

IN AND BEFORE THE OKLAHOMA STATE BOARD
OF MEDICAL LICENSURE AND SUPERVISION
STATE OF OKLAHOMA

FILED

AUG 10 2011

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff)
)
v.)
)
SUZZIE WALDENVILLE, P.A.,)
LICENSE NO. PA627,)
)
Defendant.)

Case No. 11-01-4142

COMPLAINT

COMES NOW the plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Complaint against the Defendant, Suzzie Waldenville, P.A., Oklahoma physician assistant license no. PA627, alleges and states as follows:

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physician assistants in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* and §887.1 *et seq.*

2. Defendant, Suzzie Waldenville, P.A., holds Oklahoma physician assistant license no. PA627. At the time of the events in question, Defendant worked at Fast Care Medical Clinic in Shawnee, Oklahoma under the supervision of Yvonne Fine, M.D.

PRIOR DISCIPLINARY ACTION

3. On or about April 23, 1998, the State filed a Complaint against Defendant based upon numerous violation of the Medical Practice Act, the Physician Assistant Practice Act, as well as state and federal narcotics laws.

4. On November 12, 1998, Defendant entered into a Voluntary Submittal to Jurisdiction. Under this Order, Defendant admitted the following:

- a. She falsified her application for an Oklahoma Physician Assistant License when she failed to disclose that she had previously been licensed in Oklahoma as a nurse and had been suspended by the Oklahoma Nursing Board.
- b. She called in numerous false prescriptions for controlled dangerous substances for her personal use without the knowledge and consent of physicians with whom she worked.
- c. She was arrested in October 1997 and charged with three (3) felony counts of obtaining controlled dangerous substances by fraud.
- d. She repeatedly practiced without the supervision of a licensed physician.
- e. She issued thirty-one (31) prescriptions for controlled dangerous substances to herself without the authorization of her supervising physician.
- f. She issued sixty-two (62) prescriptions for controlled dangerous substances to her mother without the authorization of her supervising physician.
- g. She issued thirty-six (36) prescriptions for controlled dangerous substances to her son without the authorization of her supervising physician.
- h. She issued one-hundred sixty (160) prescriptions for controlled dangerous substances to three (3) males with whom she lived without the authorization of her supervising physician.
- i. She repeatedly forged the names of her supervising physicians.

5. Based upon these violations of law, the Board issued an Order whereby Defendant's physician assistant license was suspended for one (1) year effective as of September 24, 1998. The Board further ordered that Defendant could not apply for reinstatement for one (1) year and that upon reinstatement, if any, Defendant would be placed on probation for five (5) years. The Board further ordered that Defendant was to complete an extended treatment program for health care professionals in a residential setting at the Health Care Connection in Tampa, Florida and was to comply with physician assistant continuing education requirements during the period of suspension.

6. On or about November 4, 1999, Defendant's license was reinstated under a five (5) year term of probation.

7. On or about November 4, 2004, Defendant's probation was terminated.

CURRENT UNPROFESSIONAL CONDUCT ALLEGATIONS

JUNE 28, 2010

8. A review of records reveals that on or about June 28, 2010, Defendant wrote the following prescriptions in the name of BAL:

Provigil 100mg #30
Allopurinol 300mg #30 with 3 refills
Benicar 20mg #30 with 3 refills
Singulair 10mg #30 with 3 refills

9. BAL was allegedly the eighty-eight (88) year old mother of Patient JPL, a current patient of Defendant's. BAL was not a patient of Defendant's and allegedly lived in Arkansas. According to Defendant, BAL was going to come to Defendant's clinic in Shawnee, Oklahoma the following week to become a patient. Defendant gave the prescriptions written to BAL to Patient JPL to give to her mother.

10. BAL did not come to Defendant's clinic the following week.

11. A review of Defendant's records reveals that Defendant failed to perform any physical examination on this patient prior to prescribing the controlled dangerous drugs and other dangerous drugs, that she did not establish a legitimate medical need for the medications, and that she did not establish a valid physician patient relationship prior to prescribing the medications. The only record of these prescriptions was a copy of the prescriptions kept in the patient's daughter's medical records with the notation that "mother be in next weekend 88 yo".

