

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.)

FINAL ORDER

This cause comes on for hearing before the Oklahoma Board of Medical Examiners en banc on January 17, 1987, at 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 the Defendant appeared in person, pro se, and waived his right to representation by counsel and announced he was ready to proceed.

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

FINDINGS OF FACT

1. That David E. Rutledge, M.D., holds Oklahoma Medical License No. 7726.

2. That the Board of Medical Examiners en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by the law and the rules of the Board.

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 (Biphetamine 20, Percodan, T-Gesic, Tussionex Susp., Valium 5mg., Xanax 5mg., Xanax 1mg., 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 Biphetamine 20mg.
4/26/86	50 Biphetamine 20mg.
6/6/86	50 Biphetamine 20mg.
9/15/86	12 Percodan
9/29/86	100 Xanax 1mg.
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."

CONCLUSIONS OF LAW

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."

ORDER

IT IS THEREFORE ORDERED by the Board of Medical Examiners of Oklahoma as follows:

1. That the Defendant, David E. Rutledge, M.D., License No. 7726, be and is hereby placed on probation to the Oklahoma State Board of Medical Examiners for a period of three (3) years beginning on January 17, 1987, under the following terms and conditions:

(a) During the period of probation Dr. Rutledge will keep duplicate, serially-numbered prescriptions for all controlled dangerous substances prescribed and shall make such records available to any investigator for the Oklahoma State Board of Medical Examiners, and Dr. Rutledge will reduce his numbers and amounts of controlled dangerous substances prescribed to patients.

(b) During the period of probation Dr. Rutledge will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis upon the request of any investigator or other agent representing the Oklahoma State Board of Medical Examiners, at Defendant's expense.

(c) During the period of probation Dr. Rutledge will furnish to the office of the State Board of Medical Examiners all current legal addresses and any change of address in writing.

(d) That Dr. Rutledge shall appear before this Board or designated member thereof whenever requested to do so, and prepare any reports as required.

(e) 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 Dr. Rutledge.

(f) That Dr. Rutledge shall not prescribe, administer or dispense any Schedule II controlled dangerous substances to his wife or daughter, or other member of his immediate family.

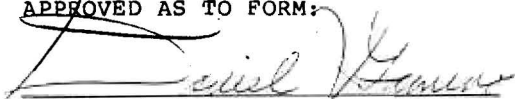
2. That Defendant has the affirmative duty to notify any of his treating physicians that his license is under probation to the Oklahoma Board of Medical Examiners.

DATED this 5th day of ~~January~~ ^{FEBRUARY}, 1987.



MARK R. JOHNSON, M.D., Secretary
State Board of Medical Examiners

APPROVED AS TO FORM:



DANIEL J. GAMINO
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 on the _____ day of _____, 1987, I deposited in the U.S. Mails, postage prepaid, a true and correct copy of the above and foregoing Final Order addressed to:

David E. Rutledge, M.D.
650 Mustang Road
Yukon, OK
