

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

FILED

SEP 17 2009

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

Plaintiff

v.

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

Defendant.

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 07-01-3229

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 through counsel, J. Ted Bonham, offer this Agreement effective September 17, 2009 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 January 9, 2009, 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 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. Subsequent to the filing of the Complaint, Defendant and his counsel have submitted evidence that Defendant is not currently mentally or physically capable of practicing medicine and surgery with reasonable skill and safety.

11. 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).

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. 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).

Order

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

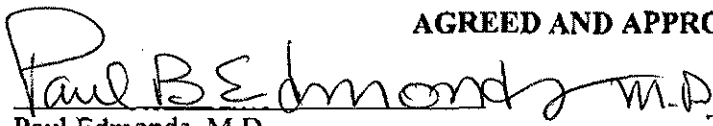
1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.
2. Defendant's license shall be **RESTRICTED** in that he shall not be allowed to practice medicine, including prescribing any medications, without the prior express approval of the Board.
3. If the Board ever modifies the restriction on Defendant's Oklahoma medical license, it shall be under terms of probation to be determined at the time of modification.
4. If the State learns that Defendant has violated this restriction on his license, Defendant agrees that the Executive Director of the Board shall summarily suspend his license, and that the Board shall revoke his license at the next regularly schedule meeting of the Board.
5. Defendant shall allow the Board or its designee to monitor his activities to verify that the terms of the Voluntary Submittal to Jurisdiction are being followed by Defendant.
6. 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.

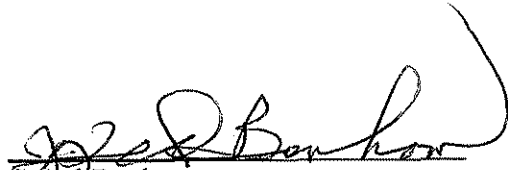
Dated this 17 day of September, 2009.



Curtis Harris, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

AGREED AND APPROVED:


Paul Edmonds, M.D.
License No. 7819



J. Ted Bonham
Bonham & Howard
3555 N.W. 58th Street, Suite 200
Oklahoma City, OK 73112

Attorney for Defendant,
Paul Edmonds, M.D.



Elizabeth A. Scott, OBA #12470
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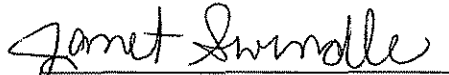
Attorney for the Oklahoma State Board
of Medical Licensure and Supervision



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

CERTIFICATE OF MAILING

I certify that on the 18th day of September, 2009, I mailed a true and correct copy of the Voluntary Submittal to Jurisdiction to J. Ted Bonham 3555 NW 58th St, Suite 200, Oklahoma City, OK 73112 and Paul Edmonds, MD 2946 NW 160th St, Edmond, OK 73013.


Janet Swindle, Secretary