant.
  - b. Actual medical problems, such as chronic pain, would not be addressed, though the patient was admitted to hospice.
  - c. Patients who could be treated with home health care or in assisted living facilities were falsely declared moribund and admitted to hospice.
  - d. Patients were prescribed opioids with insufficient justification in the records.
  - e. Patients were prescribed opioids inappropriately or when they were contraindicated. Ie: Oxycodone and Hydrocodone simultaneously.
17. The expert review for clinic records found several trends including, but not limited to, the following:
  - a. In practically every case there was little evidence that a thorough clinical examination was conducted.
  - b. There was very little evidence that Defendant engaged in any kind of diagnostic workup for patients, that is the patient's complaint of pain was not investigated using standard radiologic or laboratory tools.
  - c. In several cases it appeared that Defendant accelerated the prescription of Schedule II CDS without adequate justification from a clinical standpoint.
  - d. One case in particular involved a 48 year old female with a known history of schizophrenia, borderline personality disorder and seizures who had been discharged from a mental health facility without being prescribed CDS. The patient had a history of attempted overdose and had been hospitalized for suicidal ideation. About one month later she was seen by Defendant, without evidence of a thorough examination, whereupon Defendant prescribed large amounts of narcotics. The patient was subsequently found dead and cause of death ruled by the medical examiner to be acute combined drug toxicity.
  - e. Defendant persistently failed to meet minimal requirements for a physician's obligation to provide evidence of adequate physical examination, diagnostic studies and clinical supervision of patients receiving prescriptions for schedule II CDS. Ie: oxycodone in large quantities without clinical justification.
  - f. Defendant could well have contributed to addiction and/or diversion of CDS.

## II. VIOLATIONS

18. Based on the foregoing, the Defendant is guilty of professional misconduct as follows:
- A. Procuring, aiding or abetting a criminal operation, in violation of 59 O.S. 2011, § 509(1) and Okla. Admin. Code §§ 435:10-7-4(11), 435:15-5-11(a)(7);
  - B. Conviction or confession of a crime involving violation of:
    - a. The antinarcotic of prohibition laws and regulations of the federal government,
    - b. The laws of this state, or
    - c. State Board of Health rules,in violation of 59 O.S. 2011, § 509(7);
  - C. Dishonorable or immoral conduct likely to deceive, defraud, or ham the public, in violation of 59 O.S. 2011, § 509(8) and Okla. Admin. Code §§ 435:10-7-4(11);
  - D. 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, in violation of 59 O.S. 2011, § 509(9);
  - E. 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, in violation of 59 O.S. 2011, § 509(11);
  - F. 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);
  - G. The violation, or attempted violation, direct or indirect, of any of the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, either as a principal, accessory or accomplice, in violation of 59 O.S. 2011, § 509(13);
  - H. Aiding or abetting, directly or indirectly, the practice of medicine by any person not duly authorized under the laws of this state, in violation of 59 O.S. 2011, § 509(14) and Okla. Admin. Code § 435:10-7-4(21);
  - I. 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

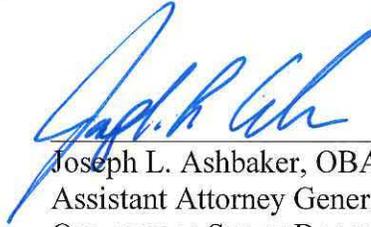
medical need in accordance with published standards, in violation of 59 O.S. 2011, § 509(16) and Okla. Admin. Code § 435:10-7-4(2);

- J. 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);
- K. Failure to provide a proper and safe medical facility setting and qualified assistive personnel for a recognized medical act, including but not limited to an initial in-person patient examination, office surgery, diagnostic service or any other medical procedure or treatment. Adequate medical records to support diagnosis, procedure, treatment or prescribed medications must be produced and maintained, in violation of 59 O.S. 2011, § 509(20) and Okla. Admin. Code § 435:10-7-4(41);
- L. Indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs, in violation of Okla. Admin. Code § 435:10-7-4(1);
- M. Dispensing, prescribing or administering a controlled substance or Narcotic drug without medical need, in violation of Okla. Admin. Code § 435:10-7-4(6);
- N. Gross or repeated negligence in the practice of medicine or surgery, in violation of Okla. Admin. Code § 435:10-7-4(15);
- O. The use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery, in violation of Okla. Admin. Code § 435:10-7-4(19);
- P. Violating any state or federal law or regulation relating to controlled substances, in violation of Okla. Admin. Code § 435:10-7-4(27);
- Q. Improper management of medical records, in violation of Okla. Admin. Code § 435:10-7-4(36);
- R. Violation of any provision(s) of the medical practice act or the rules and regulations of the Board or of tan action, stipulation, or agreement of the Board, in violation of Okla. Admin. Code § 435:10-7-4(39);
- S. Failure to establish a physician/patient relationship prior to providing patient-specific medical services, care or treatment, except in a clearly emergent, life threatening situation, in violation of Okla. Admin. Code § 435:10-7-4(49).

### III. CONCLUSION

Given the foregoing, the undersigned 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 revocation without the right to reapply and any other appropriate action with

respect to the Defendant's professional license, including an assessment of costs and attorney's fees incurred in this action as provided by law.

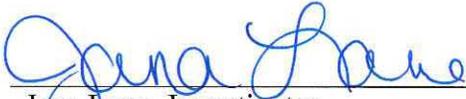


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**VERIFICATION**

I, Jana Lane, under penalty of perjury, under the laws of the State of Oklahoma, state as follows:

1. I have read the above Complaint regarding the Defendant, Jan Marie Rosnow, M.D.; and
2. The factual statements contained therein are true and correct to the best of my knowledge and belief.



Jana Lane, Investigator  
OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION

Date: 10-31-2016

Oklahoma City  
Place of Execution