

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

**FILED**

AUG 26 2005

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

Plaintiff

v.

JOHN MORRIE HILL, JR., M.D.,  
LICENSE NO. 7324,

Defendant.

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 04-12-2919

**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, John Morrie Hill, M.D., Oklahoma license no. 7324, 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 physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.*

2. Defendant, John Morrie Hill, M.D., holds Oklahoma license no. 7324.

3. From July 1, 2004 until December 14, 2004, Defendant wrote or authorized eighteen (18) prescriptions for controlled dangerous drugs to Patient AAW for alleged back pain. These prescriptions include six (6) prescriptions for Hydrocodone, a Schedule III controlled dangerous drug, for 720 dosage units, and twelve (12) prescriptions for Soma and Xanax, Schedule IV controlled dangerous drugs, for 1260 dosage units, for an average of **11.93 dosage units per day of controlled dangerous drugs**. Defendant's chart on this patient reveals that he did not establish a legitimate medical need for the medications, and that he did not maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient. Several of the office visit notes give the impression that Defendant did not actually see that patient on the dates of the office visits.

4. From October 22, 2003 until December 2, 2004, Defendant wrote or authorized

fifty-five (55) prescriptions for controlled dangerous drugs to Patient EJW for alleged head and neck pain and anxiety. These prescriptions include six (6) prescriptions for Dilaudid, a Schedule II controlled dangerous drug, for a total of 180 dosage units, sixteen (16) prescriptions for Hydrocodone, a Schedule III controlled dangerous drugs for a total of 1920 dosage units, and thirty-three (33) prescriptions for Soma and Xanax, Schedule IV controlled dangerous drugs, for a total of 3270 dosage units, for an average of **8.19 dosage units per day of controlled dangerous drugs**. Defendant's chart on this patient reveals that he did not establish a legitimate medical need for the medications, and that he did not maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient. Defendant's chart reflects inadequate documentation of office visits, in that the progress notes are undated with the only note by the doctor being his signature.

5. From June 11, 2003 until November 29, 2004, Defendant wrote or authorized thirty-eight (38) prescriptions for controlled dangerous drugs to Patient ELW for alleged neck pain and anxiety. These prescriptions include nineteen (19) prescriptions for Hydrocodone, a Schedule III controlled dangerous drug, for 2250 dosage units, and nineteen (19) prescriptions for Soma and Valium, Schedule IV controlled dangerous drugs, for 2100 dosage units, for an average of **8.10 dosage units per day of controlled dangerous drugs**. On or about July 9, 2003, Defendant was advised by a pharmacist that Patient ELW was "drug shopping". Defendant did not address this with the patient and nevertheless continued to prescribe controlled dangerous drugs to Patient ELW. Additionally, Defendant's office visit notes were often undated and inadequately documented. Defendant's chart on this patient reveals that he did not establish a legitimate medical need for the medications, and that he did not maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

6. From July 1, 2004 until December 14, 2004, Defendant wrote or authorized thirteen (13) prescriptions for controlled dangerous drugs to Patient HAW for alleged headaches and anxiety. These prescriptions include four (4) prescriptions Hydrocodone, a Schedule III controlled dangerous drug, for 480 dosage units, and nine (9) prescriptions for Soma and Xanax, Schedule IV controlled dangerous drugs, for 840 dosage units, for an average of **7.95 dosage units per day of controlled dangerous drugs**. Defendant's chart on this patient reveals that he did not establish a legitimate medical need for the medications, and that he did not maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

7. From June 22, 2004 until December 14, 2004, Defendant wrote or authorized twelve (12) prescriptions for controlled dangerous drugs to Patient SMW for alleged anxiety. These prescriptions include four (4) prescriptions for Hydrocodone, a Schedule III controlled dangerous drug, for 480 dosage units, and eight (8) prescriptions for Xanax, a Schedule IV controlled dangerous drugs, for 930 dosage units, for an average of **6.91 dosage units per day of controlled dangerous drugs**. Defendant's chart on this patient reveals that he did not establish a legitimate medical need for the medications, and that he did not maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

Defendant's chart reflects that prescribing the controlled dangerous drugs was the only treatment Defendant provided.

