

**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.** )  
 )  
**ALBERT THU NGUYEN, M.D.,** )  
**LICENSE NO. MD 28578,** )  
 )  
**Defendant.** )

**FILED**  
OCT 10 2017  
OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

**Case No. 17-05-5470**

**VERIFIED COMPLAINT**

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), for its Verified Complaint against Albert Thu Nguyen, 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. 2011, § 480, *et seq.* and Okla. Admin. Code § 435:5-1-1 *et seq.*
2. Defendant holds Oklahoma medical license no. 28578, which was issued on November 5, 2013.
3. The acts and omissions complained of herein occurred while Defendant was acting as a physician pursuant to the 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. BACKGROUND**

4. This Complaint arises out of an investigation into Defendant’s prescribing practices involving leaving pre-signed, blank prescriptions with his office manager and nurse practitioners for the nurse practitioners to use to prescribe controlled dangerous substances (“CDS”) that they could not otherwise prescribe on their own authority.
5. As part of this practice, Defendant regularly provided DMC, his office manager, with a stack of blank, pre-signed prescriptions, which were available for use by three of the Defendant’s nurse practitioners to continue drug therapies for established patients.

6. Defendant's office at 2636 SW 28th Street, Oklahoma City, OK, has been open for over two years. In November 2016, he opened a second office located at 5550 NW 23rd Street, Oklahoma City, OK. Originally, Defendant sent a mid-level nurse practitioner JNC to provide care at the "north" clinic. After JNC left this job, Defendant sent another nurse practitioner, VNC, to see patients at the north clinic.
7. After VNC was terminated, Defendant began working at the north clinic, and left a new nurse practitioner named ANC to work at the "south" clinic on her own.
8. On May 12, 2017, DMC gave Board Investigator Carter nine (9) pre-signed blank prescriptions that she had saved from the last time Defendant pre-signed a small stack of them. Defendant had no method to account for each of these prescriptions.
9. At Defendant's direction, DMC gave another fifteen (15) of these same blank, pre-signed prescriptions to ANC before she left the office on May 12, 2017, for ANC to use while DMC was out of the office for two weeks.
10. Later in the day on May 12, 2017, Board Investigators Robert Duvall and Jana Lane met with ANC at the south clinic. ANC turned over those fifteen (15) pre-signed prescriptions in her possession.
11. Defendant arrived at the south clinic a short time later on May 12, 2017, and was told by Investigators Duvall and Lane to stop this practice going forward.
12. DMC provided examples of prescriptions written on May 10, 2017 for patient SLC. Two of the three prescriptions were for drugs that could be prescribed legally by ANC, and bear her signature at the bottom. The third prescription is for Norco 10/325 mg #90, a schedule II CDS. The upper portion of this prescription was filled out by ANC, but the signature at the bottom is that of Defendant.
13. Defendant's south clinic shares office space with a pharmacy named Affordable Health Pharmacy. The owner, TNC, is also the pharmacist in charge and Defendant's sister. Patients regularly use Affordable Health Pharmacy to fill their prescriptions, and TNC is fully aware when Defendant is not present, but fills prescriptions bearing his signature anyway.
14. Investigator Carter looked through schedule II prescriptions filled at Affordable Pharmacy from March through May 2017, and selected several different examples of prescriptions showing Defendant's signature, but with different handwriting on the body of the prescriptions. After separating these prescriptions into three groups, each containing three or four prescriptions, TNC was able to identify the handwriting on each. TNC identified one stack as being entirely written by Defendant. Of the other two groups, TNC indicated that prescriptions written for patients PPC, FGC, and GSC contained handwriting from DMC. The final group of prescriptions for patients CSC, BEC, SLC, and MEC contained handwriting from ANC.
15. TNC indicated that she was aware that those prescriptions completed by ANC were given to the patients while Defendant was not present at the clinic. However, TNC believes

that the prescriptions filled out by DMC were at Defendant's direction, and then submitted to the doctor for his signature.

16. Investigator Carter interviewed Defendant at this south clinic office on May 19, 2017. The Defendant confirmed that when he opened the north clinic in 2016, he was spending a lot of time there, so he left pre-signed blank prescriptions at the south clinic for his two nurse practitioners, JNC and VNC, to use for established patients who had a medication history of taking schedule II CDS.
17. Defendant admitted he would pre-sign a small number of prescriptions (between ten and twenty), and leave them with DMC. DMC would keep them locked in her office and provide them to JNC and VNC as they were needed. Defendant said that someone would notify him when these prescriptions were running low.
18. Defendant claimed that his way of accounting for the number of these pre-signed blank prescriptions was by checking the Oklahoma PMP system regularly for his patients to make sure they were receiving the proper drugs and quantities. Defendant also claims he would use the PMP system to check his own prescriber activity to see if there are patient names he did not recognize.
19. A check of PMP records for Defendant's patients, whose names were obtained through Affordable Pharmacy for the time period of October 2016 to May 2017, revealed patient BEC received nineteen (19) prescriptions from Budget Medical. Many of these were for Clonazepam (schedule IV), Dextroamphetamine/Amphetamine (schedule II), and Acetaminophen with Codeine (schedule III).
  - a. The following were the opiates and benzodiazepines prescribed from October 2016 to February 2017:
    - i. 10/12/16, Clonazepam 0.5 mg #30 (schedule IV) from Defendant
    - ii. 11/11/16, Clonazepam 0.5 mg #60 (schedule IV) from Defendant
    - iii. 11/30/16 Butalbital with Codeine (schedule III) #60 from JNC
    - iv. 12/5/16, Acetaminophen with Codeine (schedule III) #60 from JNC
    - v. 12/10/16, Clonazepam 0.5 mg #60 (schedule IV) from JNC
    - vi. 1/7/17, Clonazepam 0.5 mg #30 (schedule IV) from Defendant
    - vii. 2/6/17, Clonazepam 0.5 mg #60 (schedule IV) from Defendant
  - b. Defendant would have been required to check the PMP records for BEC at the time of his initial prescription for Clonazepam on 10/12/16 and at least once every six months thereafter. PMP records reflect Defendant's first PMP check since 11/1/15 for BEC occurred on 2/6/17, placing him in violation of Title 63 O.S. § 2-309D(G)(2)(a) at least six (6) times.

