

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

**FILED**

AUG 01 2014

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.* )  
THE OKLAHOMA BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
GEORGE B. HOWELL, M.D., )  
LICENSE NO. 27533 )  
 )  
Defendant. )

Case No: 12-05-4543

**COMPLAINT**

The State of Oklahoma, *ex rel.* the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), alleges and states as follows for its Complaint against the Defendant George B. Howell, M.D.:

**I. JURISDICTION**

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 O.S. § 480, *et seq.*
2. The Defendant holds Oklahoma medical license no. 27533.
3. The acts and omissions complained of herein occurred while the Defendant was acting as a physician pursuant to his medical license conferred upon him by the State of Oklahoma. Such acts and omissions occurred within the physical territory of the State of Oklahoma.

**II. ALLEGATIONS OF UNPROFESSIONAL CONDUCT**

4. This action arises out of multiple complaints of excessive prescribing of controlled and dangerous substances ("CDS") by the Defendant, and others, from the Wellness Clinic, located in Roland, Oklahoma, near the Arkansas border. Complainants repeatedly referred to the Wellness Clinic as a "pill mill" for CDS which, as one patient aptly described, was getting as many people in and out of the clinic with their prescriptions as quickly as possible without providing actual medical care.

## **THE WELLNESS CLINIC “PILL MILL”**

5. The business model of the Wellness Clinic was designed to provide massive amounts of high dose CDS to patients under the veil of a legitimate pain management clinic. The Wellness Clinic did so through the careful screening of new patients and firing of current patients coming under the scrutiny of law enforcement. In time, the Wellness Clinic became so well known as a pill mill that people were travelling to it from as far away as Colorado. Patients came from a least 10 different states, some travelling as far as 1800 miles (round trip).
6. The Defendant was a salaried employee of the Wellness Clinic, owned by Bernard Tougas, P.A. (“P.A. Tougas”). P.A. Tougas also functioned as the clinic’s principal agent and managing partner. As such, P.A. Tougas was the Defendant’s employer. P.A. Tougas, under the Defendant’s supervision, sought to continually increase the number of patients seeking addictive pain killing drugs at the clinic and paid bonuses based on a quota of patients seen. P.A. Tougas effectively ran the clinic and attended to patients. The clinic sees approximately 120 patients a day and “fires” approximately 30 patients a month. The clinic had a goal of adding 10 patients per week.
7. The Wellness Clinic required that all new patients be previously diagnosed by a practitioner outside of the clinic. The Defendant and P.A. Tougas would routinely rely on these diagnoses without confirmation, which were often outdated. New patients would not be scheduled an appointment until they had a MRI, CT scan or X-ray (the age of the diagnostic test was irrelevant) in addition to medical records for the last 3 visits to another practitioner and a CDS printout from the prospective patient’s pharmacy. All new patients were presumed to require treatment with CDS as evidenced by the clinic’s required urine screen, scheduling of the next appointment prior to the initial examination, required attendance of CDS class on the use of prescription pain medication, background check and signing of a Pain Management Contract all before the patient was examined by a practitioner.
8. The initial visit at the Wellness Clinic is \$195.00 and follow up visits are \$95.00 per month. All patients were required to pay in cash or by debit card. The Wellness Clinic does not accept any form of insurance and would not assist those patients with insurance in the filing of their insurance claim. Some forms used by the clinic required the patient to agree not to file a Medicare Claim. Yet, many of the patients’ CDS prescriptions were covered by insurance.
9. Many pharmacies in the surrounding communities began turning away customers with prescriptions from the Wellness Clinic due to the massive quantities of CDS prescriptions coming from the clinic and the suspicious nature of the prescriptions. Several pharmacists noticed that the Wellness Clinic patients were from states such as Mississippi, Louisiana, and Alabama, and further noticed that some of the patients were only filling the CDS prescriptions issued by the Wellness Clinic and not the non CDS prescriptions. Many of these people were young, gave an out-of-state address, and paid cash for the prescriptions. Several pharmacies in the area stated that the Oxycodone

prescriptions from the Wellness Clinic shot up so high that the pharmaceutical suppliers were refusing to fill the pharmacies' drug orders.

