

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

STATE OF OKLAHOMA

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

Plaintiff

PAUL DEAN PATZKOWSKY, M.D.
Medical License No. 7588,

CASE NO 90-02-1019

Defendant.

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on October 26, 1990, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, 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 Paul Dean Patzkowsky, M.D., Defendant, appeared in person, pro se, waived his right to counsel, and announced ready to proceed.

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

FINDINGS OF FACT

1. That Defendant, Paul Dean Patzkowsky, M.D., holds Oklahoma Medical License No. 7588.

2. That the Oklahoma 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 a prescription survey and review of the patient charts conducted in reference to this investigation reveal that patient B.H. received approximately 13 prescriptions for 780 dosage units of Controlled Dangerous Substances, to include Tylenol #4, Vicodin, Darvocet N-100, Zydone, and Lortab 7.5mg., from January 10, 1990, to April 9, 1990, for an average of 8.76 dosage units per day.

4. That on or around March 18, 1985, patient K.F. appeared for treatment by the Defendant, wanting to lose 15-20 pounds and that in the next several years she was given numerous prescriptions for T-Diet, Tenuate Dospan, Halcion, Didrex, Dalmane 30mg., Adipost, Tepanil, and Anorex, and that despite such treatment her weight increased from 134-1/2 pounds to 163 pounds.

5. That from approximately March 29, 1988, to February 15, 1989, the patient K.F. did not see the Defendant but obtained approximately eight prescriptions and refills for 90 T-Diet, 300 Didrex, and 90 Ionamin without any physical examination or evaluation by the Defendant or anyone on his staff.

6. That the Defendant's charts on patient K.F. indicate inconsistent treatment in that on or around March 21, 1985, it was noted that patient K.F. could not tolerate T-Diet yet she was prescribed that agent again on or around April 15, 1988. And further on or around October 4, 1988, the chart reflects that Didrex was not helping, yet the Defendant prescribed it again for patient K.F. on March 14, 1989.

7. That a prescription survey conducted in reference to certain schedule drugs reveals that patient K.F. received approximately ten prescriptions for 650 dosage units of Controlled Dangerous Substances to include Dalmane, Didrex and Halcion from November 9, 1989, to February 5, 1990, for an average of 7.22 dosage units per day.

8. That Defendant saw patient D.W. since February 16, 1984, for various subjective symptoms and prescribed for that patient large amounts of T-Diet, T-Gesic, Xanax 1mg., Ionamin 30, Tranxene 7.5mg., Halcion .25mg., Fastin 30mg., Talwin MX, Adipex-P, or the generic equivalents thereof.

9. That from approximately November 6, 1989, to April 2, 1990, patient D.W. did not see the Defendant, was not examined by him, yet got prescriptions and refills for 500 Xanax, 300 Adipex-P, and 60 Halcion, for an average of 5.81 dosage units per day of Controlled Dangerous Substances without seeing the physician or being examined by him or any member of the staff.

10. That a prescription survey reveals that patient D.W. received approximately 13 prescriptions for 775 dosage units of Controlled Dangerous Substances from October 5, 1989, to January 29, 1990, for an average of 6.62 dosage units per day.

11. That patient R.S. appeared to the Defendant on or around June 22, 1988, wanting to lose weight and weighed approximately 296 pounds and that after taking several prescriptions of Meprobamate and Plegine that by August 4, 1989, patient R.S.'s weight had reduced only to 280 pounds.

12. That a prescription survey reveals that patient R.S. received approximately ten prescriptions for 1,000 dosage units of Controlled Dangerous Substances to include Meprobamate 400mg. and Plegine 35mg., from October 7, 1989, to February 12, 1990, for an average of 7.75 dosage units per day.

13. That patient L.B. weighed 185 pounds on or around March 11, 1989, and did not see the Defendant again until December 1, 1989, when she weighed 200 pounds, but that without seeing the Defendant the patient L.B. obtained at least 31 prescriptions or refills for 600 Didrex and 1,380 dosage units of Talwin NX, Limbitrol DS, Halcion 0.25mg., and Valium 10mg., without examination by the Defendant or anyone on his staff, for an average of 8.94 dosage units per day.

