

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

FILED

MAY 04 2007

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

Plaintiff)

v.)

JAEMIE ANN WATERS, P.A.,)
LICENSE NO. PA842,)

Defendant.)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 03-07-3260

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, Jaemie Ann Waters, P.A., Oklahoma physician assistant license no. PA842, 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 physician assistants in the State of Oklahoma pursuant to 59 Okla. Stat. §§ 480 *et seq.* and 887.1 *et seq.*

2. Defendant, Jaemie Ann Waters, P.A., holds Oklahoma physician assistant license no. PA842.

3. In 1988, Defendant was admitted to Washington Hospital in Washington D.C. for treatment of her bulimia nervosa. Prior to that time, Defendant had been in therapy for approximately eleven (11) years but had continued her bulimic behavior and alcohol and drug use, including the use of cocaine and marijuana.

4. After four (4) days of treatment at Washington Hospital, Defendant was then admitted to Suburban Hospital for her second treatment attempt so as to treat her drug and

alcohol abuse. Defendant remained in treatment for approximately thirty (30) days, after which time she was discharged.

5. After her discharge, Defendant resumed her drug and alcohol abuse and in January 1989, she began her third treatment attempt at Northwestern Institute in Philadelphia, Pennsylvania. She remained in treatment for approximately forty (40) days.

6. After discharge from the Northwestern Institute, Defendant continued with outpatient therapy, but relapsed with respect to her bulimia and alcohol and drug abuse. She also engaged in stealing to support her habit.

7. In July 1989, Defendant began her fourth treatment attempt at The Psychiatric Institute for treatment of her drug and alcohol abuse and bulimia nervosa. Defendant remained in treatment for approximately one (1) month. During this admission, Defendant was diagnosed with Borderline Personality Disorder.

8. In August 1990, Defendant began her fifth treatment attempt at The Psychiatric Institute for treatment of her drug and alcohol abuse and bulimia nervosa. Defendant admitted that she had resumed her use of alcohol and cocaine since her discharge a year earlier. Defendant also admitted that she had been dealing drugs and had sold prescription drugs from a dentist. Defendant remained in treatment for approximately six (6) weeks.

9. In September 1990, Defendant transferred to Laureate Psychiatric Clinic and Hospital in Tulsa, Oklahoma to begin her sixth treatment attempt so as to treat her bulimia nervosa. Defendant remained in inpatient treatment for three (3) months, then continued outpatient treatment until March 1991, at which time she was discharged.

10. On or about June 7, 1996, Defendant submitted her Application for an Oklahoma Physician Assistant License. On her application, Defendant was asked the following question:

“Are you now or have you ever been addicted to, or used in excess, any drug or chemical substance including alcohol, or been treated through a rehabilitation program?”

In response to this question, Defendant answered “No.”

11. Based upon Defendant’s submission of a fraudulent application, on or about September 26, 1996, Defendant executed a Voluntary Submittal to Jurisdiction whereby she was granted a physician assistant license under terms of a **FIVE (5) YEAR PROBATION**.

12. On or about September 26, 2001, Defendant’s probation ended.

13. In or around 2003, Defendant relapsed and began using Methamphetamine. Defendant admitted that her use of Methamphetamine continued until she was using it on a daily basis until at least July 2005.

14. On or about March 25, 2004, March 30, 2005, and January 14, 2006, Defendant submitted her Applications for Renewal of Oklahoma Physician Assistant License. On each of her applications, Defendant was asked the following question:

“Since the last renewal...Have you been addicted to or abused any drug or chemical substance including alcohol?”

In response to this question, on each of these applications, Defendant answered “NO”.

15. On or about December 3, 2003, Defendant was arrested by store security and issued a citation by the Tulsa Police Department based upon Petit Larceny at the Mervyn’s Department Store in Tulsa, Oklahoma. Defendant had attempted to steal jewelry and accessories from the store.

16. On or about May 27, 2005, Defendant was arrested by the Oklahoma Highway Patrol and charged with Unlawful Possession of Drug Paraphernalia, Operating a Vehicle While License Suspended, and Speeding 108 M.P.H. in a 65 M.P.H. Zone. During the search of her car, the patrol officer found three (3) syringes, a brass “hitter pipe”, a lighter and a spoon with white residue on it, and a tin box with marijuana in it. Defendant was fined and received a deferred sentence.

17. On or about June 28, 2005, Defendant was arrested by the Tulsa County Police Department and charged with Petit Larceny from Retailer-2nd Offense and Possession of Drug Paraphernalia. Defendant attempted to steal clothes from Kohl’s Department Store in Tulsa, Oklahoma. At the time of her arrest, she was searched, at which time two (2) marijuana smoking pipes were found. Defendant subsequently plead guilty and received an **EIGHTEEN (18) MONTH DEFERRED SENTENCE.**

18. On or about January 14, 2006, Defendant submitted her Application for Renewal of Oklahoma Physician Assistant License. On her application, Defendant was asked the following questions:

“Since the last renewal...Have you been arrested for, charged with, or convicted of a felony or misdemeanor other than a traffic violation?”

“Since the last renewal...Have you been arrested for, charged with, or convicted of a traffic violation involving the use of drugs and/or alcohol?”

In response to both of these questions, Defendant answered “NO”.

19. Title 59 O.S. §508 provides as follows:

"Whenever any license has been procured or obtained by fraud or misrepresentation...it shall be the duty of the State Board of Medical Licensure and Supervision to take appropriate disciplinary action in the same manner as is provided... for the disciplining of unprofessional conduct."

Section 508 further provides as follows:

"Use of fraudulent information to obtain a license shall be a misdemeanor offense, punishable, upon conviction, by the imposition of a fine of not less than One Thousand Dollars (\$1,000.00), or by imprisonment in the State Penitentiary for not more than one (1) year, or by both such fine and imprisonment."

20. Defendant is guilty of unprofessional conduct in that she:

- A. Engaged in dishonorable or immoral 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. Engaged in fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4 (8).
- C. 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).
- D. Dispensed, prescribed or administered a Controlled substance or Narcotic drug without medical need in violation of OAC 435:10-7-4 (2) and (6).
- E. Is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).

- F. Prescribed, sold, administered, distributed, ordered, or gave any drug legally classified as a controlled substance or recognized as an addictive dangerous drug to a family member or to himself or herself in violation of OAC 435:10-7-4(26).
- G. 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 OAC 435:10-7-4(39), 59 O.S. §509(13) and OAC 435:15-5-11(7).
- H. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- I. Purchased or prescribed any regulated substance in Schedule I through V, as defined by the Uniform Controlled Dangerous Substances Act, for the physician's personal use in violation of OAC 435:10-7-4(5).
- J. Confessed to a crime involving violation of the antinarcotics laws and regulations of the federal government and the laws of this state in violation of 59 O.S. § 509 (7).
- K. Habitually uses habit-forming drugs in violation 59 O.S. §509(4), OAC 435:10-7-4(3), and OAC 435:15-5-11(1).
- L. Obtained or attempted to obtain a certificate as a physician assistant by fraud or deception in violation of OAC 435:15-5-11(3).
- M. Prescribed, sold, administered, distributed, ordered or gave any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug for other than medically accepted therapeutic purposes in violation of OAC 435:10-7-4(24).

Conclusion

WHEREFORE, plaintiff 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 the revocation or suspension of the Defendant's license to practice as a physician

assistant in the State of Oklahoma, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a physician assistant in the State of Oklahoma.

Dated this 4th day of May, 2007 at 10:00 a.m.

Respectfully submitted,



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Oklahoma State Board of Medical
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