

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

**FILED**

STATE OF OKLAHOMA )  
EX REL. THE OKLAHOMA BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )

MAY 25 2012

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )

v. )

Case No. 11-01-4142

SUZZIE WALDENVILLE, P.A. )  
LICENSE NO. PA627 )

Defendant. )

**FINAL ORDER OF REPRIMAND**

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on May 17, 2012, at the office of the Board, 101 N.E. 51<sup>st</sup> Street, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Kimberly Heaton, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and through counsel, Robert L. Swartz.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

**Findings of Fact**

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.* The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.

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.

3. 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

4. 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.

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

6. 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".

7. 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

8. 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".

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

10. When later questioned by Board investigators, Defendant admitted that BAL has never come to Defendant's clinic as a patient, nor was she ever seen by Defendant as a patient at any time.

11. Defendant is guilty of unprofessional conduct in that she:
  - A. 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).
  - B. 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).
  - C. 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).
  - D. Engaged in the improper management of medical records in violation of OAC 435:10-7-4(36).
  - E. 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).

#### **Conclusions of Law**

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.
2. Defendant is guilty of unprofessional conduct, in that she:
  - A. 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).
  - B. 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).

- C. 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).
- D. Engaged in the improper management of medical records in violation of OAC 435:10-7-4(36).
- E. 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).

3. The Board further found that the Defendant's license should be **PUBLICLY REPRIMANDED**, that her practice be limited to a setting where she is directly supervised by her supervising physician, and that any prescription for a controlled dangerous substance must be countersigned by that physician based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509 (12), (18), and (20), and OAC 435: 10-7-4 (36), (41), and (49).

**Order**


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

1. The license of Defendant, Suzzie Waldenville, P.A., Oklahoma license no. PA627 is hereby **PUBLICLY REPRIMANDED**.

2. Defendant's practice as a physician assistant shall be limited to a setting where she is directly supervised by her supervising physician, and any prescription for a controlled dangerous substance must be countersigned by that physician.

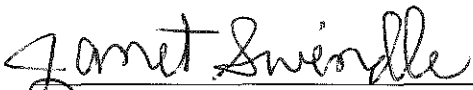
3. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

Dated this 25 day of May, 2012.

  
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Gerald C. Zumwalt, M.D., Secretary  
Oklahoma State Board of  
Medical Licensure and Supervision

### CERTIFICATE OF SERVICE

I certify that on the 25 day of May, 2012, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Suzzie Waldenville, P.A., 2108 Shorewood Ave., Edmond, OK 73003, and to her attorney, Robert L. Swartz, 2200 N.W. 50<sup>th</sup>, Suite 240, Oklahoma City, OK 73112.

  
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Janet Swindle