

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

STATE OF OKLAHOMA, ex rel.,)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)
)
Plaintiff,)
)
vs.)
)
LAWRENCE C. GREEN, M.D.,)
Medical License No. 9260,)
)
Defendant.)

Case No. 96-03-1808

VOLUNTARY SUBMITTAL TO JURISDICTION AND AGREED ORDER

This matter comes before the Board on this 9th day of January, 1997, upon the agreement and consent of the defendant, Lawrence C. Green, M.D., License No. 9260, to voluntarily submit to the jurisdiction of the Oklahoma State Board of Medical Licensure and Supervision (the "Board") regarding the Complaint on file in the above-styled action. The plaintiff appears by and through its attorneys, Danny K. Shadid and Robert Trent Pipes. The defendant appears in person and by and through his attorney, John W. Coyle, III.

The defendant states that he is of sound mind and not under the influence of any medication or drug or impaired therefrom, and that he has reviewed this document with counsel. The defendant is aware of his right to appear before the Board en banc for evidentiary hearing concerning the pending Complaint. The defendant, of his own volition and decision, and with the advice of counsel, hereby waives and foregoes his right to appear before the Board for full evidentiary hearing, and does hereby

voluntarily and of his own volition consent to the jurisdiction of the Oklahoma State Board of Medical Licensure and Supervision regarding the Complaint on file in the above-styled action. The defendant agrees that he will not, in the future, challenge the findings of fact set forth hereinbelow.

STIPULATION

The defendant stipulates and admits as follows:

1. The defendant, Lawrence C. Green, M.D., is a licensed medical doctor in the State of Oklahoma, holding medical License No. 9260.
2. In or about March, 1995, defendant opened a clinic, named Bariatric Medicine Associates, in Carnegie, Oklahoma. The defendant registered with the Drug Enforcement Administration to dispense controlled substances at this location, including substances commonly prescribed for weight control such as Pondimin and Phentermine.
3. In or about November, 1995, the defendant opened a second Bariatric Medicine Associates clinic in Weatherford, Oklahoma. The defendant was not registered with the Drug Enforcement Administration at this location to dispense controlled substances.
4. During the pertinent times, the defendant officed primarily in Carnegie, Oklahoma. The defendant's spouse, Sharon Ogle Green, was designated office manager for both locations, but primarily staffed the Weatherford, Oklahoma, office with a receptionist who had no medical training until sometime in May, 1996.

5. Controlled substances were routinely dispensed to patients at the Weatherford office by defendant's spouse and without ever being examined by the defendant.

6. In addition to the unauthorized dispensing of controlled substances at an unregistered location, the defendant has improperly transported these substances and failed to maintain adequate records.

7. The overall conduct of defendant's practice, particularly regarding the Weatherford, Oklahoma, clinic, are violations of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act and rules cited in Paragraph No. 8, below.

8. The defendant has engaged in unprofessional conduct in violation of 59 O.S. Supp. 1996, §§509 (11), (13) and (15) together with the Oklahoma Administrative Code §§435:10-7-4 (1), (11), (21), (27) and (30) to wit:

§509(11): Failure to keep complete and accurate records of purchase and disposal of controlled drugs or of narcotic drugs.

§509(13): Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician patient relationship.

§509(15): Aiding or abetting, directly or indirectly, the practice of medicine by any person not duly authorized under the laws of this state.

§435:10-7-4 (1): Indiscriminate or excessive prescribing, dispensing or administering of Controlled or Narcotic drugs.

§435:10-7-4 (11): Conduct likely to deceive, defraud, or harm the public.

§435:10-7-4 (21): Aiding or abetting the practice of medicine and surgery by an unlicensed, incompetent, or impaired person.

§435:10-7-4 (27): Violating any state or federal law or regulation relating to controlled substances.

§435:10-7-4 (30): Directly or indirectly giving or receiving any fee, commission, rebate, or other compensation for professional services not actually and personally rendered, through this prohibition shall not prohibit the legal function of lawful professional partnerships, corporations, or associations.

FINDINGS OF FACT

1. All factual matters contained within the Stipulation set forth above are incorporated herein by reference and adopted as a part of these Findings of Fact, as if they had been specifically enumerated.

