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.)
MARY ANN GILLIAM, M.D.)
Medical License No. 9089,)
Defendant.)

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on October 26, 1990, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and Mary Ann Gilliam, M.D., Defendant, appeared in person along with counsel, Bill E.D. Williams, Attorney, Oklahoma City.

The Board of Medical Licensure and Supervision en banc heard the oral argument of counsel, reviewed exhibits, and being fully advised in the premises, the Board of Medical Licensure and Supervision finds as follows:

FINDINGS OF FACT

- 1. That Defendant, Mary Ann Gilliam, M.D., holds Oklahoma Medical License No. 9089.
- 2. That the Oklahoma Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.
- 3. That a prescription survey conducted in reference to certain Scheduled drugs reveals that patient C.E.I. received approximately 72 prescriptions for 3,781 dosage units of Acetaminophen #4, Anexsia-D, Apap w/Codeine, Apap w/Codeine #3, Tylenol #4, Halcion .25mg, Placidyl 500mg., Placidyl 750mg., Restoril 30mg., Temazepam 30mg., Xanax 0.5mg., and Xanax lmg., Controlled Dangerous Substances, from a period of January 9, 1989, through August 19, 1989, for an average of 16.96 dosage units per day.
- 4. That the survey reveals that patient C.J. received approximately 40 prescriptions for 2,284 dosage units of Acetaminophen #4, Tylenol #4, Halcion .25mg, Placidyl 500mg., Placidyl 750mg., Restoril 30mg., and Xanax lmg., Controlled Dangerous Substances, from a period of January 3, 1989, through July 3, 1989, for an average of 12.55 dosage units per day.
- 5. That the survey reveals that patient B.J. received approximately 46 prescriptions and refills for 2,430 dosage units of Acetaminophen #4, Anexsia-D, Halcion .25mg, Placidyl 750mg., Temazepam 30mg., and Xanax lmg., Controlled Dangerous Substances,

from a period of January 3, 1989, through June 8, 1989, for an average of 15.48 dosage units per day.

- 6. That the prescription survey reveals that patient K.C. received approximately 21 prescriptions for 543 dosage units of Controlled Dangerous Substances, Demerol 50mg., Anexsia-D, Hydrocodone-Apap, Valium 10mg., Valium 5mg., and Valrelease 15mg., from a period of September 1, 1989, through November 29, 1989, for an average of 6.10 dosage units per day.
- 7. That the prescription survey reveals that patient E.P. received approximately 87 prescriptions and refills for 6,233 dosage units of Controlled Dangerous Substances, Acetaminophen #3, Acetaminophen #4, Tylenol w/Codeine 4, Restoril, and Temazepam 30mg., from a period of June 23, 1987, through March 1, 1990, for an average of 6.35 dosage units per day.
- 8. That the above records, in addition to other patient records and prescription records of the Defendant, reveal that Scheduled drugs were being prescribed in excess of the amount considered for the medical need presented.

CONCLUSIONS OF LAW

- 1. That Mary Ann Gilliam, M.D., holding Oklahoma Medical License No. 9089, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 509, Paragraph 17, to-wit:
 - "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 Mary Ann Gilliam, M.D., is in violation of the Rules and Regulations promulgated by this Board, specifically , Section X, 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."

ORDER

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

- 1. That the Defendant, Mary Ann Gilliam, M.D., holding Oklahoma Medical License No. 9089, should be and is hereby placed on a term of probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years beginning on October 26, 1990, under the following terms and conditions:
 - (a) Defendant will not prescribe, administer or dispense any Scheduled drugs or Controlled Dangerous Substances.
 - (b) Defendant will immediately surrender her registration for state and federal Controlled Dangerous Substances to the proper authorities and will not apply for state

and federal registration for Controlled Dangerous Substances until the term of her probation has expired, unless specifically authorized to do so by the Oklahoma State Board of Medical Licensure and Supervision.

- (c) That Defendant shall present evidence of successful completion of twenty (20) hours of continuing medical education on proper prescription writing or an equivalent amount of counseling by staff of the Oklahoma Board of Medical Licensure and Supervision within two (2) years of October 26, 1990.
- (d) During the period of probation Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.
- (e) Defendant shall appear before the Board or a designated member thereof whenever requested to do so.
- (f) During the period of probation Derendant will submit to the Investigation Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.
- (g) Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay upon receipt of invoice from the Investigation Division of the Board the costs of investigation, prosecution and probation of this case.
- (h) During the period of probation Defendant shall notify any hospital where she holds staff privileges, or clinic, or group where she practices, of the terms and conditions of this Board Order and supply a copy thereof.
- (i) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.
- 2. That the jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.
- 3. The Defendant further agrees that failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma Medical License, after additional due notice and hearing.

DATED this Dt day of NOVEMBER! , 1990.

GERALO C. ZUMWALT, M.D., Secretary State Board of Medical Licensure

and Supervision

APPROVED AS TO FORM:

DANIEL J. GAMINO

Daniel J. Gamino & Associates, P.C.

3315 NW 63

Oklahoma City, OK 73116

(405) 840-3741

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 2 day of November, 1990, to:

MARY ANN GILLIAM, M.D. c/o BILL E.D. WILLIAMS Attorney at Law 501 Couch Drive, Suite 104 Oklahoma City, OK 73102

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