

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.)
)
ORVILLE LYNN WEBB, M.D.,)
LICENSE NO. 9112,)
)
Defendant.)

OCT 04 2001

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 00-03-2168

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, Orville Lynn Webb, M.D., 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 physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.*

2. Defendant, Orville Lynn Webb, M.D., holds Oklahoma license no. 9112 and practices at the Comanche County Medical Clinic in Lawton, Oklahoma. Defendant employs one physician at this location, Robert Boles, M.D.

3. From February 2, 2000 until March 22, 2001, Defendant wrote prescriptions for controlled dangerous drugs to Patient JMW based upon alleged undocumented back pain. Patient JMW was at all relevant times a resident of Burkburnett, Texas. These prescriptions include eleven (11) prescriptions for Lortab, a Schedule III controlled dangerous drugs, for 2640 dosage units, and twenty-one (21) prescriptions for Soma and Xanax, Schedule IV controlled dangerous drugs, for 2490 dosage units, for a total of 5130 dosage units at an average of 12.39 dosage units of controlled dangerous substances per day. 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, and did not establish a legitimate medical need for the medications.

4. From January 3, 2000 until March 14, 2001, Defendant wrote prescriptions for controlled dangerous drugs to Patient KPW based upon alleged back and shoulder pain. Patient KPW was at all relevant times a resident of either Skellytown, Texas or Yukon, Oklahoma. These prescriptions include ten (10) prescriptions for Lorcet, a Schedule III controlled dangerous drugs, for 1200 dosage units, and twenty (20) prescriptions for Soma and Xanax, Schedule IV controlled dangerous drugs, for 1560 dosage units, for a total of 2760 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, that he wrote two prescriptions for a controlled dangerous drug on the same prescription blank or page, and that he did not establish a legitimate medical need for the medications.

5. From January 8, 2000 through March 16, 2001, Defendant wrote prescriptions for controlled dangerous drugs to Patient KAW based upon alleged rib pain. Patient KAW was at all relevant times a resident of Ada, Oklahoma. These prescriptions include ten (10) prescriptions for Lorcet, Schedule II controlled dangerous drugs, for 1710 dosage units, and twenty (20) prescriptions for Soma and Xanax, Schedule III controlled dangerous drugs, for 2010 dosage units, for a total of 3720 dosage units at an average of 8.59 dosage units per day of controlled dangerous substances per day. 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 that he did not establish a legitimate medical need for the medications.

6. From January 6, 2000 through March 6, 2001, Defendant wrote prescriptions for controlled dangerous drugs to Patient SAW based upon alleged lower back pain. Patient SAW was at all relevant times a resident of Duncan, Oklahoma. These prescriptions include seventeen (17) prescriptions for Percocet, Seconal and OxyContin, Schedule II controlled dangerous drugs, for 562 dosage units, twelve (12) prescriptions for Lortab, a Schedule III controlled dangerous drug, for 2460 dosage units, and twenty-three (23) prescriptions for Soma and Xanax, Schedule IV controlled dangerous drugs, for 2430 dosage units, for a total of 5452 dosage units at an average of 12.83 dosage units per day of controlled dangerous substances. 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 that he did not establish a legitimate medical need for the medications.

7. From January 25, 2000 through March 10, 2001, Defendant wrote prescriptions for controlled dangerous drugs to Patient JFW based upon alleged carpal tunnel syndrome. Patient JFW was at all relevant times a resident of Lawton, Oklahoma. These prescriptions include seven (7) prescriptions for Tylox and OxyContin, Schedule II controlled dangerous drugs, for 840 dosage units, twelve (12) prescriptions for Hydrocodone, a Schedule III controlled dangerous drug, for 1970 dosage units, and twenty-two (22) prescriptions for Soma and Xanax, Schedule IV controlled dangerous drugs, for 2880 dosage units, for a total of 5690 dosage units at an average of 14.97 dosage units per day of controlled dangerous substances. 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 that he did not establish a legitimate medical need for the medications.

8. From February 2, 2000 through March 9, 2001, Defendant wrote prescriptions for controlled dangerous drugs to Patient TYS based upon alleged back pain. These prescriptions include eight (8) prescriptions for Oxycodone, a Schedule II controlled dangerous drug for 480 dosage units, nine (9) prescriptions for Hydrocodone, a Schedule III controlled dangerous drug for 1350 dosage units, and seventeen (17) prescriptions for Soma and Xanax, Schedule IV controlled dangerous drugs for 1890 dosage units, for a total of 3780 dosage units at an average of 9.40 dosage units per day of controlled dangerous substances. Defendant's chart on this patient reveals that Defendant did not record any back or neurological examination, that he failed to perform a sufficient physical examination prior to prescribing the controlled dangerous drugs, and that he did not establish a legitimate medical need for the medications.

9. In or around January 2000, Patient DWW, a resident of Ada, Oklahoma, heard about Defendant from a friend, that Defendant would write prescriptions for large amounts of controlled dangerous substances without asking too many questions. Patient DWW then went to Defendant and told him that he had back problems and arthritis. Patient DWW did not supply Defendant any medical records at that time. At that first visit, Defendant told Patient DWW that he would need to bring some kind of documentation to the next appointment "to keep me and you out of trouble". At the first visit, Defendant gave Patient DWW prescriptions for 180 Lortab 7.5, 180 Xanax 1 mg., 90 Soma and 30 Prozac.

