

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

FILED

MAR 13 2008

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

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff )

v. )

Case No. 07-01-3229

PAUL EDMONDS, M.D., )  
LICENSE NO. 7819, )

Defendant. )

**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, Paul Edmonds, M.D., Oklahoma license no. 7819, who appears in person and through counsel, J. Ted Bonham, offer this Agreement 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 October 19, 2007, 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, Paul Edmonds, 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, Paul Edmonds, M.D., holds Oklahoma license no. 7819. During the time at issue, Defendant practiced as an Obstetrician/Gynecologist in Midwest City, Oklahoma.
3. In or around April 2006, Defendant agreed to act as a consultant for Sherry Ross, a registered pharmacist and owner of the Alpha Wellness Center located at Sherry's Discount Drug in Edmond, Oklahoma. As a consultant, he agreed to review screening tests obtained at the pharmacy, consultations between the individuals and Ms. Ross, and recommendations made by Ms. Ross, owner of Sherry's Discount Drug. If he agreed with her recommendations, he often prescribed both prescription and over the counter medications for hormone replacement therapy. He admits that he might approve these prescriptions for a one (1) month supply of medications, on the condition that the patient would obtain all prior medical records and set an appointment for a physical examination with him before any refills would be authorized. Defendant only kept records in his office on the patients he personally examined.
4. On or about December 20, 2005, Defendant began treating Patient JAM, an employee of Sherry's Discount Drug. Defendant's treatment consisted of issuing three (3) prescriptions: Promethazine and Flumist on December 20, 2005 and Zyrtec on March 15, 2006. The prescriptions were filled at Sherry's Discount Drug. Defendant did not maintain a patient chart on Patient JAM, nor did he examine the patient prior to prescribing these medications and thus, did not establish a legitimate medical need for this medication, did not perform an adequate physical examination, and did not maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient. Sherry's Discount Drug kept the only record of this treatment. Pharmacy records reflect that Sherry's Discount Drug filled several other prescriptions for Patient JAM in Defendant's name but without his signature or consent.
5. On or about January 6, 2006, Defendant treated Patient JSM by issuing three (3) prescriptions: Progesterone 5% cream, Tri-est/Progesterone and Testosterone 2% cream, a Schedule III controlled dangerous substance. The prescriptions were filled at Sherry's Discount Drug. Defendant did not maintain a patient chart on Patient JSM, nor did he examine the patient prior to prescribing these medications and thus, did not establish a legitimate medical need for this medication, did not perform an adequate physical examination, and did not maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient. Sherry's Discount Drug kept the only record of this treatment.

Pharmacy records reflect that Sherry's Discount Drug filled two (2) additional prescriptions for Patient JSM in Defendant's name but without his signature or consent.

6. On or about April 22, 2006, Defendant began treating Patient JLM. Defendant's treatment consisted of issuing three (3) prescriptions: Testosterone 2.5% cream, a Schedule III controlled dangerous substance, and L-tryptophan on April 22, 2006, T3/T4 on May 22, 2006. The prescriptions were filled at Sherry's Discount Drug. Brenda Kiepke, Administrative Assistant at Sherry's Discount Drug, authorized a refill of the T3/T4 prescription on July 14, 2006. Defendant did not maintain a patient chart on Patient JLM, nor did he examine the patient prior to prescribing these medications and thus, did not establish a legitimate medical need for this medication, did not perform an adequate physical examination, and did not maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient. The only record of this treatment was kept at Sherry's Discount Drug. Pharmacy records reflect that Sherry's Discount Drug filled six (6) additional prescriptions for Patient JLM in Defendant's name but without his signature or consent.

7. On or about August 2, 2005, Defendant treated Patient MMM by issuing four (4) prescriptions: Progesterone 5% cream, T3/T4, Testosterone 2% cream, a Schedule III controlled dangerous substance, and Progesterone 200 mg. ER. The prescriptions were filled at Sherry's Discount Drug. Defendant did not maintain a patient chart on Patient MMM, nor did he examine the patient prior to prescribing these medications and thus, did not establish a legitimate medical need for this medication, did not perform an adequate physical examination, and did not maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient. The only record of this treatment was kept at Sherry's Discount Drug. Pharmacy records reflect that Sherry's Discount Drug filled twenty-eight (28) additional prescriptions for Patient MMM in Defendant's name but without his signature or consent.

8. On or about October 9, 2006, Defendant treated Patient SAM by issuing five (5) prescriptions: DHEA, Estriol, T3/T4, Testosterone 2% cream, a Schedule III controlled dangerous substance, and Melatonin. Brenda Kiepke, Administrative Assistant at Sherry's Discount Drug, authorized a refill of Estriol on November 2, 2006 and Defendant refilled the Estriol on December 4, 2006. The prescriptions were filled at Sherry's Discount Drug. Defendant did not maintain a patient chart on Patient SAM, nor did he examine the patient prior to prescribing these medications and thus, did not establish a legitimate medical need for this medication, did not perform an adequate physical examination, and did not maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient. The only record of this treatment was kept at Sherry's Discount Drug.