### **The GB Complaint**

10. This investigation started when the mother of a patient, GB, of the Defendant made a complaint in early 2013. GB's mother stated that GB was over medicated by the Defendant, and other healthcare providers working at the Wellness Clinic, resulting in the loss of her job and being involved in an automobile accident. GB's mother described the Wellness Clinic as a "pill mill."
11. In March, 2013, investigators were informed that two pharmacies in Ft. Smith, Arkansas, were cutting back on filling certain prescriptions due to the large volume of Schedule II CDS prescriptions, as well as prescriptions for large amount of opioid Schedule II CDS combined with benzodiazepines, coming from the Wellness Clinic. Board Investigator SW, along with other law enforcement, met with RW, regional director for Walgreens for the area around Roland, Oklahoma. RW explained that Walgreens was concerned with the large number of individual patients bringing in prescriptions for Oxycodone 30mg., 15mg. and Xanax on a single visit. He expressed that many of these people were young, gave an out-of-state address, and paid cash for the prescriptions.

### **The MT Complaint**

12. On May 14, 2013, Investigator SW received a phone call complaint from MT. MT called the Wellness Clinic a "pill mill." MT was a Mississippi resident and travelled over 400 miles each way to be seen as a patient at the Wellness Clinic, which took MT 16 hours for the whole trip. MT went to the Wellness clinic because no other doctor in Missouri or Arkansas would prescribe like the doctors at the Wellness Clinic. MT stated that no physician ever examined her at the Wellness Clinic. Clinic staff would give more prescriptions to MT simply because she asked for them. MT explained that the long trip to the Wellness Clinic was "worth it" because getting what she wanted was easy. Each trip to the clinic cost MT \$500, which included her office visit, fuel and meals. When she would wait outside for her prescription to be handed out, MT would hear other patients talking about selling their pills.
13. MT was "fired" from the Wellness Clinic. The clinic claimed it did so due to MT's former spouse, JA, who was also a patient of the Wellness Clinic, being arrested for drug paraphernalia in Arkansas after leaving the Wellness Clinic. The Wellness Clinic immediately cut off its supply of prescriptions to MT. MT became very ill as a result. MT never found another doctor that would prescribe the quantities of CDS the health professionals at the Wellness Clinic gave her.
14. Given MT's medication history, her illness due to lack of Schedule II CDS is no surprise. MT's daily dosage of medications consisted of approximately 8 Oxycodone 30 mg. tablets and 3 methadone 6 mg. tablets. Between August and October 2012, MT obtained 224 dosage units of Oxycodone 30 mg, 112 dosage units of Oxycodone 15 mg, and 168

dosage units of Methadone 10 mg for each month. Yet, the Wellness Clinic never counseled MT on the dangers of addiction.

#### **The KW Complaint**

15. On August 8, 2013, Investigator SW interviewed KW in Ft. Smith, Arkansas. KW complained that someone called the Wellness Clinic and said KW was selling her meds, which she adamantly denied. As a result, the Wellness Clinic "fired" KW as a patient. While being treated by the Wellness Clinic, KW saw P.A. Tougas. KW was never seen by the Defendant, or another physician, at the clinic until approximately one-and-a-half years after her first visit to the clinic. During her time as a patient at the Wellness Clinic KW would go in for an appointment but was told by Betty, the office manager, that no doctors were in. Nonetheless, the office manager would take KW's money for the office visit and hand her CDS prescriptions. KW observed that her prescriptions were filled out in advance. KW saw the Defendant as a patient, but he never gave KW a proper examination, and yet prescribed her large quantities of powerful CDS. KW states that the Wellness Clinic is merely "a pill mill."

#### **Patients GB and TB**

16. On August 6, 2013, Investigator SW received information that two witnesses in Ft. Smith, Arkansas, desired to give information about the Wellness Clinic. Both were receiving large amounts of CDS from the Wellness Clinic and the Defendant in particular.
17. GB and TB were interviewed in Ft. Smith, Arkansas. GB explained it was too easy to get CDS from the Wellness Clinic. GB stated that he only spoke to the Defendant, who did not ask for any prior medical records. Both GB and TB were instructed to have prescriptions filled at National Pharmacy in Ft. Smith. GB had been a patient of the Wellness Clinic for approximately four (4) years and never received an exam, which would include any blood tests, or counseling on possible addiction to the medications prescribed to him.
18. GB and TB stated there were times when they would go to the clinic and no doctors were present. Rather, Betty, the office manager, would take their money for the office visit and then give them prescriptions for CDS.
19. GB and TB were both approached on occasions by other patients of the Wellness Clinic and asked if they would sell them their pills. Neither sold any of their pills. GB had heard others in the clinic's waiting room discuss selling part or all of the pills they were getting at the clinic.