10. In or around May 2000, Patient JBW sought treatment from Defendant for alleged spinal pain. Patient JBW had heard that Defendant was "easy" and would write prescriptions for large amounts of controlled dangerous drugs without asking too many questions. On her first visit to Defendant, he listened to her heart and lungs, and then gave her a prescription for Xanax, Lortab, Soma and Prozac. Defendant also asked her to bring a 1997 MRI "to cover me and you" at her next visit. Defendant continued to prescribe Xanax, Lortab, Soma and Prozac for several months to Patient JBW based upon this 1997 MRI.

9. Pharmacy surveys from the Lawton, Oklahoma area reveal that from January 1, 2000 through December 31, 2000, Defendant issued prescriptions for 753,585 dosage units of Hydrocodone, prescriptions for 405,719 dosage units of Xanax, prescriptions for 179,162 dosage units of Soma, prescriptions for 145,705 dosage units of Oxycodone, and prescriptions for 175,836 dosage units for other controlled dangerous drugs, for a one year total of 1,660,007 dosage units of controlled dangerous substances prescribed by Defendant.

10. From January 2000 through March 2001, Patients FHW, AAW, SBW, SAW, LMW, JWW, ESW, EPW, DHW, PHW, CGW, CPW, SCW, BCW, BSW, MCW, EHW, VGW and MHW received numerous prescriptions from Defendant for controlled dangerous substances. These patients typically paid between \$84.00 and \$120.00 cash for each visit and received prescriptions for Lortab, Soma and Xanax regardless of their complaints. At least six (6) of these patients regularly sold the drugs they obtained from Defendant on the street. A review of Defendant's charts on these patients reveals that Defendant failed to perform neurological examinations, failed to perform any range of motion tests, and that the Defendant failed to attempt to decrease the dosages of the controlled dangerous substances prescribed. The charts additionally reveal that the Defendant failed to perform a sufficient physical examination prior to

prescribing the controlled dangerous drugs, and that he did not establish a legitimate medical need for the medications. The majority of these patients reside in Texas or Ada, Oklahoma.

11. On or about January 11, 2000, Defendant's Patient ACW died. At the time of his death, Patient ACW was a resident of Ada, Oklahoma. According to the report of the Oklahoma Office of the Chief Medical Examiner, the cause of Patient ACW's death was Probable Carisoprodol Intoxication. On January 10, 2000, Patient ACW received a prescription from Defendant for ninety (90) tablets of Carisoprodol and one hundred (100) Hydrocodone 10 mg.

12. On or about May 25, 2000, Defendant's Patient SHW died. At the time of his death, Patient SHW was a resident of Duncan, Oklahoma. According to the report of the Oklahoma Office of the Chief Medical Examiner, the cause of Patient SHW was Oxycodone Intoxication. On May 22, 2000, Patient SHW received and filled a prescription from Defendant for one hundred twenty (120) Alprazolam 1 mg. and one hundred fifty (150) Hydrocodone 10 mg. Patient SHW had also filled a prescription from Defendant for thirty (30) OxyContin on May 4, 2000.

13. On or about December 21, 2000, Defendant's Patient LWW attempted to commit suicide. At the time of her suicide attempt, Patient LWW was a resident of Ada, Oklahoma. According to the Valley View Hospital in Ada, Oklahoma, Patient LWW was admitted for an overdose of Hydrocodone. On December 19, 2000, Patient LWW visited Defendant and obtained one hundred twenty (120) Lortab 10 mg. tablets. At the time of her suicide attempt, only twenty-seven (27) of the one hundred twenty (120) tablets remained. Prior to her suicide attempt, Patient LWW received on an approximate monthly basis one hundred twenty (120) Lortab 10 mg. and one hundred fifty (150) Diazepam. During this time period and on the same dates, Patient LWW's husband, WWW, also received identical prescriptions for one hundred twenty (120) Lortab 10 mg. and one hundred fifty (150) Diazepam from Defendant.

14. On or about January 16, 2001, Defendant's Patient CHW died. According to the report of the Oklahoma Office of the Chief Medical Examiner, the cause of Patient CHW was Halcion intoxication. Prior to CHW's death, Defendant had regularly prescribed Halcion, Xanax, Prozac and Methadone to him.

15 Defendant is guilty of unprofessional conduct in that he:

A. Engaged in conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11).

B. Failed to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient in violation of 59 O.S. §509(19).

C. Procured, aided or abetted a criminal operation in violation of 59 O.S. §509(1).

D. Prescribed a drug without sufficient examination and establishment of a valid physician patient relationship in violation of 59 O.S. §509(13).

E. Engaged in practice or behavior that demonstrates an incapacity or incompetence to practice medicine an surgery in violation of OAC 435:10-7-4(18).

F. Prescribed a controlled substance without medical need in accordance with published standards in violation of 59 O.S. §509(17) and OAC 435:10-7-4(2) and (6).

G. Indiscriminate or excessive prescribing of controlled or narcotic drugs in violation of OAC 435:10-7-4(1).

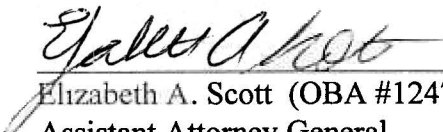
H. Committed gross or repeated negligence in the practice of medicine and surgery in violation of OAC 435:10-7-4(15).

Conclusion

WHEREFORE, the Plaintiff respectfully 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 suspension or revocation and any other appropriate action with respect to Defendant's medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Dated this 4th day of October, 2001 at 11:30 a.m.

Respectfully submitted,



Elizabeth A. Scott (OBA #12470)
Assistant Attorney General
State of Oklahoma
5104 N. Francis, Suite C
Oklahoma City, OK 73118

Attorney for the Plaintiff