

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

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel, )  
OKLAHOMA STATE BOARD OF )  
MEDICAL LICENSURE AND )  
SUPERVISION, )  
 )  
Plaintiff, )  
v. )  
 )  
ROBERT GARY BOTTOMLEY, M.D. ) CASE NO. 88-10-714  
Medical License No. 8945, )  
 )  
Defendant. )

COMPLAINT AND APPLICATION  
TO SUMMARILY SUSPEND MEDICAL LICENSE

COMES NOW D.C. Mosshart, Investigator for the Oklahoma State Board of Medical Licensure and Supervision, being first duly sworn upon oath and states:

1. That Robert Gary Bottomley, M.D., holding Oklahoma Medical License No. 8945, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 509, Paragraphs 5, 11, 13, 14, 16, and 17, to-wit:

"5. Habitual intemperance or the habitual use of habit-forming drugs."

Failure to keep complete and accurate records of purchase and disposal of controlled drugs or of narcotic drugs."

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

The violation or attempted violation, direct or indirect, of any of the provisions of this Act, either as a principal, accessory or accomplice."

The inability 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."

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

2. That Robert Gary Bottomley, M.D., is in violation of the Rules and Regulations promulgated by this Board, specifically Section IX, Rules 1, 2, and 6, to-wit

"Rule 1: Indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs."

"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 in approximately May, 1988, Defendant did voluntarily resign staff privileges from St. Francis Hospital, Tulsa, Oklahoma, following some probation or curtailment of privileges imposed by the hospital.

4. That Defendant has been diagnosed as having Myasthenia Gravis and has shortened the number of hours of work per week because of his physical condition

5. That in 1981, 1982, and 1983, Defendant presented a history of severe migraine headaches and regularly took Percodan, a controlled dangerous substance, regularly prescribed by his associate, Henry K. Speed, III, M.D.

6. That on or around October 6, 1988, Defendant was encountered by Tulsa Police Department officers at a mini-storage facility at 8122 E. 25 Place, Tulsa, Oklahoma. That the Defendant had on his person or in his automobile the following weapons and controlled dangerous drugs, to-wit: Titan II 32 automatic, Rossi 38 special, Hi Standard 22 automatic with silencer, Star 22 automatic, 8 Fiorinal capsules, 8 Esgic capsules, and 3,000 Phendimetrazine 35mg.

7. That as of December 21, 1988, Defendant failed to keep any suitable ledger book, file, or record of every dangerous drug compounded or dispensed by the Defendant as required by 59 O.S. Supp. 1988, Sec. 355.1.

8. As of December 21, 1988, Defendant failed to keep complete and accurate records of the purchase and disposal of controlled drugs or of narcotic drugs stored in the Defendant's personal office, and the patient and staff areas of his office,

and Defendant did not have invoices for controlled dangerous drugs stored on his premises.

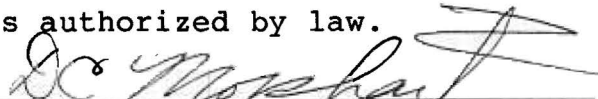
9. From approximately May 1, 1988, through October 11 1988, Defendant prescribed controlled dangerous substances of Tylox, Vicodin, and Percodan to patient K.S. without sufficient examination or the establishment of a valid physician-patient relationship.

10. That as of December 21, 1988, it was found that Defendant prescribed, dispensed, or administered controlled substances or narcotic drugs without medical need in accordance with published standards for his staff members, but instead, allowed the staff to store sample controlled dangerous drugs in a special drawer to be used by staff personnel without any prescription or supervision, to include the drugs Esgic, Fiorinal, and Centrax. Defendant also kept Centrax in his personal office along with Valium 10mg. of approximately 100 dosage units and Phendimetrazine 35mg. of approximately 1,137 dosage units.

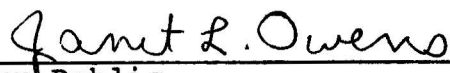
11. That the acts and omissions of the Defendant constitute an immediate and direct threat to public health, safety and welfare and imperatively require emergency action pursuant to 75 O.S. 1981, Section 314, to include contemplated summary suspension of his Oklahoma Medical License on an emergency basis.

12. That the Plaintiff has no other remedy at law or equity to protect public health, safety and welfare

WHEREFORE, Complainant prays this Board to conduct an emergency hearing and a regularly scheduled 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, Investigator  
State Board of Medical Licensure  
and Supervision

Subscribed and sworn to before me this 23 day of December, 1988.

  
Notary Public

My Commission expires:  
12-17-92