

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,)

NOV - 8 2001

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 00-03-2168

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

Defendant.)

VOLUNTARY SURRENDER OF LICENSE
IN LIEU OF PROSECUTION

State of Oklahoma)

Comanche County)

I, Orville Lynn Webb, M.D., being of lawful age and after first being duly sworn, depose and state as follows:

1. I hereby voluntarily surrender my Oklahoma medical license no. 9112.

2. The surrender of my license is freely and voluntarily made. I have not been subject to any coercion or duress, and I am fully aware of the consequences of the surrender of my license.

3. I am the subject of a Complaint before the Oklahoma State Board of Medical Licensure and Supervision involving allegations that if proven, would constitute grounds for disciplinary action by the Board.

4. The allegations to which I have plead guilty are as follows:

A. 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.

B. 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.

C. 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.

D. 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.

E. 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.

F. 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.

G. 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.

H. In or around January 2000, Patient DWW, a resident of Ada, Oklahoma, 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 the first visit, Defendant gave Patient DWW prescriptions for 180 Lortab 7.5, 180 Xanax 1 mg., 90 Soma and 30 Prozac.

I. In or around May 2000, Patient JBW sought treatment from Defendant for alleged spinal pain. 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 at her next visit. Defendant continued to prescribe Xanax, Lortab, Soma and Prozac for several months to Patient JBW based upon this 1997 MRI.

J. 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.

K. From January 2000 through March 2001, Patients FHW, AAW, SBW, SAW, LMW, JWW, ESW, EPW, DHW, PHW, CGW, CPW, SCW, BCW, BSW, MCW, EIW, VGW and MIW received numerous prescriptions from Defendant for controlled dangerous

substances. These patients typically received prescriptions for Lortab, Soma and Xanax regardless of their complaints. 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.

L. Defendant is guilty of unprofessional conduct in that he:

i. 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).

ii. 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).

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

iv. 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).

v. 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).

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


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

5. I hereby submit my wallet card and wall certificate as evidence of my intent to surrender my license.


6. I hereby agree that I will not apply for reinstatement of my Oklahoma medical license for a minimum of one year from the entry of the Order Accepting Voluntary Surrender in Lieu of Prosecution, and that if the Board ever reinstates my Oklahoma medical license, it will be under terms of probation to be set by the Board at the time of reinstatement.

7. As a condition to accepting my surrender of license in lieu of prosecution, I acknowledge that the Board may require me to pay all costs expended by the Board for any legal fees and costs, and any investigation, probation and monitoring fees, including but not limited to staff time, salary and travel expense, witness fees and attorney fees.

DATED this 6th day of November, 2001.

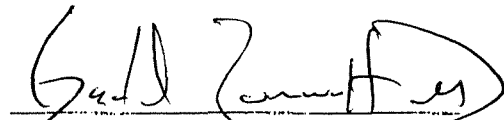

Orville Lynn Webb, M.D.

Subscribed and sworn before me this 6th day of November, 2001.


Notary Public

My commission expires on 12/22/02.

ACCEPTED:


Gerald C. Zumwalt, M.D.
Secretary
Oklahoma State Board of Medical
Licensure and Supervision

Date: 11-8-01