#### **Patient TB and the Undercover Operations**

20. On October 13, 2013, Investigator SW interviewed TB in Ft. Smith, Arkansas. TB was arrested for selling her prescription medications obtained from the Wellness Clinic. TB stated her ex-husband, JC, was addicted to opiates for many years. After floating

between 3 different physicians, who each lost their licenses due to CDS prescribing issues, JC ended up finding the Wellness Clinic.

21. TB agreed to conduct two undercover operations regarding the Wellness Clinic. The first occurred on December 10, 2013. On this day, the a clinic physician wrote the following prescriptions to TB: 30 mg Oxycodone # 224, 20 mg Oxycodone # 30, 60 mg OxyContin # 84, and 10 mg Valium # 112. Yet, the only person to see TB was P.A. Tougas, who saw her for approximately 43 seconds. No exam was performed. P.A. Tougas merely took some prescriptions from a file and handed them to TB.
22. TB conducted a second undercover operation on January 7, 2014. On that date, TB was issued the same prescriptions in the same dosages as those given to her on December 10, 2013. Again, TB only saw P.A. Tougas for about 2 minutes. Again, no exam was performed. Again, prescriptions given to TB by P.A. Tougas.

#### **Patient JCh**

23. On December 12, 2013, patient JCh was interviewed. JCh had telephoned the Oklahoma City office of the Oklahoma Bureau of Narcotics (OBN) in reference to the Wellness Clinic in Roland, Oklahoma because he thought someone should be aware of the clinic, which he described as a "pill mill." JCh's definition of a "pill mill" was getting as many people in and out of the clinic with their prescriptions as quickly as possible without providing actual medical care.
24. JCh stated the waiting room of the clinic was always full, sometimes with standing room only and that he did not feel comfortable among the type of people in the waiting room. He described them as addicts "just wanting their pills." He had heard patients speaking of where they could sell their medications. JCh also stated that he overheard discussion among patients in the waiting room about how the patients should "not stretch out" the office visit and to never complain or else face the consequences of being fired from the clinic. He stated that though he had insurance, he would go to the Wellness Clinic and pay cash for his visits because other doctors would not prescribe what the doctors at the Wellness Clinic would prescribe in terms of the type and quantity of CDS.
25. JCh underwent no initial assessment or screening examination when he started going to the Wellness Clinic. JCh would receive only a limited examination which consisted mostly of being asked how he was doing. He advised that most of the time he would see P.A. Tougas. JCh was never seen or examined by the Defendant.
26. In 2010, JCh was involved in a motor vehicle accident and was temporarily paralyzed from the neck down. While he was in the hospital, his doctor only prescribed Oxycodone 5 mg. in the limited amount of 2 pills per day. When he was released from the hospital, JCh returned to going to the clinic and received his usual prescriptions of 168 dosage units of Oxycodone at 30 mg, 168 Oxycodone at 15 mg, and Xanax at 2 mg.

27. JCh eventually left the clinic and found a new doctor. He stated that after being treated by his new doctor, that he did not need opiate pain medication to treat his pain and was not receiving prescriptions for them.

### **OBN VIOLATIONS**

28. The Defendant's prescribing history establishes the Defendant on at least 61 different occasions wrote prescriptions containing at least one, and in most cases numerous, Schedule II CDS combined with other CDS, in violation of Okla. Admin. Code § 475:30-1-4(c)(3). These violations occurred between April and August 2012. These prescription forms would usually contain in excess of 5 CDS prescriptions each. Some contained as many as 5 Schedule II CDS (usually oxycodone, hydrocodone, MSIR or MSContin, and methadone; in some cases fentanyl patches) on the same prescription form.
29. On February 24, 2014, the Defendant surrendered his OBN and DEA permits. Three days before, the Defendant's employment with the Clinic was terminated.

### **EXPERT REVIEW**

30. A qualified physician was retained as an expert to examine files of patients that saw the Defendant. The findings include the following:
- a. **Patient MT:** the Defendant rendered unprofessional care to this patient by prescribing CDS with no examination or evidence of an examination being performed, ignoring the warning signs of abuse of CDS and noncompliance, and failing to properly render treatment for chronic pain.
  - b. **Patient CM (died of combined opioid toxicity):** the Defendant rendered unprofessional care to this patient by over prescribing CDS, prescribing CDS with no examination or evidence of an examination being performed, ignoring the warning signs of abuse of CDS and noncompliance, failing to properly render treatment for chronic pain, and prescribing CDS without a medical need.
  - c. **Patient BB (died of combined acute drug toxicity):** the Defendant rendered unprofessional care to this patient by over prescribing CDS, prescribing CDS with no examination or evidence of an examination being performed, ignoring the warning signs of abuse of CDS and noncompliance, and failing to properly render treatment for chronic pain.
  - d. **Patient TC (died of unknown causes):** the Defendant rendered unprofessional care to this patient by over prescribing CDS, prescribing CDS with no examination or evidence of an examination being performed, ignoring the warning signs of abuse of CDS and noncompliance, failing to properly render treatment for chronic pain, and prescribing CDS without a medical need.