8. From June 26, 2002 until November 27, 2004, Defendant wrote or authorized sixty-five (65) prescriptions for controlled dangerous drugs to Patient THW for alleged back pain. These prescriptions include fifteen (15) prescriptions for Meperidine, Methadone, Oxycodone, Actiq, Schedule II controlled dangerous drugs, for 1155 dosage units, eleven (11) prescriptions for Hydrocodone and Phendimetrazine, Schedule III controlled dangerous drugs, for 1170 dosage units, and thirty-nine (39) prescriptions for Ambien, Soma, Klonopin, Restoril, Xanax, Phentermine, Temazepam and Darvocet, Schedule IV controlled dangerous drugs, for 3514 dosage units, for an average of **6.60 dosage units per day of controlled dangerous drugs**. Defendant's chart on this patient reveals that he did not establish a legitimate medical need for the medications, that he did not document any discussion of the safety, risks and cautions associated with Methadone use, and that he did not maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient.

9. From November 6, 2003 until September 27, 2004, Defendant wrote or authorized twelve (12) prescriptions for Xanax, a Schedule IV controlled dangerous drugs to Patient TDW for alleged anxiety. Defendant's chart on this patient reveals that he did not establish a legitimate medical need for the medications, and that he did not maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient. Defendant's chart reflects multiple visits with inadequate documentation of the office visits. Defendant's chart reflects inadequate documentation of office visits, in that the office visit notes are often undated with the Defendant's signature being his only note on the progress notes.

10. From January 21, 2004 until December 2, 2004, Defendant wrote or authorized twelve (12) prescriptions for Methadone, a Schedule II controlled dangerous drug and three (3) prescriptions for Ambien and Soma, Schedule IV controlled dangerous drugs to Patient RWW for alleged lower back pain. Defendant's chart on this patient reveals that he did not establish a legitimate medical need for the medications, that he did not document any discussion of the safety, risks and cautions associated with methadone use, and that he did not maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient. In many of the progress notes, the only note by the Defendant is his signature.

11. From May 19, 2004 until August 23, 2004, Defendant wrote or authorized prescriptions for Phentermine, a Schedule IV controlled dangerous drug to Patient GBW for obesity. Defendant's chart on this patient reveals that he failed to perform a complete physical examination on this patient prior to prescribing the controlled dangerous drugs, that he failed to obtain a full history of the patient, that he did not establish a legitimate medical need for the medications, and that he did not maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient. Defendant's chart reflects inadequate documentation of office visits, and in many of the progress notes, the only note by the Defendant is his signature.

12. On or about December 27, 2004, Defendant was advised by letter by the Oklahoma State Bureau of Narcotics and Dangerous Drugs that his holding of a narcotics registration constituted an imminent danger to the public health, safety and welfare and that his narcotics registration was immediately suspended pending a hearing. The suspension was based upon a finding that Defendant left signed prescription forms with employees, his employees were diverting controlled dangerous substances, he had a convicted felon working in his office and there was evidence of excessive prescribing of controlled dangerous substances.

13. On or about January 7, 2005, the Oklahoma State Bureau of Narcotics and Dangerous Drugs held a hearing on the continued immediate suspension of Defendant's narcotics registration. At the hearing, the hearing officer found that the allegations in the imminent danger letter were substantiated by clear and convincing evidence and that the imminent danger suspension was proper and should remain in effect. Defendant subsequently surrendered his state narcotics registration.

14. On or about January 13, 2005, Defendant executed a Voluntary Surrender of Controlled Substances Privileges whereby he surrendered his federal narcotics registration to the United States Drug Enforcement Agency.

15. Defendant is guilty of unprofessional conduct in that he:

- 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. 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) and OAC 435:10-7-4(39).
- 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) and OAC 435:10-7-4(41).
- D. 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).
- E. 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).

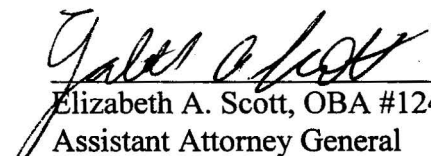
- F. Engaged in the indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs in violation of OAC 435:10-7-4(1).
- G. Prescribed, dispensed or administered controlled substances or narcotic drugs in excess of the amount considered good medical practice or prescribed, 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).

***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 and surgeon 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 and surgeon in the State of Oklahoma.

Dated this 26<sup>th</sup> day of August, 2005 at 10:33 a.m.

Respectfully submitted,

  
Elizabeth A. Scott, OBA #12470  
Assistant Attorney General  
State of Oklahoma  
5104 N. Francis, Suite C  
Oklahoma City, OK 73118

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