

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

FILED

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

Plaintiff, )

v. )

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

Defendant. )

JAN 09 2009

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 07-01-3229

COMPLAINT

COMES NOW the 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, and for its Complaint against the Defendant, Paul Edmonds, M.D., alleges and states as follows:

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 and Edmond, Oklahoma.

3. On October 19, 2007, the State filed a Complaint against Defendant wherein it alleged that Defendant had prescribed numerous medications without examining patients and establishing a legitimate physician patient relationship. The Complaint was based upon the fact that 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 admitted 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. In some instances, the patients obtained the medications, but were never examined by Defendant.

4. The October 19, 2007 Complaint also contained allegations relating to prescriptions in Defendant's name allegedly issued to Sherry Ross, the pharmacist owner of Sherry's Discount Drug. Specifically, the State alleged that pharmacy records maintained at Sherry's Discount Drug reflected 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.

5. During the State's investigation of its case against Defendant, the Oklahoma State Board of Pharmacy was also investigating and pursuing charges against Sherry Ross for her alleged role in filling prescriptions in Defendant's name but without his consent or authorization.

6. During negotiations with Defendant and his attorney on the pending Complaint before the Medical Board, the State advised Defendant that if he cooperated with the Pharmacy Board, gave a deposition before the Pharmacy Board attorney, and agreed to voluntarily testify at the Pharmacy Board hearing against Sherry Ross, that the State would present a favorable Voluntary Submittal to Jurisdiction to the Medical Board to include only a Reprimand. This offer was based upon the Defendant's representation to Board staff that he never wrote or authorized any prescriptions to Sherry Ross, and that she was never a patient of his.

7. On March 11, 2008, Defendant submitted to a deposition taken by Assistant Attorney General Brinda White, attorney for the Pharmacy Board. Assistant Attorney General Libby Scott, counsel for the Medical Board, was also in attendance. The following exchange occurred between Defendant and Assistant Attorney General White:

Q: (By Ms. White) Okay. Was Ms. Ross one of your patients?

A: (By Defendant) No.

Q: She never was?

A: No.

Q: Did you prescribe drugs to Ms. Ross?

A: No.

Q: Did you approve prescriptions for Ms. Ross?

A: No.

8. Believing that Defendant would testify truthfully the same way before the Pharmacy Board when asked to do so, Medical Board staff submitted a Voluntary Submittal to Jurisdiction to this Board on March 13, 2008 wherein it proposed only a Reprimand on Defendant's medical license. The Voluntary Submittal to Jurisdiction signed by Defendant provides as follows:

10. ... Defendant admits that he has never treated Ms. Ross nor written or authorized any prescriptions for her.

Based upon the representations and admissions of Defendant set forth in this Voluntary

Submittal to Jurisdiction, the Board accepted the parties' proposal and entered only a Reprimand on Defendant's medical license.

9. Pursuant to his agreement with Board staff, on or about September 10, 2008, Defendant testified before the Oklahoma Pharmacy Board in its hearing on the disciplinary complaint filed against Sherry Ross. However, contrary to what he had previously testified to in his deposition before Assistant Attorney General Libby Scott and to the Board through his Voluntary Submittal to Jurisdiction, Defendant changed his testimony. Specifically, Defendant testified to the Pharmacy Board that he had in fact authorized the drugs for Ms. Ross, that he had a doctor-patient relationship with Ms. Ross, and that he had called Sherry's Pharmacy and given the verbal authorization for the prescriptions to Ms. Ross.

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

A. 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).

B. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).

C. Failed to cooperate with a lawful investigation conducted by the Board in violation of OAC 435:10-7-4(38).

D. Failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).

### *Conclusion*

WHEREFORE, the Plaintiff respectfully requests that the Board conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to Defendant's medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,

*Elizabeth A. Scott*

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