

**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

MAY 06 2021

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 19-03-5718

ORDER REVOKING LICENSE WITH THE RIGHT TO REAPPLY

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (“Board”) on March 11, 2021, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and rules of the Board.

Amanda Everett, Assistant Attorney General, appeared for Plaintiff. Defendant, Amy Pham, M.D., appeared pro se virtually via the Zoom audio/video platform.

The Plaintiff commenced its case. One witness, the Defendant, was sworn and testimony taken. Certified copies of *South Carolina Medical Board Documents* and *Documents from the Texas Medical Board* were admitted, without objection, into evidence as State’s Exhibits 1 and 2, respectively. The Plaintiff rested. The Defendant commenced its case. Defendant offered testimony on her own behalf. The Defense rested. Both parties offered closing argument. Plaintiff dismissed Violation 9(g) of the Verified Complaint. The case was submitted to the Board.

The Board, having considered representations of counsel, sworn testimony of the witness, and being fully apprised of the premises, finds the following has been established by clear and convincing evidence:

Findings of Fact

1. In Oklahoma, Defendant holds medical license no. 32494.

2. On April 20, 2016, while in her third year of residency in the Baylor Family Medicine Residency Program, Defendant was placed on medical leave due to a “mental or physical condition.” On or about June 16, 2016, Defendant entered into a five-year monitoring agreement with the TXPHP which required quarterly reports on work performance and quarterly evaluations with Defendant’s treating health care providers. *State’s Exhibit 2.*
3. On September 21, 2016, Defendant’s quarterly evaluations indicated that Defendant was not safe to practice medicine. Defendant’s TXPHP Agreement was modified to include an immediate cease practice restriction, with a directive for further medical evaluation. The cease practice restriction was lifted, after favorable evaluations, on November 17, 2016. However, less than 30 days later, further medical evaluation indicated that Defendant was not able to safely practice medicine. The TXPHP agreement was again amended, requiring Defendant to cease practicing pending further evaluation and reports from her health care providers. *State’s Exhibit 2; Defendant’s testimony.*
4. On or about June 23, 2017, Defendant was terminated from TXPHP and referred back to the Board due to non-compliance with her agreement. A formal Complaint was filed in January 2018, alleging Defendant had “demonstrated an inability to safely practice medicine with reasonable skill and safety due to an illness or as a result of a mental or physical condition,” and that Defendant violated her TXPHP agreement by failing to comply with a cease practice restriction. *State’s Exhibit 2; Defendant’s testimony.*
5. On May 4, 2018, Defendant voluntarily relinquished her South Carolina Medical License No. 51411 while being investigated for self-prescribing “Paxil, Risperdal, and Klonopin.” Defendant relinquished her license without the right to reapply. *State’s Exhibit 1; Defendant’s testimony.*
6. On or about June 5, 2018, Defendant and the Texas Board entered into an *Agreed Order on Formal Filing* wherein the parties agreed Defendant would not practice medicine in Texas until she requested permission in writing and personally appears before the Board to orally petition for permission to resume such practice, and provides clear and convincing evidence and information which adequately indicates that Defendant was physically, mentally, and otherwise competent to safely practice medicine. If Defendant could do so, she could be granted permission to practice medicine in Texas under such terms and conditions which the Board in its discretion determined were necessary to adequately protect the public. Defendant was further ordered to obtain an independent medical evaluation and, if recommended by said physician, obtain continued care and treatment and provide proof of the same to the Board, to provide a copy of the *Agreed Order on Formal Filing* to her employer, and to cooperate with and communicate with her compliance officer. According to her own testimony, Defendant never completed the requirements listed. *State’s Exhibit 2; Defendant’s testimony.*
7. Defendant admitted that she plead guilty to a misdemeanor: “Obtaining Controlled Substance by Fraud” in South Carolina on or about July 23, 2018. *Defendant’s testimony.*

8. On March 1, 2019, Defendant surrendered her Texas medical license in lieu of further disciplinary proceedings. The *Agreed Order of Voluntary Surrender* includes findings that Defendant failed to timely provide letters from up to three board certified treating physicians, failed to provide written proof that she had provided a copy of the June 2018 *Agreed Order on Formal Filing* to her employer, and failing to cooperate with and communicate with her compliance officer. The Board further alleged that Defendant was practicing telemedicine in Texas in violation of the June 2018 Order. *State's Exhibit 2*.
9. At the time of hearing Defendant had not attempted reinstatement of her Texas medical license and did not hold a medical license in any other jurisdiction aside from Oklahoma at the time of hearing. Defendant had not treated patients in Oklahoma or elsewhere in over one year. *Defendant's testimony*.