2. There exists clear and convincing evidence to support the existence of all factual matters set forth in the Stipulation, above, and to support all allegations of unprofessional conduct as alleged in the Complaint.

CONCLUSIONS OF LAW

The defendant has engaged in unprofessional conduct in violation of 59 O.S. Supp. 1996, §§509 (11), (13) and (15), together with the Oklahoma Administrative Code §4435:10-7-4 (1),

(11), (21), (27) and (30) as specifically set forth in the above Stipulation.

TERMS OF PROBATION

1. The defendant is hereby placed on probation under the supervision of this Board for a period of five (5) years commencing on the 9th day of January, 1997, and terminating on the 8th day of January, 2002.

2. The terms and conditions of the defendant's probation are as follows:

a) During the period of probation, the defendant will submit to and make himself available for all types of monitoring deemed appropriate by the plaintiff Board or its staff.

b) The defendant must be physically present during the examination of patients being seen for weight control problems. The defendant must personally conduct the examination and evaluation of such patients. The defendant will personally prescribe and devise all treatment plans pertaining to such patients.

c) No modifications in medications prescribed by the defendant shall ever be made without the defendant personally seeing and examining the patient, and personally modifying the treatment plans and/or prescriptions.

d) The defendant will immediately divest himself of all quantities of Pondimin and Phentermine now in his possession and/or control by delivering all such quantities to the federal Drug Enforcement Agency (DEA) or the Oklahoma Bureau of Narcotics and Dangerous Drugs (OBNDD).

e) The defendant will not administer and/or dispense any controlled substances for weight control problems to any patients. Rather, the only method by which the defendant will make controlled substances for weight control problems available to his patients is by means of written prescriptions or telephone call-in prescriptions, personally made by the defendant, and will be recorded on numerically sequential prescription orders. All such prescriptions will be written in duplicate and the defendant will maintain the duplicate copies of all such prescriptions in his office for review and inspection by the Board's staff.

f) The defendant will, within ten (10) days of the date of this Order, submit a written statement to the DEA and the OBNDD confirming that, during the term of this probation, the defendant will not directly administer and/or dispense controlled substances for weight control problems to his patients, but will, rather, only make such controlled substances available to his patients by means of written prescriptions and/or telephone call-in prescriptions as set forth above. B

g) The defendant will make available for review by the Board's staff any and all patient records and all other documentation relating to the defendant's patients as may be deemed necessary by the staff.

h) The defendant will pay administrative fees for the cost of monitoring/probation in the amount of \$100.00 per month commencing in February, 1997, with like payments to be made throughout the term of the defendant's probation, pursuant to 59 O.S. Supp. 1996, §509.1(A).

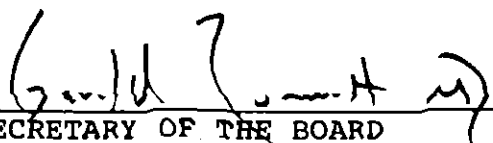
i) The defendant will pay all costs of investigation and hearing, including the plaintiff's legal fees, all pursuant to 59 O.S. Supp. 1996, §509.1(A).

j) During the period of probation, the defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision the defendant's current business and residential addresses; the defendant will advise the Board in writing of all changes of business and/or residential addresses.

k) The defendant will be allowed to maintain only his clinics located in Carnegie and Weatherford, Oklahoma, and no others during the term of this probation, provided, however, the defendant will be allowed to maintain his current clinic in Guymon, Oklahoma, through June 30, 1997, i.e., the date of termination of his present lease, and, provided further that the defendant be personally present at all times during which the Guymon clinic is open to the public.


l) The defendant shall appear before the Board or a designated member thereof whenever requested to do so.

IT IS SO ORDERED.



SECRETARY OF THE BOARD

APPROVED:



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Robert Trent Pipes, OBA #11475
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Medical License No. 9260
Defendant



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Oklahoma City, OK 73102
(405) 232-1988
Attorney for Defendant

CERTIFICATE OF MAILING

This is to certify that on this 21 day of January, 1997, a true and correct copy of this order was mailed, postage prepaid to:

Lawrence C. Green, M.D.
P.O. Box 1219
102 West Ash
Carnegie, OK 73015

J.W. Coyle, III
119 N. Robinson, Suite 320
Oklahoma City, OK 73102