

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel, ()
OKLAHOMA STATE BOARD OF ()
MEDICAL LICENSURE AND
SUPERVISION, ()
Plaintiff, ()
V
WENDALL E. MILES, P.A. (CASE NO. 88-2-568)
Certificate No. 414,
Defendant. ()

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision en banc on the 9th day of June, 1989, at the Doubletree Inn at Warren Place, 6100 South Yale, Tulsa, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and Wendall E. Miles, P.A., Defendant, did not appear either in person or by representative.

The Board of Medical Licensure and Supervision en banc heard testimony and reviewed exhibits and being fully advised in the premises, the Board of Medical Licensure and Supervision therefore finds as follows:

FINDINGS OF FACT

- 1. That Defendant, Wendall E. Miles, P.A., holds Oklahoma Certificate No. 414.
- 2. That the Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.
- 3. That since October, 1988, and continuing to April, 1989, Defendant did obtain prescription pads from his employing physician and did prepare false and fictitious prescriptions, using the name Roy Knight, for controlled dangerous substances, and the Defendant did forge on those prescriptions the name of his employing physician and did convert those controlled dangerous substances thus obtained to his own use.

CONCLUSIONS OF LAW

- 1. That Wendall E. Miles, holding Oklahoma Physician Assistant Certificate No. 414, is in violation of the Rules and Regulations promulgated by this Board, specifically Section XI, E, Rules 4 and 7, to-wit:
 - "Rule 4: Has been grossly negligent while in the practice as a Physician's Assistant."
 - "Rule 7: Has violated any provisions of the Medical Practice Act or the Rules and Regulations promulgated by this Board."

- 2. That Wendall E. Miles, holding Oklahoma Physician Assistant Certificate No. 414, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 509, Paragraphs 8, 10, 12, and 14, to-wit:
 - Conviction or confession of a crime involving the violation of the anti-narcotic or prohibition laws and regulations of the Federal government or the Board of Health laws and regulations of the State of Oklahoma."
 - The commission of any act which is a violation of the criminal laws of Oklahoma when such act is connected with the "10. physician's practice of medicine. 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."
 - "The writing of false or fictitious 12. prescriptions for any drugs or narcotics declared by the laws of Oklahoma to be controlled or narcotic drugs."
 - "14. "The violation, or attempted violation, direct or indirect, of any of the provisions of this Act, either as a principal, accessory or accomplice."

ORDER

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

- That the Physician Assistant Certificate No. 414 of the Defendant, Wendall E. Miles, P.A., should be and is hereby REVOKED.
- 2. That a copy of this Final Order should be placed in the Defendant's public file at the Oklahoma Board of Medical Licensure and Supervision and a copy forwarded to the last known address of Defendant, Wendall E. Miles, P.A., by the Board staff as soon as possible.

DATED this 30 day of June, 1989.

GERALD C. ZUMWALT, M.D., Secreta State Board of Medical Licensure

and Supervision

DANIEL J. GAMINO

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Daniel J. Gamino & Associates, P.C.

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Oklahoma City, OK 73116 (405) 840-3741

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this _____ day of June, 1989, to:

WENDALL E. MILES, P.A. Box 237-T Jones, OK 73049

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