

IN AND BEFORE THE 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,)
v.)
JOHN THOMAS FORSYTHE, M.D.)
Medical License No. 7562,)
Defendant.)

JAN 27 1988

STATE BOARD OF
MEDICAL EXAMINERS

CASE NO. 86-11-448

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision en banc on the 23rd day of January, 1988, at the office of the Oklahoma State Medical Association, 601 NW Expressway, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff, and John Thomas Forsythe, M.D., Defendant, appeared in person and by counsel, David O. Harris and Laurie Fulbright.

The Board of Medical Licensure and Supervision en banc heard the testimony and reviewed exhibits and being fully advised in the premises, the Board of Medical Licensure and Supervision therefore finds as follows:

FINDINGS OF FACT

1. That Defendant, John Thomas Forsythe, M.D., holds Oklahoma Medical License No. 7562.
2. That the Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.
3. That the Board finds that the allegations of the complaint as set forth below contain adequate evidence for disciplinary action against the Defendant.
4. That on or around August 25, 1987, the Defendant did write a prescription for patient C.L. Ward for three 1-ml vials of Demerol and sent an employee to fill the prescription on that day at Couch Pharmacy, 2602 S. Harvard, Tulsa, Oklahoma. That the Defendant's records revealed that one of the 1-ml vials of Demerol was administered to the patient. Defendant does not have a record of the disposition of the other two 1-ml vials of Demerol.
5. That on or around December 4, 1986, May 5, 1987, and August 4, 1987, the Defendant did write a prescription for 30 cc-Demerol 50 mg/cc for one Colleen Lindquist and caused the prescriptions to be filled at the Doctors Professional Pharmacy, 2325 S. Harvard, Tulsa, Oklahoma, and that said medication was never given to Colleen Lindquist nor used for her physical condition.
6. That on or around December 4, 1987, an agent of the Oklahoma Board of Medical Licensure and Supervision served a Subpoena Duces Tecum on the Defendant for medical records of 20 of Defendant's patients who received prescriptions for controlled dangerous substances. Defendant could not produce any medical

records on the following seven patients and Defendant admitted that he did not maintain records on those patients, to-wit:

Stacey Lindquist, who received numerous prescriptions for injectable Demerol.

Tammy Powers, who received two prescriptions for Demerol.

Shirley Forsythe, who received three prescriptions for Placidyl.

Bob Fuerer, who received two prescriptions for 20 ml Sufenta.

Sue Wilkerson, who received prescriptions for Darvon Compound 65, Halcion 0.5, and Empirin #3.

Tink Wilkerson, who received prescriptions for Valium 5mg, Halcion 0.5 mg, and refills.

Colleen Lindquist, who received three prescriptions for injectable Demerol.

7. That from June 4, 1987, through September 28, 1987, Defendant wrote at least six prescriptions for Demerol to Stacey Lindquist at the same time that Ms. Lindquist was addicted to Demerol, pot, morphine, alcohol, Stadol, cocaine and Thorazine.

8. That from October 1, 1986, through October 12, 1987, a total of approximately 54 weeks, the Defendant did write approximately 57 prescriptions for controlled dangerous substances and the Defendant did not have certification required by law from the Drug Enforcement Administration (DEA) of the United States Department of Justice.

9. That prescriptions for controlled dangerous substances the Defendant wrote from June 24, 1986, through October 30, 1987, were in excess of the amount considered good medical practice or without medical need in accordance with published standards.

CONCLUSIONS OF LAW

1. That John Thomas Forsythe, M.D., holding Oklahoma Medical License No. 7562, is in violation of the Oklahoma Medical Practice Act, 59 O.S. Supp. 1987, Sec. 509, Paragraphs 11, 12, 13 and 17, to-wit:

"11. Failure to keep complete and accurate records of purchase and disposal of controlled drugs or of narcotic drugs."

"12. The writing of false or fictitious prescriptions for any drugs or narcotics declared by the laws of Oklahoma to be controlled or narcotic drugs."

"13. Prescribe or administer a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship."

"17. Prescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice or prescribing, dispensing or administering controlled substances or narcotic drugs without medical need in accordance with published standards."

2. That John Thomas Forsythe, M.D., is in violation of the Rules and Regulations promulgated by the this Board, specifically Section IX, Rules 1, 2 and 6, to-wit:

"Rule 1: Indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs."

"Rule 2: Prescribing, dispensing or administering of controlled or narcotic drugs in excess of the amount considered good medical practice."

Rule 6: Dispensing, prescribing or administering a controlled substance or narcotic drug without medical need."

ORDER

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

1. That the Defendant, John Thomas Forsythe, M.D., Oklahoma Medical License No. 7562, will be and is hereby placed on a term of suspension of his license as a physician and surgeon for a period of ninety (90) days beginning on the 1st day of February, 1988, and further that from the date of January 23, 1988, until beginning of probation on ~~February 1, 1988~~ ^{March 1, 1988}, Defendant shall not prescribe, administer or dispense any Schedule II controlled dangerous substances.

2. That the Defendant, John Thomas Forsythe, M.D., Oklahoma Medical License No. 7562, will be and is hereby placed on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years, beginning May 1, 1988, under the following terms and conditions:

- (a) Defendant will not prescribe, administer or dispense any Schedule II drug, substance or pharmaceutical agent.
- (b) During the period of probation Defendant may prescribe Schedules III, IV, and V controlled dangerous substances only on serially-numbered, duplicate prescription pads and shall make the copies available to Investigators of the Oklahoma State Board of Medical Licensure and Supervision at their request.
- (c) During the period of probation Defendant will substantially reduce the number of controlled dangerous substance prescriptions being written.
- (d) During the period of probation Defendant will significantly reduce the duration of time that patients are retained on controlled dangerous substances prescribed.
- (e) Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.
- (f) Defendant shall appear before the Board en banc or a designated member thereof whenever requested to do so.
- (g) During the period of probation Defendant will submit to the Investigative Division of the Oklahoma State Board of Medical


Licensure and Supervision any required reports and forms on a timely and prompt basis.

- (h) Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay upon receipt of invoice from the Investigative Division of the Board the costs of investigation, prosecution and probation of this case.
- (i) That violation of any the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.
- (j) That Defendant, with any counsel or office staff he desires, will meet with inspector D.C. Mosshart in order to review office practices and activities that may expose the Defendant to other sanctions for unlawful conduct.

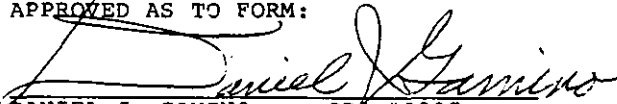
3. That the jurisdiction of the Board in this individual proceeding will continue in this matter until the terms and conditions of probation are modified or lifted by the Oklahoma State Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

4. The Board further orders that failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma Medical License, after additional due notice and hearing.

DATED this 27th day of January, 1988.


MARK R. JOHNSON, M.D., Secretary
State Board of Medical Licensure
and Supervision

APPROVED AS TO FORM:


DANIEL J. GAMINO OBA #3227
Daniel J. Gamino & Associates, P.C.
3315 NW 63
Oklahoma City, OK 73116
(405) 840-3741
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 4 day of February, 1988, to:

John Thomas Forsythe, M.D.
c/o David O. Harris
Attorney at Law
5561 South Lewis, Suite 200
Tulsa, OK 74106