- c. Additionally, the following schedule II prescription CDS were listed under his nurse practitioners:
  - i. 12/10/16, Dextroamphetamine/Amphetamine 20 mg #60 (schedule II) from JNC
  - ii. 5/8/17, Dextroamphetamine/Amphetamine ER 30 mg #30 (schedule II) from ANC
- 20. On August 21, 2017, Investigator Carter met TNC at the Affordable Pharmacy and obtained copies of the following two prescriptions:
  - a. Prescription # 200339 for patient BEC dated 5/7/2017 (filled 5/8/2017) for Adderall 30 mg ER #30 bearing Defendant's signature.
  - b. Prescription # 301273 for patient BEC dated and filled 5/5/2017 for Klonopin 0.5 mg #60 bearing a signature for ANC.

The handwriting in the body of both prescriptions is consistent, but the signatures at the bottom are distinctly different.

- 21. ANC authenticated the signatures at the bottom of both prescriptions. Specifically, Defendant's signature appears on the prescription for Adderall, a schedule II CDS, while ANC signed the prescription for Klonopin, a schedule IV CDS.
- 22. ANC stated that after only a few months of her providing patient care under Defendant's direct supervision, he re-opened the north clinic in late April 2017 and began leaving pre-signed prescriptions with DMC for ANC to use. ANC said she knew this was wrong, but she reluctantly followed Defendant's instructions because she felt forced to use these pre-signed prescriptions and felt that her job may be in jeopardy if she refused.
- 23. On August 29, 2017, Investigator Carter spoke with VNC by phone. VNC confirmed that he worked for Defendant until January 2017. VNC stated that he was aware Defendant was leaving pre-signed, blank prescriptions with DMC.
- 24. When asked if VNC had any personal knowledge about improper activities by Defendant, VNC stated that when Defendant sent him to the north clinic, the Defendant did try to talk VNC into taking some pre-signed, blank prescriptions to use for established patients to prescribe schedule II pain medicines (most commonly Norco, a Hydrocodone product). VNC claims that he refused these prescriptions, and told Defendant he believed such prescriptions were illegal.
- 25. VNC did later admit that he had in fact used one of the pre-signed prescriptions on a Saturday because Defendant was unavailable. VNC said the prescription would have been for Norco, which was a routine medication for an established patient.

### III. VIOLATIONS

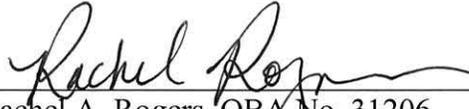
Based on the foregoing, Defendant is guilty of professional misconduct as follows:

- a. 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);
- b. Violating the criminal laws of this State, including 63 O.S. 2013, § 2-309, when such act is connected with the physician's practice of medicine, in violation of 59 O.S. 2011, § 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, in violation of 59 O.S. 2011, § 509(11);
- d. Aiding or abetting the practice of medicine and surgery by an unlicensed person, in violation of 59 O.S. 2011, § 509(14) and Okla. Admin. Code § 435:10-7-4(21);
- e. 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);
- f. Indiscriminate or excessive prescribing, dispensing or administering of Controlled or Narcotic drugs, in violation of Okla. Admin. Code §435:10-7-4(1);
- g. Violating any state or federal law or regulation relating to controlled substances, in violation of Okla. Admin. Code § 435:10-7-4(27); 63 O.S. Supp. 2013 & 2015, §§ 2-304, 2-309; 21 CFR Section 1306.05.

**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 Defendant's Oklahoma professional healthcare license, including an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,

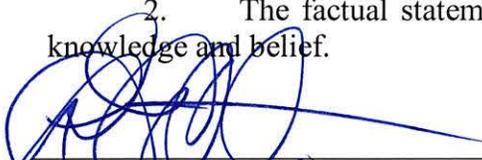


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**VERIFICATION**

I, Larry Carter, under penalty of perjury, under the laws of the State of Oklahoma, state as follows:

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

  
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Larry Carter, Investigator  
OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION

Date: Oct 10, 2017  
Oklahoma  
\_\_\_\_\_  
County, State of Execution