14. That a prescription survey reveals that patient L.B. received approximately ten prescriptions for 610 dosage units of Halcion .25mg., Valium 10mg., Limbitrol, Limbitrol DS, Didrex, and Lortab 7, from October 31, 1989, to February 2, 1990, for an average of 6.42 dosage units per day.

15. That from approximately December 1, 1989, to February 15, 1990, Defendant did not see the patient L.B., but that patient L.B. received prescriptions for 300 Didrex, 300 Valium 10mg., 180 Lortab 7.5mg., 90 Limbitrol and 60 Halcion, without examination by the Defendant or anyone on his staff, for an average of 12.47 dosage units per day.

16. That from approximately May 11, 1989, to February 15, 1990, patient L.B. received from the Defendant a total of at least 2,740 dosage units of Controlled Dangerous Substances for an average of 9.93 dosage units per day.

17. That since 1979 Defendant has seen patient M.G. and maintained said patient on a regimen of Eskatrol and Biphedamine 20mg., and continually increased dosages thereof when there was no evidence of narcolepsy or any other illness. That many of patient M.G.'s visits were admittedly simply to obtain refills of Controlled Dangerous Substances.

18. That Defendant put patient M.G. ultimately on 100 Biphedamine every 50 days, and then Defendant failed to abide by the schedule that Defendant set up.

CONCLUSIONS OF LAW

1. That Paul Dean Patzkowsky, M.D., holding Oklahoma Medical License No. 7588, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 509, Paragraphs 13 and 17, to-wit:

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

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 Paul Dean Patzkowsky, M.D., is in violation of the Rules and Regulations promulgated by this Board, specifically Section X, 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, Paul Dean Patzkowsky, M.D., holding Oklahoma Medical License No. 7588, should be and is hereby placed on a term of probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of three (3) years beginning on October 26, 1990, under the following terms and conditions:

(a) During the period of probation Defendant may prescribe controlled dangerous substances only on serially-numbered, duplicate prescription pads and shall make the copies available to the investigators of the Oklahoma State Board of Medical Licensure and Supervision at their request, to include all dispensing records on CDS to include sample medication.

(b) During the period of probation Defendant will abstain from consuming alcohol or any substance, specifically including but not

limited to controlled dangerous substances, which would adversely affect his ability to practice medicine and surgery as interpreted by the Oklahoma State Board of Medical Licensure and Supervision.

- c During the period of probation Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of any investigator or other agent representing the Oklahoma State Board of Medical Licensure and Supervision, and Defendant will pay for testing and analysis of those specimens and fluids will be collected on the basis of a Level II probation.
- (d) No person in the Defendant's office shall be allowed to authorize prescription refills except the Defendant in person.
- (e) That Defendant shall present evidence of successful completion of twenty (20) hours of continuing medical education on proper prescription writing or an equivalent amount of counseling by staff of the Oklahoma Board of Medical Licensure and Supervision within two (2) years of October 26, 1990.

During the period of probation Defendant will submit to the Investigation Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.

- (a) During the period of probation 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.
- (h) Defendant shall appear before the Board or a designated member thereof whenever requested to do so.
- (i) Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay upon receipt of invoice from the Investigation Division of the Board the costs of investigation, prosecution and probation of this case.
- (j) During the period of probation Defendant shall notify any hospital where he holds staff privileges, or clinic, or group where he practices, of the terms and conditions of this Board Order and supply a copy thereof.
- (k) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.

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

3. The Defendant further agrees 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 1st day of November, 1990

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

APPROVED AS TO FORM:

Daniel J. Gamino
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 2 day of November, 1990, to:

PAUL DEAN PATZKOWSKY, M.D.
2915 Pine Ridge Rd.
Oklahoma City, OK 73120

Janet Owens

I do hereby certify that the above and foregoing is a true copy of the original
Final Order
now on file in my office.
Witness my hand and Official Seal of the Oklahoma State Board of Medical Licensure and Supervision this 2 day of Nov., 1990
Janet Owens