

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

**FILED**

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

Plaintiff,

vs.

TONI MICHELLE JONES, P.A.,  
LICENSE NO. PA706,

Defendant.

AUG 12 2011

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

CASE NO. 11-04-4213

**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, Toni Michelle Jones, P.A., 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, Toni Michelle Jones, P.A., holds Oklahoma license no. PA706 and at the time of the events in questions, practiced as a physician assistant at Wagoner Community Hospital in Wagoner, Oklahoma under the supervision of Shalini Sangal, M.D.

**SUBSTANCE ABUSE**

3. On or about March 21, 2011, Defendant presented for work at Wagoner Community Hospital. Co-workers noted that she was acting irrationally. Hospital administrators then asked her to submit to a drug test, to which she agreed. She subsequently tested positive for alcohol at a .25% blood alcohol level.

4. Based upon the positive drug test, as well as other personnel issues, Defendant was terminated by Wagoner Community Hospital on or about April 5, 2011.

5. On or about June 27, 2011, Defendant submitted to an assessment at Bradford Health Services. The assessment team concluded that Defendant was neuropsychologically

impaired and suffering from cognitive impairment due to her alcohol dependence. Bradford recommended that she complete twelve (12) weeks of residential treatment to address her alcohol dependence.

6. As of the date of the filing of this Complaint, Defendant has not obtained the residential treatment recommended by Bradford.

### **IMPROPER PRESCRIBING OF CONTROLLED DANGEROUS SUBSTANCES TO FRIENDS**

7. A review of the PMP reveals that from January 8, 2011 through March 9, 2011, Defendant wrote or authorized five (5) prescriptions for Lortab, Soma and Klonopin to Patient DBL, Defendant's personal trainer. Defendant admits that she kept **no chart** on this patient, that she failed to perform a complete physical examination on this patient prior to prescribing the controlled dangerous drugs, that she failed to obtain a full history of the patient, that she did not order appropriate tests, that she did not establish a legitimate medical need for the medications, and that she did not maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

8. Defendant admitted to Board investigators that she prescribed the controlled dangerous substances to her personal trainer without the knowledge and consent of her supervising physician.

9. A review of the PMP reveals that from November 29, 2010 until January 10, 2011, Defendant wrote or authorized two (2) prescriptions for Lortab to Patient YML, a co-worker. Defendant admits that she kept **no chart** on this patient, that she failed to perform a complete physical examination on this patient prior to prescribing the controlled dangerous drugs, that she failed to obtain a full history of the patient, that she did not order appropriate tests, that she did not establish a legitimate medical need for the medications, and that she did not maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

10. Defendant admitted to Board investigators that she prescribed the controlled dangerous substances to her co-worker without the knowledge and consent of her supervising physician.

11. A review of PMP records reveals that on or about December 27, 2010, Defendant wrote or authorized a prescription for Lortab to Patient TIL, a co-worker. Defendant admits that she kept **no chart** on this patient, that she failed to perform a complete physical examination on this patient prior to prescribing the controlled dangerous drugs, that she failed to obtain a full history of the patient, that she did not order appropriate tests, that she did not establish a legitimate medical need for the medications, and that she did not maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

12. Defendant admitted to Board investigators that she prescribed the controlled dangerous substances to her co-worker without the knowledge and consent of her supervising physician.

13. A review of PMP records reveals that on or about January 31, 2011, Defendant wrote or authorized a prescription for Lortab to Patient KCL, a co-worker. Defendant admits that she kept **no chart** on this patient, that she failed to perform a complete physical examination on this patient prior to prescribing the controlled dangerous drugs, that she failed to obtain a full history of the patient, that she did not order appropriate tests, that she did not establish a legitimate medical need for the medications, and that she did not maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

14. Defendant admitted to Board investigators that she prescribed the controlled dangerous substances to her co-worker without the knowledge and consent of her supervising physician.

### **OBTAINING CONTROLLED DANGEROUS SUBSTANCES** **BY FRAUD**

15. Beginning on or around June 10, 2009 and continuing through October 13, 2010, Defendant was prescribed Ambien #30, Klonopin #90 and Lortab #24 in the name of her supervising physician, Shalini Sangal, M.D. Defendant obtained these prescriptions by asking a co-worker, Sherry Roberts, to call in the prescriptions for her in the name of Dr. Sangal. This was done without Dr. Sangal's knowledge and consent.

16. Based on the allegations stated above, Defendant is guilty of unprofessional conduct as follows:

- A. She has violated a provision of the Medical Practice Act or the rules promulgated by the Board pursuant to OAC 435:15-5-11(a)(7).
- B. She has 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).
- C. She has 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 OAC 435:10-7-4(39).
- D. She habitually uses intoxicating liquors or habit-forming drugs in violation of OAC 435:15-5-11(a)(1), 59 O.S. §509(4) and OAC 435:10-7-4(3).

- E. She is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).
- F. She has violated or attempted to violate, directly or indirectly, 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).
- G. She has confessed to a crime involving violation of the antinarcotic or prohibition laws and regulations of the federal government and the laws of this state in violation of 59 O.S. §509(7).
- H. She 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).
- I. She prescribed, dispensed or administered controlled substances 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).
- J. She engaged in the indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs in violation of OAC 435:10-7-4(1).
- K. She prescribed, dispensed or administered controlled substances 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 standard in violation of OAC 435:10-7-4(2) and (6).

- L. She violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- M. She prescribed, sold, administered, distributed, ordered, or gave any drug legally classified as a controlled substance or recognized as an addictive dangerous drug to a family member or to himself or herself in violation of OAC 435:10-7-4(26).
- N. She purchased or prescribed any regulated substance in Schedule I through V, as defined by the Uniform Controlled Dangerous Substance Act, for the physician's personal use in violation of OAC 435:10-7-4(5).
- O. She 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).
- P. She 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).
- Q. She 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).
- R. She is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).

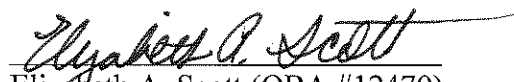
23. These allegations raise serious concerns about Defendant's ability to practice as a physician assistant in the State of Oklahoma with reasonable skill and safety.

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 suspension or revocation, 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 12<sup>th</sup> day of August, 2011.

Respectfully submitted,

A handwritten signature in cursive script, reading "Elizabeth A. Scott", written over a horizontal line.

Elizabeth A. Scott (OBA #12470)

Assistant Attorney General

101 N.E. 51<sup>st</sup> Street

Oklahoma City, OK 73105

Attorney for State ex rel.

Oklahoma Board of Medical Licensure and  
Supervision