

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

FILED

MAR 09 2006

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

Plaintiff)

v.)

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

Defendant.)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 04-12-2919

VOLUNTARY SUBMITTAL TO JURISDICTION

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 for the State of Oklahoma and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, John Morrie Hill, Jr., M.D., Oklahoma license no. 7324, who appears in person and through counsel, John Mack Butler, offer this Agreement effective March 9, 2006 for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on August 26, 2005, and further acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

Defendant, John Morrie Hill, Jr., M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with him and his legal counsel.

PARTIES' AGREEMENT AND STIPULATIONS

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

Findings of Fact

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, Jr., 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 document a legitimate medical need for the medications, and that he did not document 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 document a legitimate medical need for the medications, and that he did not document 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 document a legitimate medical need for the medications, and that he did not document 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 document a legitimate medical need for the medications, and that he did not document 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 document a legitimate medical need for the medications, and that he did not document 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 document 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 document 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 document a legitimate medical need for the medications, and that he did not document 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 document 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 document 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 document performing a complete physical examination on this patient prior to prescribing the controlled dangerous drugs, that he failed to document obtaining a full history of the patient, that he did not document a legitimate medical need for the medications, and that he did not document 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).

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. Based on the foregoing facts, Defendant, John Morrie Hill, Jr., Oklahoma license 7324, is guilty of the unprofessional conduct set forth below:

- 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).

Order

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

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.

2. The license of Defendant, John Morrie Hill, M.D., Oklahoma license no. 7324, is hereby **SUSPENDED** for a period of thirty (30) days beginning March 9, 2006 and continuing until April 8, 2006.

3. At the conclusion of the term of suspension, Defendant shall be placed on **PROBATION** for a period of three (3) years under the following terms and conditions:

A. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act shall be submitted in writing to the Board and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Oklahoma State Board of Medical Licensure and Supervision.

B. Upon request of the Board Secretary, Defendant will request all hospitals in which he anticipates practicing to furnish to the Board Secretary of the Oklahoma State Board of Medical Licensure and Supervision a written statement regarding monitoring of his practice while performing services in or to that hospital.

C. Defendant will furnish to each and every state in which he holds licensure or applies for licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.

D. Defendant will not supervise allied health professionals that require surveillance of a licensed physician.

E. During the first year of probation, Defendant shall complete ten (10) hours continuing medical education in the area of documentation in medical charts, to be approved in advance by the Board Secretary.

F. Defendant will not prescribe, administer, dispense or possess any controlled dangerous drugs.

G. A retrospective random chart review of Defendant's patients may be conducted periodically by the Compliance Consultant or other designated representative of the Board. Defendant shall allow the Compliance Consultant or other designated representative of the Board access to all patient charts at any time and shall allow for the immediate copying of said charts for review by the Board Secretary.

H. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of his current address.

I. Defendant will keep current payment of all assessments by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of his case, which shall include but is not limited to a one hundred dollar (\$100.00) per month fee during the term of probation, unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.

J. Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

K. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.

L. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or designee.

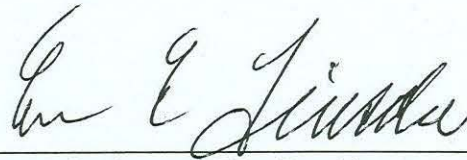
M. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to

suspend, revoke or modify Defendant's license after due notice and hearing.

4. Defendant's suspension will be lifted, and his license will be reinstated only upon payment in full of all costs and expenses incurred by the State of Oklahoma prior to March 10, 2006.

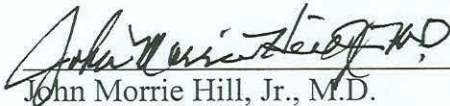
5. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

Dated this 9th day of March, 2006.



Dianne Gasbarra, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision


AGREED AND APPROVED:



John Morrie Hill, Jr., M.D.
License No. 7324



Gerald C. Zumwalt, M.D.
Secretary and Medical Advisor to the
Board



John Mack Butler
2530 E. 71 Street, Suite L
Tulsa, OK 74136



Elizabeth A. Scott, OBA #12470

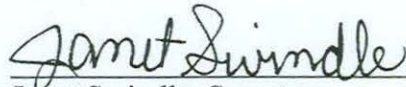
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Attorney for Defendant,
John Morrie Hill, Jr., M.D.

Attorney for the Oklahoma State Board
of Medical Licensure and Supervision

CERTIFICATE OF MAILING

I certify that on the 10 day of March, 2006, I mailed a true and correct copy of the Voluntary Submittal to Jurisdiction to John M. Hill, MD at PO Box 848, McAlester, Oklahoma 74502 and John Mack Butler, 2530 E. 17 Street, Suite L, Tulsa, Oklahoma 74136.



Janet Swindle, Secretary