

**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.  
ROGER LEE PICKETT, M.D.,**

**LICENSE NO. 8166**

**Defendant.**

JUL 18 2003

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 02-10-2569

**APPLICATION TO DETERMINE EMERGENCY**

Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision ("State"), seeks to have an emergency declared to enable the Secretary of the Board to conduct an emergency suspension hearing against Defendant, Roger Lee Pickett, M.D., Oklahoma medical license number 8166, as authorized under 59 Okla. Stat. §503.1 and 75 Okla. Stat. §314. In support of this application, the State submits the following:

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.* (the "Act"). Under Section 503.1 of the Act, the Secretary of the Board may determine that "an emergency exists for which the immediate suspension of a license is imperative for the public health, safety and welfare."

2. Defendant, Roger Lee Pickett, M.D., holds Oklahoma license no. 8166, and is authorized to practice as a physician and surgeon in the State of Oklahoma.

3. In or around November 2000, Patient GWB was seen by Defendant with a complaint of back pain. Patient GWB was accompanied by four (4) other individuals on his visit to Defendant's office, including Patient JWB, a 31 year old male who arranged the visit, and Patient MWB, a 21 year old male, as discussed below. The only examination conducted by Defendant was the placing of his hands on Patient GWB's lower back. Patient GWB did not provide any patient history. Defendant then gave Patient GWB a prescription for one hundred fifty (150) Hydrocodone 10 mg. tablets. At this same time, Defendant also gave each of the other four (4) individuals prescriptions for one hundred fifty (150) Hydrocodone 10 mg. tablets each. Defendant did not conduct any examination on the remaining four (4) individuals at this time. Patient GWB never saw Defendant again after this initial visit. Defendant's chart on this patient

reveals that he failed to perform a sufficient physical examination on this patient prior to prescribing the controlled dangerous drugs, obtained no x-rays or other tests, and did not establish a legitimate medical need for the medications.

4. Subsequent to November 2000 and continuing through August 22, 2002, Defendant continued to write or call in prescriptions for Patient GWB without his consent or knowledge. Said prescriptions were not for the use or treatment of Patient GWB but were instead for the personal use of Patient JWB, with whom it is believed Defendant was having a sexual relationship. Upon information and belief, Patient JWB picked up the prescriptions issued by Defendant to Patient GWB, all with Defendant's knowledge and consent. When Patient GWB learned that Defendant was writing or calling in prescriptions in his name, he contacted Defendant and asked him to stop. However, Defendant continued to write or call in prescriptions in Patient GWB's name for the use of Patient JWB. Said prescriptions consist of at least thirty (30) prescriptions for Hydrocodone, a Schedule III controlled dangerous drug, for 4200 dosage units.

5. In or around 2001, Patient RKB, a female, met Patient JWB. Patient JWB advised her that he could get her "free" Hydrocodone. Patient JWB brought Patient RKB a patient history form from Defendant's office and asked her to fill it out, which she did. Over the next two (2) years, Defendant issued at least fourteen (14) prescriptions for Hydrocodone, a Schedule III controlled dangerous substance, for 1920 dosage units. These prescriptions were issued in Patient RKB's name, but were picked up and filled by Patient JWB, all without Patient RKB's knowledge or consent. Defendant has never conducted a physical examination of Patient RKB, as she has met him only in the reception area of his office. Defendant's chart on this patient reveals that he failed to perform a sufficient physical examination on this patient prior to prescribing the controlled dangerous drugs, and did not establish a legitimate medical need for the medications.

6. In or around April 2001, Patient DWB was seen by Defendant with a complaint of migraine headaches. At the initial visit, Defendant took blood for testing and interviewed Patient DWB. Defendant then gave Patient DWB a prescription for one-hundred fifty (150) Hydrocodone 10 mg. Defendant continued to prescribe one-hundred fifty (150) Hydrocodone tablets to Defendant on approximately a monthly basis through at least September 2002. During this same period of time, Defendant wrote or called in prescriptions for Patient DWB without his consent or knowledge. Said prescriptions were not for the use or treatment of Patient DWB but were instead for the personal use of Patient JWB, with whom it is believed Defendant was having a sexual relationship. Upon information and belief, Patient JWB picked up the prescriptions issued by Defendant to Patient DWB at the K-Mart Pharmacy in south Oklahoma City, all with Defendant's knowledge and consent. Said prescriptions consist of at least eleven (11) prescriptions for Hydrocodone, a Schedule III controlled dangerous drug, for 1650 dosage units.

