



probation would not afford sufficient practice limitations or controls to assure that he can practice medicine with reasonable skill and safety. Therefore, his probation was extended for an additional year. Defendant's probation ended in January 2010.

### **CURRENT UNPROFESSIONAL CONDUCT ALLEGATIONS**

#### **VIOLATION OF OKLAHOMA BUREAU OF NARCOTICS REGISTRATION LAWS**

6. On or about October 31, 2010, Defendant's registration to prescribe controlled dangerous substances with the Oklahoma Bureau of Narcotics and Dangerous Drugs ("OBN") expired and was considered inactive on December 1, 2010, due to Defendant's failure to renew his registration.

7. On or about March 1, 2012, Defendant submitted a late registration renewal package to OBN on which he stated he had been semi-retired and had been doing nutritional counseling and had not prescribed controlled dangerous substances in that capacity, but did prescribe under a locum tenens assignment for Dr. Jeri Ellis, M.D. from September 3, 2011 through January 18, 2012.

8. A review of the Prescription Monitoring Program revealed that Defendant wrote or authorized nearly three-thousand and two hundred (3,200) prescriptions for controlled dangerous substances for the year 2011, a time when Defendant's OBN registration had expired. The number of prescriptions listed included eight month period when he was not associated with Dr. Jerri Ellis, M.D.

9. The Prescription Monitoring Program also revealed that Defendant continued to write or authorize seven hundred and eighty three (783) prescriptions for controlled dangerous substances for the period January, 2012 through March, 2012 during which time he did not possess an OBN registration.

10. On or about March 29, 2012, OBN Agent Brian Veazy confronted Defendant and he admitted to meeting patients at Starbucks and Barnes and Noble after the expiration of his registration permit and was not conducting proper exams nor keeping adequate records. He admitted he did not weigh patients nor take vitals nor conduct any tests or blood work.

11. The Defendant stated that some of the patients would take their own blood pressure at home and report to him or would report tests results taken from their primary care physicians and would prescribe based on what they told him.

12. In one case the Defendant wrote a prescription for Suboxone because the patient told him that the pharmacist said it was okay. He stated that he did not speak with the pharmacist but felt that if there was a problem the pharmacist would have called him. In another case the Defendant prescribed Testosterone for a patient without running any tests.

13. On or about September 26, 2012, Oklahoma Medical Board Investigator Robbin Roberts interviewed Defendant regarding OBN reports. He claims he did not know his OBN permit had expired and that he thought it was okay to prescribe while working for Dr. Ellis.

14. Patient R.G. was prescribed Benicar a blood pressure medication at the coffee shop by the Defendant. It was confirmed by Agent Brian Veazy that the Defendant did not take the patient's blood pressure and that the Defendant relied on the patient's account that his blood pressure was high when he took it at home.

15. Patient K.B. was prescribed a blood pressure medication without the Defendant taking blood pressure.

16. The Defendant stated that patient E.F. was prescribed Xanax for sleep and would call when he needed a refill. Patient E.F. would have his primary doctor perform tests and the patient would then tell the Defendant what the results were and what he needed. The Defendant states that he did not see test results.

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

- A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of *Okla. Stat. tit 59, §509(8)* and *Oklahoma Administrative Code* section 435:10-7-4 (11).
- B. Prescribed or administered a drug or treatment without sufficient examination and the establishment of a valid physician patient relationship in violation of *Okla. Stat. tit 59, §509 (12)*.
- C. 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 *Okla. Stat. tit 59, §509 (18)*.
- D. 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 standard in violation of *Oklahoma Administrative Code* section 435:10-7-4(2).
- E. Dispensing, prescribing or administering a Controlled substance or Narcotic without medical need in violation of *Oklahoma Administrative Code* section 435:10-7-4(6).

- F. Violating any state or federal law or regulation relating to controlled substances in violation of *Oklahoma Administrative Code* section 435:10-7-4(27).
- G. Failed to provide a proper setting and assistive personnel for medical act, including but limited to examination, surgery, or other treatment. Adequate medical records to support treatment or prescribed medications were not maintained in violation of *Oklahoma Administrative Code* section 435:10-7-4(41).

**Conclusion**

WHEREFORE, plaintiff 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 the revocation or suspension of the Defendant's license to practice as a physician and surgeon in the State of Oklahoma, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a physician and surgeon in the State of Oklahoma.

Dated this 19<sup>th</sup> day of January, 2012 at 4:00 p.m.

Respectfully submitted,



Kathryn R. