

IN AND BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,
STATE BOARD OF MEDICAL)
EXAMINERS,)

Plaintiff

v.

DAVID E. RUTLEDGE, M.D.,
Medical License No. 7726

Defendant

COMPLAINT

COMES NOW D.C. Mosshart, Inspector for the Oklahoma Board of Medical Examiners, being first duly sworn upon oath and states:

1. That David E. Rutledge, M.D., holding Oklahoma Medical License No. 7726, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, §509, Paragraphs 8 and 17, to-wit:

"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."

"Conviction or confession of a crime involving the violation of the anti-narcotic or prohibition laws and regulations of the federal government or the Board of Health laws and regulations of the State of Oklahoma."

2. That David E. Rutledge, M.D., is in violation of the rules and regulations promulgated by 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."

3. That a prescription survey conducted in reference to certain scheduled drugs reveals that the Defendant's spouse, N.R., received between January 5, 1985, to February 26, 1986, and between March 12, 1986, to August 29, 1986, a total of 589 days,

controlled dangerous substances by prescription from the Defendant (Biphedamine 20, Percodan, T-Gesic, Tussionex Susp., Valium 5mg., Xanax 5mg., Xanax lmg., Donnagel-PG Susp.). Total dosage units of 3,820 for an average of 6.48 dosage units per day and liquid in the amount of 1,496 ML for an average of 2.53 ML per day, and in addition prescriptions from the Defendant transacted at the Conrad-Mar Pharmacy on the following dates and drugs:

<u>Date</u>	<u>Prescription</u>
3/12/86	50 Biphedamine 20mg.
4/26/86	50 Biphedamine 20mg.
6/6/86	50 Biphedamine 20 mg
9/15/86	12 Percodan
9/29/86	100 Xanax lmg.
9/29/86	60 Dexedrine

And in addition received from the Defendant by prescriptions transacted at Eckard Drug #858 the following:

<u>Date</u>	<u>Prescription</u>
7/3/85	100 Xanax 0.5mg
7/15/85	50 Valium 5mg.
8/30/85	24 Percodan

4. That a prescription survey conducted in reference to certain scheduled drugs reveals that patient L.R., Defendant's daughter, received between the dates of April 16, 1986, to August 22, 1986, a period of 129 days, total dosage units by prescription from the Defendant of 210 dosage units of Biphedamine and Percodan for an average dosage unit per day of 1.63.

5. That the prescription survey reveals that patient R.C. received 47 prescriptions for a total of 1,692 dosage units of Schedule II, III, and IV substances from March 21, 1986, through August 8, 1986, which is an average of 9.84 dosage units per day.

6. That the prescription survey reveals that patient G.L. received 14 prescriptions for a total of 1,550 dosage units of Schedule II, IV, and V substances from the Defendant from March 10, 1986, through August 25, 1986, a period of 169 days, for an average of 7.75 dosage units per day.

7. That the prescription survey reveals that patient S.B. received 13 prescriptions from the Defendant for controlled

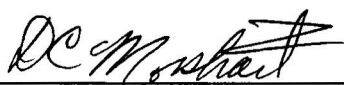
dangerous substances of T-Gesic and Tranxene 7.5mg. from March 3, 1986, through September 3, 1986, a period of 185 days, for a total of 940 dosage units at an average of 5.08 dosage units per day.

8. That patient records reveal that scheduled drugs were being prescribed in excess of the amount considered for the medical need presented.


9. That between February 4, 1986, and September 15, 1986, the Defendant did prepare and sign 14 prescriptions for injectable Valium 5mg/cc and injectable Stadol 2mg/cc and the prescriptions carried the wording "for office use" and were transacted at Don's Pharmacy, 6801 NW 39th Expressway, Bethany, Oklahoma, and that such conduct is contrary to rules and regulations enacted by the Oklahoma Bureau of Narcotics and Dangerous Drugs, to-wit:

"A prescription may not be issued in order for a registered or otherwise authorized individual physician to obtain controlled dangerous substances to stock or resupply his offices or medical bag for the purpose of general dispensing to patients."

WHEREFORE, Complainant prays this Board to conduct a hearing and upon proof of the allegations contained herein that such disciplinary action be taken by the Board as is authorized by law.


D.C. MOSSHART, Inspector
State Board of Medical Examiners

Subscribed and sworn to before me this 12th day of December, 1986.


Notary Public

My Commission expires:
10-3-90