

IN AND BEFORE THE STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND
SUPERVISION,

FILED

JAN 27 1988

Plaintiff,

STATE BOARD OF
MEDICAL EXAMINERS

v.

ALLEN HENRY BUNCH, M.D.
Medical License No. 6117

CASE NO. 87-5-504

Defendant.

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision en banc on the 22nd day of January, 1988, at the office of the Oklahoma State Medical Association, 601 NW Expressway, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff, and Allen Henry Bunch, M.D., Defendant, appeared in person and by counsel, Fred Gipson.

The Board of Medical Licensure and Supervision en banc heard the 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, Allen Henry Bunch, M.D., holds Oklahoma Medical License No. 6117.

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 the Board finds that the allegations of the complaint as set forth below contain adequate evidence for disciplinary action against the Defendant.

4. That on or around May 6, 1986, Agent Danny Lyon of the Oklahoma State Bureau of Narcotics and Dangerous Drugs entered the office of Defendant and paid \$20.00 for an office call to see the Defendant. That Mr. Lyon, using the name Jerry Stewart, told the Defendant he wished to obtain a prescription for "bird eggs." Defendant stated he was not familiar with that term and the Defendant then looked in a copy of the Physicians Desk Reference for a picture of Adipex-P. Defendant asked Agent Lyon if the picture looked like "bird eggs." Mr. Lyon replied affirmatively, and Defendant gave this agent a prescription for 45 dosage units of Adipex-P and Defendant weighed the agent and checked the agent's blood pressure.

5. That on or around May 15, 1986, Agent Lyon, again using the name Jerry Stewart, entered the Defendant's office, paid a \$20.00 office call and asked the Defendant for a refill on the previously obtained prescription for Adipex-P and the Defendant did write Agent Lyon a prescription for 60 dosage units of Adipex-P and did not perform any other examination or evaluation.

6. That on or around August 27, 1986, Agent Lyon again entered the Defendant's office, paid a \$20.00 office call, and

met with the Defendant and requested a refill of the prescription for Adipex-P and the Defendant wrote a prescription for 45 dosage units of Adipex-P.

7. That Adipex-P is a narcotic drug and a controlled dangerous substance and Agent Lyon did not present to the Defendant any medical need for this controlled dangerous substance.

CONCLUSIONS OF LAW

1. That Allen Henry Bunch, M.D., holding Oklahoma Medical License No. 6117, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 509, Paragraphs 13 and 17, to-wit:

"13. Prescribe or administer a drug or treatment without sufficient examination and the establishment of a valid physician/patient relationship."

"17. 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."

2. That Allen Henry Bunch, M.D., is in violation of the Rules and Regulations promulgated by the this Board, specifically Section IX, Rules 1, 2 and 6, to-wit:

"Rule 1: Indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs."

"Rule 2: Prescribing, dispensing or administering of controlled or narcotic drugs in excess of the amount considered good medical practice."

Rule 6: Dispensing, prescribing or administering a controlled substance or narcotic drug without medical need."

ORDER

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

1. That the Defendant, Allen Henry Bunch, M.D., Oklahoma Medical License No. 6117, will be and is hereby placed on a term of suspension of his license as a physician and surgeon for a period of thirty (30) days beginning December 15, 1987.

2. That the Defendant, Allen Henry Bunch, M.D., Oklahoma Medical License No. 6117, will be and is hereby placed on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of three (3) years beginning on January 15, 1988, under the following terms and conditions:

(a) During the period of probation Defendant may prescribe Schedules II, III, IV, and V controlled dangerous substances only on serially-numbered, duplicate prescription pads and shall make the copies available to Investigators of the Oklahoma State Board of Medical Licensure and Supervision at their request.

- (b) During the period of probation Defendant will substantially reduce the number of controlled dangerous substance prescriptions being written.
- (c) During the period of probation Defendant will significantly reduce the duration of time that patients are retained on controlled dangerous substances prescribed.
- (d) Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.
- (e) Defendant shall appear before the Board en banc or a designated member thereof whenever requested to do so.
- (f) During the period of probation Defendant will submit to the Investigative Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.
- (g) Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay upon receipt of invoice from the Investigative Division of the Board the costs of investigation, prosecution and probation of this case.
- (h) That violation of any the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.
- (i) That within a reasonable time the Defendant shall undergo complete physical examination and mental evaluation and shall provide copies of same to the Investigative Division of the Oklahoma State Board of Medical Licensure and Supervision, along with a list of all medication currently taken by the Defendant to include dosage amount and frequency of each drug or pharmaceutical agent.

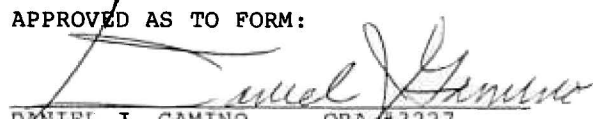
3. That the jurisdiction of the Board in this individual proceeding will continue in this matter until the terms and conditions of probation are modified or lifted by the Oklahoma State Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

4. The Board further orders that failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma Medical License, after additional due notice and hearing.

DATED this 27th day of January, 1988.


MARK R. JOHNSON, M.D., Secretary
State Board of Medical Licensure
and Supervision

APPROVED AS TO FORM:


DANIEL J. GAMINO OBA#3227
Daniel J. Gamino & Associates, P.C
3315 NW 63
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 4 day of February, 1988, to:

Allen Henry Bunch, M.D.
c/o Fred Gipson
Gipson, Johnston & McMains
P.O. Box 1641
Seminole, OK 74868