9. On or about October 27, 2006, Defendant treated Patient SPM by issuing five (5) prescriptions: DHEA, Tri-est/melatonin, T3/T4, Testosterone 2% cream, a Schedule III controlled dangerous substance, and Progesterone cream. Brenda Kiepke, Administrative Assistant at Sherry's Discount Drug, authorized refills for each of these medications on November 12, 2006, and Defendant authorized refills on January 4, 2007. The prescriptions were filled at Sherry's Discount Drug. Defendant did not maintain a patient chart on Patient SPM, nor did he examine the patient prior to prescribing these medications and thus, did not

establish a legitimate medical need for this medication, did not perform an adequate physical examination, and did not maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient. The only record of this treatment was kept at Sherry's Discount Drug.

10. Pharmacy records maintained at Sherry's Discount Drug reflect that from January 5, 2005 through December 15, 2006, Sherry's Discount Drug filled thirty (30) prescriptions to its owner, Sherry Ross, in Defendant's name but without his signature or consent. Defendant admits that he has never treated Ms. Ross nor written or authorized any prescriptions for her.

11. Defendant is guilty of unprofessional conduct in that he:

A. Engaged in dishonorable ... 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. Prescribed a drug without sufficient examination and establishment of a valid physician patient relationship in violation of 59 O.S. §509(12).

D. 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 435:10-7-4(41).

E. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

F. Prescribed, dispensed or administered a controlled substance or narcotic drugs in excess of the amount considered good medical practice, or prescribed, dispensed or administered controlled substances or narcotic drugs without medical need in accordance with published standards in violation of 59 O.S. 509(16).

G. Engaged in the indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs in violation of OAC 435:10-7-4(1).

H. Prescribed, dispensed or administered controlled substances or narcotic drugs in excess of the amount considered good medical practice or prescribed, dispensed or administered controlled substances or narcotic drugs without medical need in accordance with published standard in violation of OAC 435:10-7-4(2) and (6).

### *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, Paul Edmonds, Oklahoma license 7819, is guilty of the unprofessional conduct set forth below:

A. Engaged in dishonorable ... 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. Prescribed a drug without sufficient examination and establishment of a valid physician patient relationship in violation of 59 O.S. §509(12).

E. 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 435:10-7-4(41).

E. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

F. Prescribed, dispensed or administered a controlled substance or narcotic drugs in excess of the amount considered good medical practice, or prescribed, dispensed or administered controlled substances or narcotic drugs without medical need in accordance with published standards in violation of 59 O.S. 509(16).

G. Engaged in the indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs in violation of OAC 435:10-7-4(1).

H. Prescribed, dispensed or administered controlled substances or narcotic drugs in excess of the amount considered good medical practice or prescribed, dispensed or administered controlled substances or narcotic drugs without medical need in accordance with published standard in violation of OAC 435:10-7-4(2) and (6).

**Order**

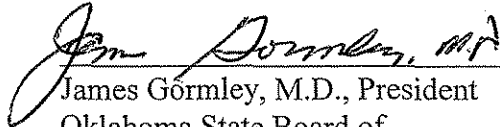
IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

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

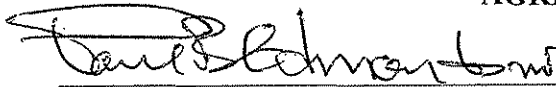
2. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, Paul Edmonds, M.D., holding Oklahoma license No. 7819, is hereby **FORMALLY REPRIMANDED**.

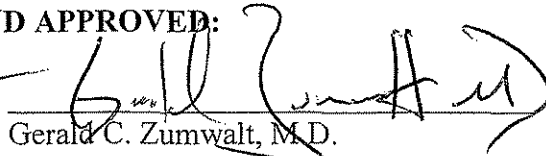
3. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.


Dated this 13<sup>th</sup> day of March, 2008.

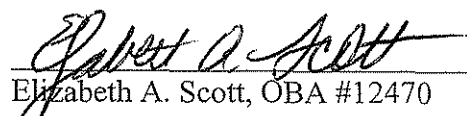
  
James Gormley, M.D., President  
Oklahoma State Board of  
Medical Licensure and Supervision

**AGREED AND APPROVED:**

  
Paul Edmonds, M.D.  
License No. 7819

  
Gerald C. Zumwalt, M.D.  
Secretary & Medical Advisor  
Oklahoma State Board of  
Medical Licensure and Supervision


  
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Attorney for the Oklahoma State Board  
of Medical Licensure and Supervision

**CERTIFICATE OF MAILING**

I certify that on the 14th day of March, 2008, I mailed a true and correct copy of the Voluntary Submittal to Jurisdiction to J. Ted Bonham, 3555 Northwest 58th St, Oklahoma City, OK 73112 and Paul Edmond, MD, 2946 NW 160th St, Edmond, OK 73013.

  
Janet Swindle, Secretary