JULY 21, 2010

12. A review of pharmacy records reveals that on or about July 21, 2010, Defendant wrote the following additional prescriptions in the name of BAL, the alleged mother of her patient, Patient JPL:

Zolpidem 5mg #90
Hydrocodone 2.5mg #180

13. A review of Defendant's records reveals that Defendant failed to perform any physical examination on this patient prior to prescribing the controlled dangerous drugs, that she did not establish a legitimate medical need for the medications, and that she did not establish a valid physician patient relationship prior to prescribing the medications. The only record of these prescriptions was a copy of the prescriptions kept in the patient's daughter's medical records with the notation that "patient's mother to be in week of 07-26-10" and initialed "SW".

14. BAL did not come to Defendant's clinic on July 26, 2010 or anytime thereafter.

15. Board investigators have been unable to confirm whether or not BAL even exists.
16. When later questioned by Board investigators, Defendant admitted that BAL has **never** come to Defendant's clinic, nor was she ever seen by Defendant at any time.
17. On this same date that Defendant wrote prescriptions for Zolpidem and Hydrocodone in the name of BAL, Defendant also prescribed Zolpidem 10mg #30 and Hydrocodone 10mg #90 to Patient JPL, BAL's alleged daughter, for alleged knee pain.
18. On or about September 29, 2010, Defendant was terminated by the Fast Care Medical Clinic for several reasons, including her repeated writing of prescriptions for persons with no medical records at the clinic.
19. Defendant prescribed the medications to BAL without the knowledge of her supervising physician.
20. Title 435 of the Oklahoma Administrative Code Section 15-5-1 provides as follows:
 - (b) A physician assistant must function only under the supervision of a licensed physician. Nothing in the Physician Assistant Act shall be construed to permit physician assistants to provide health care services independent of physician supervision.
21. Defendant is guilty of unprofessional conduct in that she:
 - A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. § 509 (8) and OAC 435:10-7-4 (11).
 - B. Prescribed or administered a drug or treatment without sufficient examination and the establishment of a valid physician patient relationship in violation of 59 O.S. § 509 (12).
 - C. Failed to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient in violation of 59 O.S. § 509 (18).
 - D. Failed to obtain informed consent, based on full and accurate disclosure of risks, before prescribing, dispensing, or administering medical treatment for the therapeutic

purpose of relieving pain in accordance with Oklahoma Administrative Code 4335:10-7-11 where use may substantially increase the risk of death in violation of OAC 435:10-7-4(48).

- E. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509 (13), OAC 435:10-7-4(39) and OAC 435:15-5-11(a)(7).
- F. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- G. Failed to maintain adequate medical records to support diagnosis, procedure, treatment or prescribed medications in violation of 59 O.S. §509 (20) and OAC 435:10-7-4(41).
- H. Prescribed, dispensed or administered a controlled substance or narcotic drugs in excess of the amount considered good medical practice, or prescribed, dispensed or administered controlled substances or narcotic drugs without medical need in accordance with published standards in violation of 59 O.S. 509(16) and OAC 435:10-7-4(2) and (6).
- I. Engaged in the indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs in violation of OAC 435:10-7-4(1).
- J. Engaged in the improper management of medical records in violation of OAC 435:10-7-4(36).
- K. Failed to establish a physician/patient relationship prior to providing patient-specific medical services, care or treatment in violation of OAC 435:10-7-4(49).

Conclusion

WHEREFORE, plaintiff requests that 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 the revocation or suspension of the Defendant's license to practice as a physician

assistant in the State of Oklahoma, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a physician assistant in the State of Oklahoma.

Dated this 6th day of August, 2011 at 9:11 a.m.

Respectfully submitted,



Elizabeth A. Scott, OBA #12470
Assistant Attorney General
State of Oklahoma
101 N.E. 51st Street
Oklahoma City, OK 73105

Attorney for the State of Oklahoma ex rel.
Oklahoma State Board of Medical
Licensure and Supervision