7. In or around July 2000, Patient JTB was seen by Defendant with a complaint of headaches. Defendant gave Patient JTB two (2) prescriptions for non-controlled medications at that time. Patient JTB never saw Defendant again after that first visit. Beginning July 14, 2000

and continuing through at least April 29, 2002, Defendant wrote or called in prescriptions for Patient JTB without his knowledge or consent. Patient JTB asked Defendant to stop issuing prescriptions in his name, yet Defendant refused to stop. Said prescriptions were not for the use or treatment of Patient JTB but were instead for the personal use of Patient JWB, with whom it is believed Defendant was having a sexual relationship. Upon information and belief, Patient JWB picked up the prescriptions issued by Defendant to Patient JTB at the K-Mart Pharmacy in south Oklahoma City and the Wal-Mart in Norman, Oklahoma and Moore, Oklahoma, all with Defendant's knowledge and consent. Said prescriptions consist of at least thirty-one (31) prescriptions for Hydrocodone, a Schedule III controlled dangerous drug, for 4450 dosage units. Defendant's chart on this patient reveals that he failed to perform a sufficient physical examination on this patient prior to prescribing the controlled dangerous drugs, and did not establish a legitimate medical need for the medications.

8. In or around January 1998, Patient JWB was seen by Defendant with a complaint of back pain. According to Defendant's billing records, Patient JWB was last seen by Defendant as a patient on March 10, 1999. However, Defendant continued to prescribe controlled dangerous substances to him through at least September 2002 for alleged tooth ache. Said prescriptions were in Patient JWB's name, as well in the name of other alleged patients, including his mother, Patient FWB, his father, Patient AWB, his wife, Patient KWB, his cousin, Patient MCWB, his cousin Patient JWB2, his uncle, Patient BWB, and his friends and acquaintances, Patient KAB, Patient LJB, Patient GPB, Patient RRB, Patient ATB, Patient FTB, Patient KWB, Patient DWB, Patient JMW, and Patient CWB. During this period of time, Defendant wrote or called in prescriptions in these persons' names without their knowledge or consent. Said prescriptions were not for the use or treatment of these persons, but were instead for the personal use of Patient JWB, with whom it is believed Defendant was having a sexual relationship. Upon information and belief, Patient JWB picked up the prescriptions issued by Defendant to these persons at the K-Mart Pharmacy in south Oklahoma City and at various pharmacies in the Norman and Moore area, all with Defendant's knowledge and consent. In some instances, he gave some of the drugs to the patients and kept some for himself. In other instances, he kept all of the drugs for himself. According to Defendant's patient charts and pharmacy records, said prescriptions consist of at least four-hundred fifty-eight (458) prescriptions for Hydrocodone, Diazepam, Oxycodone, Propoxyphene, Alprazolam, Soma and Tussionex, for 60,798 dosage units. Defendant's charts on these patients reveal that he failed to perform a sufficient physical examination prior to prescribing the controlled dangerous drugs, that he did not order or conduct appropriate tests, and that he did not establish a legitimate medical need for the medications. In most instances, the patients were neither seen nor billed during the time prescriptions were being written or called in their names.

9. The State is basing its application for emergency upon the magnitude of the charges against Defendant, and the significant amount of controlled dangerous substances he has prescribed without documentation of medical need or sufficient examination.

10. Defendant's continued prescribing of controlled dangerous substances to patients without a sufficient examination or without a legitimate medical need, as well as the magnitude

of charges against him, justify an emergency suspension hearing to protect the public health, safety and welfare.

WHEREFORE, the State respectfully requests that an emergency be declared, that an emergency suspension hearing be conducted by the Secretary and that the Secretary suspend Defendant's license until a hearing before the Board *en banc*.

Respectfully submitted,



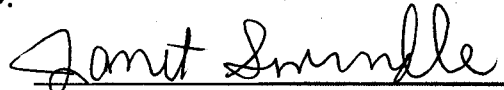
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ATTORNEY FOR THE STATE

OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION

CERTIFICATE OF SERVICE

I certify that on the 18 day of July, 2003, I mailed, via first class mail, postage pre-paid, a true and correct copy of this pleading to M. Eileen Echols, 10001 S. Pennsylvania, Building P, Suite 190, Oklahoma City, OK 73159.



Janet Swindle