

IN AND BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

STATE OF OKLAHOMA

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

Plaintiff,

v.

CHARLES CALEB ELLIOTT, M.D.,
Medical License No. 7914,

Defendant.

RECEIVED

NOV - 5 1984

STATE BOARD
MEDICAL EXAMINERS

COMPLAINT

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

1. That Charles Caleb Elliott, M.D., holding Oklahoma Medical License No. 7914, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, §509, Paragraphs 10, 12, 13 and 17, to-wit:

"10. The commission of any act which is a violation of the criminal laws of Oklahoma when such act is connected with the physician's practice of medicine. A complaint, indictment or confession of a criminal violation shall not be necessary for the enforcement of this provision. Proof of the commission of the act while in the practice of medicine or under the guise of the practice of medicine shall be unprofessional conduct."

"12. The writing of false or fictitious prescriptions for any drugs or narcotics declared by the laws of Oklahoma to be controlled or narcotic drugs."

"13. Prescribe or administer a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship."

"17. Prescribing, dispensing or administering of controlled substance or narcotic drugs in excess of the amount considered good medical practice, or prescribing, dispensing or administering controlled substance or narcotic drugs without medical need in accordance with published standards."

2. That Charles Caleb Elliott, M.D., is in violation of the Rules and Regulations promulgated by this Board, specifically Section IX, Rules 2 and 6, to-wit:

"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 during the summer of 1984, Dr. Elliott wrote a prescription for Tuinal to one Brenda McNutt without any physical examination or any doctor-patient relationship being established. That said prescription was written in return for Brenda McNutt agreeing to take care of the young child of a Patricia Coffman during the time Ms. Coffman and Dr. Elliott were in a condominium.

4. That also in the summer of 1984, Dr. Elliott wrote second prescription for Tuinal to the aforesaid Brenda McNutt without seeing her, but only acting on a telephone call, and left the prescription in an envelope on his desk for her to pick up, and Ms. McNutt did pick up the prescription.

5. That later in the summer of 1984, Dr. Elliott wrote a prescription for Brenda McNutt for Tuinal in exchange for sexual favors Dr. Elliott received from the aforesaid Brenda McNutt, and also on that date Dr. Elliott wrote a prescription for Dilaudid for one Meredith Brantly or Utterman, a friend of Brenda McNutt.

6. That later in the summer of 1984, Brenda McNutt encountered Dr. Elliott and Meredith Brantly at a condominium in Ada and asked Dr. Elliott what he was giving away that day and Dr. Elliott wrote Brenda McNutt a prescription for Tuinal.

7. That during this period of time, Brenda McNutt never saw Dr. Elliott in his professional capacity, never gave him any medical history or underwent any kind of physical examination or had any physical complaints that she brought to his attention and never exhibited any medical need for the aforesaid drugs.

8 That during the summer of 1984, Dr. Elliott also wrote prescriptions to one Patricia Coffman for Tuinal and Percodan without any doctor-patient relationship being established and without any medical need.

9. That 21 C.F.R. §1306.04 (a) provides as follows:

"A prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. . . . An order purporting to be a prescription issued not in the usual course of professional treatment or in legitimate and authorized research is not a prescription within the meaning and intent of section 309 of the Act (21 U.S.C. 829) and the person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of law relating to controlled substances."

10. And Rule 700.03 of the Oklahoma Bureau of Narcotics and Dangerous Drugs provides in pertinent part:

"A prescription for a controlled dangerous substance to be effective must be issued for a legitimate medical purpose by a registered or otherwise authorized individual physician acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled dangerous substances is upon the prescribing physician, . . . An order purporting to be a prescription issued not in the usual course of professional treatment or in legitimate and authorized research is not a prescription within the meaning and intent of 63 O.S. 1971, §§2-309 and 2-312 and a person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of law relating to controlled dangerous substances."

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 5th day of November, 1984.



Notary Public

My commission expires:

June 30, 1986

RETURN OF SERVICE BY AGENT

Received the attached Citation at Oklahoma City, Oklahoma, on the 5 day of November, 1984, and on the 6 day of November, 1984, at 10:15 o'clock A. M. served it on the within named Charles C. West by delivering a copy to him at Valley View Hospital, Ada Oklahoma

[Signature]

Subscribed and sworn to before me on this 7th day of November, 1984.

[Signature]
Notary Public

My commission expires:

June 30, 1986