

**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.)
)
AMY QUYNH-TRANG PHAM, M.D.)
LICENSE NO. MD 32494,)
)
Defendant.)

FILED

OCT 22 2020

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 19-03-5718

VERIFIED COMPLAINT

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), for its Verified Complaint against Amy Quynh-Trang Pham, 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. § 480, *et seq.* and Okla. Admin. Code 435:5-1-1 *et seq.*
2. In Oklahoma, Defendant holds medical license no. 32494.
3. The acts and omissions complained of herein were made while Defendant was acting as a physician pursuant to the license conferred upon her by the State of Oklahoma.

II. ALLEGATIONS OF UNPROFESSIONAL CONDUCT

4. On June 15, 2018, the Texas Medical Board conducted a hearing regarding Defendant after charging that she was impaired due to a mental or physical condition and failed to comply with her Texas Physician Health Program (TXPHP) Agreement.
5. The Specific Panel Findings were:
 - a. On or after June 16, 2016, Respondent entered into a five-year monitoring agreement with the TXPHP which required quarterly reports on work performance by an assigned worksite monitor (WSM) and quarterly evaluations with Defendant’s treating health care providers.

- b. On or about June 23, 2017, Defendant was terminated from TXPHP and referred back to the Board due to non-compliance with her agreement.
 - c. Defendant received notice of an Informal Settlement Conference (ISC) scheduled for November 10, 2017 to consider allegations that Defendant was unable to safely practice medicine due to her illness or mental or physical impairment. However, Defendant failed to appear for the ISC.
 - d. Defendant had not provided evidence that she is safe to resume practicing in the State of Texas.
 - e. The Panel opined that an independent medical examination would provide the Board with more information on Respondent's ability to conduct herself professionally and safely practice medicine.
6. A Texas Medical Board Order dated March 1, 2019 made the following findings:
 - a. On or about April 27, 2018, Defendant's South Carolina Medical License No. 51411 was temporarily suspended by the South Carolina Department of Labor, Licensing, and Regulation before the State Board of Medical Examiner.
 - b. On May 4, 2018, Defendant voluntarily relinquished her South Carolina Medical License No. 51411 while being investigated for self-prescribing medications.
 - c. At the time of the June 2018 Order prohibiting her from practicing in Texas, Defendant was practicing telemedicine in Texas.
 - d. Defendant was ordered to immediately cease practice in Texas.
7. Board Investigator Robbin Roberts interviewed the Defendant by telephone on June 11, 2019, wherein the Defendant explained:
 - a. She was formerly practicing in Texas and went through a divorce, causing some issues with anxiety and depression;
 - b. The Texas Board stepped in and on June 15, 2018, entered into an Agreed Order for Defendant to cease practicing until she obtained a fit-for-duty assessment and followed any recommendations of the same;
 - c. Defendant obtained an assessment and joined TXPHP but violated her contract and was terminated from the program;
 - d. Defendant has not followed through with any remedial actions in Texas;
 - e. Defendant ran out of her Klonopin and called in a prescription for herself while in South Carolina, at which time the pharmacist called the South Carolina Medical Board.

- f. Defendant was arrested and charged with three (3) counts of drug distribution. Two (2) counts were ultimately dismissed, and Defendant pleaded guilty to one (1) count of distribution (reduced to misdemeanor) and paid a \$100 fine.
 - g. Defendant sees Oklahoma patients via telemedicine through a company called "24/7 Call the Doc." Defendant has no DEA or OBN permits.
8. Investigator Robbin Roberts received a non-confidential Psychiatric Evaluation of the Defendant, conducted by Mitchell H. Dunn, M.D. for the Texas Medical Board. The evaluator concluded:
- a. "Dr. Pham is an individual who has had to resign from one residency and then was terminated from another. Her lack of cooperation in the Texas Physicians Health Program led to required psychiatric treatment and a request for neuropsychological testing. This testing revealed a global inefficiency in terms of attention and concentration as well as difficulties in information processing. It is difficult to say exactly what the cause of these problems might be. In addition to endorsing symptoms of depression, she has an unusual method of responding and seems to have little awareness of behaviors that led to her difficulties in the residency program. I do not believe that all of her problems can be attributed to depression, as she appears to have some longstanding personality difficulties. However, I do believe that ongoing treatment with a psychiatrist is appropriate, not only for monitoring of her medications, but also in an effort to better understand her personality functioning and emotional symptoms."

III. VIOLATIONS

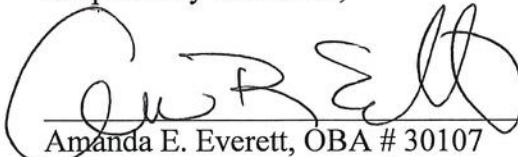
9. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
- a. Purchasing or prescribing any regulated substance in Schedule I through V, as defined by the Uniform Controlled Dangerous Substances Act, for the physician's personal use, in violation of Okla. Admin. Code § 435:10-7-4(5).
 - b. Prescribing any drug legally classified as a controlled substance to herself, in violation of Okla. Admin. Code § 435:10-7-4(26).
 - c. Violating any state or federal law or regulation relating to controlled substances, in violation of Okla. Admin. Code § 435:10-7-4(27).
 - d. Disciplinary action of another state or jurisdiction against a license or other authorization to practice medicine and surgery based upon acts of conduct by the licensee similar to acts or conduct that would constitute grounds for action as defined in this section, in violation of Okla. Admin. Code § 435:10-7-4(31).
 - e. Violation of any provision(s) of the medical practice act or the rules and regulations of the Board or of any action, stipulation, or agreement of the Board in violation of Okla. Admin. Code § 435:10-7-4(39).

- f. The inability to practice medicine and surgery with reasonable skill and safety to patients as a result of any mental or physical condition, in violation of § 435:10-7-4(40) and 59 O.S. § 509(15).
- g. Any doctor licensed in Oklahoma using that license for practice in another state who violates any laws in the state in which he/she is practicing or any federal, territorial or district laws that are in effect in the location in which he/she is using his/her Oklahoma license to practice, in violation of Okla. Admin. Code § 435:10-7-4(46).
- h. Conviction or confession of, or plea of guilty, nolo contendere, no contest or Alford plea to a crime involving violation of the antinarcotic or prohibition laws and regulations of the federal government, the laws of this state, or State Board of Health Rules, in violation of 59 O.S. § 509(7).
- i. 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, in violation of 59 O.S. § 509(9).
- j. The violation 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. § 509(13).

V. CONCLUSION

Given the foregoing, the undersigned respectfully 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 professional license, including an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



Amanda E. Everett, OBA # 30107

Assistant Attorney General

OKLAHOMA STATE BOARD OF MEDICAL

LICENSURE AND SUPERVISION

101 N.E. 51st Street

Oklahoma City, Oklahoma 73105

405.962.1400

VERIFICATION

I, Robbin Roberts, under penalty of perjury, under the laws of the State of Oklahoma, state as follows:

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



Robbin Roberts, Investigator
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Date: 10-20-20



County, State of Execution