Conclusions of Law

10. 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.*
11. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; and Okla. Admin. Code §§ 435:3-3-5, 3-3-6.
12. The Board is authorized to suspend, revoke with or without the right to reapply, or order any other appropriate sanctions against the license of any physician or surgeon holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. 59 O.S. § 503 and § 513(A). The Board's action is authorized by 59 O.S. § 509.1(A)(1).
13. The Defendant is guilty of unprofessional conduct as alleged in paragraph 9, subsections (a)-(f) and (h)-(j) of the *Complaint* as follows:
 - a. (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. (b): Prescribing any drug legally classified as a controlled substance to herself, in violation of Okla. Admin. Code § 435:10-7-4(26).
 - c. (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. (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. (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. (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. (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).
- h. (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).
- i. (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).

Orders

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

1. The Oklahoma medical license of **AMY QUYNH-TRANG PHAM, M.D.**, license no. 32494 is **REVOKED** with the right to reapply after one (1) year, effective from the date of an approved Attorney General Opinion. Prior to reinstatement, Defendant will be required to obtain a psychiatric evaluation and to appear in person before the Board to consider the results of said evaluation and to submit further evidence of competency to safely practice medicine for the Board's consideration.
2. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.
3. A copy of this order shall be provided to Defendant as soon as it is processed.

This Order is subject to review and approval by the Oklahoma Attorney General, and this Order shall become final upon completion of the review by the Oklahoma Attorney General unless disapproved, in which case this Order shall be null and void.

Dated this 6th day of May, 2021.



Billy H. Stout, M.D., Board Secretary
OKLAHOMA STATE BOARD OF MEDICAL

Certificate of Service

This is to certify that on the 6th day of May, 2021, the foregoing instrument was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail
and Private Process Server
Amy Quynh-Trang Pham
1230 St. Paul St., Unit 4
Baltimore, MD 21202
Defendant

E-Mail
Amanda Everett
Assistant Attorney General
STATE OF OK, OFFICE OF ATTORNEY GENERAL
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105
(405) 522-0113
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Amanda.Everett@oag.ok.gov
Attorney for Plaintiff,
Oklahoma State Board of Medical
Licensure and Supervision



Nancy Thiemann, Legal Assistant



MIKE HUNTER
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2021-16A

Billy H. Stout, M.D. Board Secretary
Oklahoma State Board of Medical
Licensure and Supervision
10 N.E. 51st St.
Oklahoma City, OK 73105-1821

May 6, 2021

Dear Secretary Stout:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma State Board of Medical Licensure and Supervision (“Board”) intends to take in case 19-03-5718. In 2016, licensee entered into a monitoring contract with Texas PHP and was ordered to cease practice. In 2017, licensee was terminated from Texas PHP for non-compliance. In March 2019, the Texas Medical Board entered an Agreed Order of Voluntary Surrender after licensee failed to meet requirements set forth in a previous order. Additionally, in May 2018, licensee was investigated for self-prescribing and voluntarily relinquished her South Carolina license. After a hearing in March 2021, the Board found the licensee guilty of unprofessional conduct, including state and federal drug regulations, disciplinary charges in other states, and the inability to practice medicine with reasonable skill. The Board proposes to revoke the license with the right to reapply, require the licensee to comply with terms listed in the Texas Order of Voluntary Surrender, and pay investigative and attorney’s fees.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act authorizes the Board to revoke a license for unprofessional conduct, which the defines to include “violation of the antinarcotic or prohibition laws and regulations of the federal government,” “[h]abitual intemperance or the habitual use of habit-forming drugs,” “violation of the criminal laws of any state when such act is connected with the physician’s practice of medicine,” and “[t]he writing of false or fictitious prescriptions for any drugs or narcotics.” 59 O.S.Supp.2020, §§ 503, 509(4), (7)(a), (9), (11). The Board may reasonably believe that the proposed action is necessary to protect public health and safety.

It is, therefore, the official opinion of the Attorney General that the State Board of Medical Licensure and Supervision has adequate support for the conclusion that this action advances the State’s policy of protecting the health, safety, and well-being of the citizens of Oklahoma.

Handwritten signature of Mike Hunter in blue ink.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Ethan Shaner in blue ink.

ETHAN SHANER
DEPUTY GENERAL COUNSEL