- e. **Patient GT** (died of acute combined drug toxicity): the Defendant rendered unprofessional care to this patient by prescribing CDS with no examination or evidence of an examination being performed, ignoring the warning signs of abuse of CDS and noncompliance, and failing to properly render treatment for chronic pain.
- f. **Patient ST**: the Defendant rendered unprofessional care to this patient by prescribing CDS with no examination or evidence of an examination being performed, ignoring the warning signs of abuse of CDS and noncompliance, and failing to properly render treatment for chronic pain.

### **DEATHS KNOWN TO DATE**

- 31. Including the deaths of patients CM, BB, TC, and GT (discussed above), the following patients of the Wellness Clinic also died under suspicious circumstances: patient GA (died of unknown reasons); patient KT (died of combined opioid overdose); and patient SR (died of alprazolam and morphine overdose).

### **III. VIOLATIONS**

- 32. Based on the foregoing, the Defendant is guilty of professional misconduct as follows:
  - a. 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).
  - b. Engaging in dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public, in violation of 59 O.S. 2011, § 509(8) and Okla. Admin. Code § 435:10-7-4(11).
  - 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, in violation of 59 O.S. 2011, § 509(11).
  - d. 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), (6), (24).
  - e. Failing 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).

- f. Failing to provide necessary ongoing medical treatment when a doctor-patient relationship has been established, in violation of 59 O.S. 2011, § 509(19).**
- g. Failing to provide a proper and safe medical facility setting and qualified assistive personnel for a recognized medical act and maintaining adequate medical records to support diagnosis, procedure, treatment or prescribed medications, in violation of 59 O.S. 2011, § 509(20) and Okla. Admin. Code § 435:10-7-4(41).**
- h. Engaging in the indiscriminate or excessive prescribing, dispensing or administering of Controlled or Narcotic drugs, in violation of Okla. Admin. Code § 435:10-7-4(1).**
- i. Delegating of authority to another person for the signing of prescriptions for either controlled or non-controlled drugs, in violation of Okla. Admin. Code § 435:10-7-4(7).**
- j. Engaging in gross or repeated negligence in the practice of medicine and surgery, in violation of Okla. Admin. Code § 435:10-7-4(15).**
- k. Aiding or abetting the practice of medicine and surgery by an unlicensed, incompetent, or impaired person, in violation of 59 O.S. 2011, § 509(14); Okla. Admin. Code § 435:10-7-4(21).**
- l. Engaging in the improper management of medical records, in violation of Okla. Admin. Code § 435:10-7-4(36).**
- m. Failing to establish a physician-patient relationship prior to providing patient-specific medical services, care or treatment, in violation of Okla. Admin. Code § 435:10-7-4(49).**
- n. Violating OBN rules and regulations regarding CDS on at least 62 different occasions, in violation of Okla. Admin. Code § 435:10-7-4(27).**
- o. Failing to properly supervise P.A. Tougas, impermissibly permitting P.A. Tougas to issue prescriptions or orders for drugs the Defendant is not permitted to prescribe, and knowingly allowing or participating with P.A. Tougas in the negligence of P.A. Tougas' practice as a physician assistant, in violation of Okla. Admin. Code §§ 435:10-7-4(27), 435:15-5-1(b)(1)-(5), (7), 435:15-5-10(e), 435:15-5-11(a)(4), (b).**
- p. Acting as the employee of P.A. Tougas, in violation of Okla. Admin. Code §§ 435:10-7-4(27), 435:15-5-1(b)(6).**

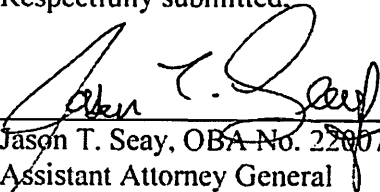


- q. Violating, or attempting to violate, directly or indirectly, of the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, either as a principal, accessory or accomplice, in violation of 59 O.S. 2011, §§ 509(13), (14), and Okla. Admin. Code § 435:10-7-4(21).
- r. Receiving a fee, commission, or other compensation for professional services not actually rendered, in violation of Okla. Admin. Code § 435:10-7-4(30).

#### IV. 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 suspension or revocation 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.

Respectfully submitted,



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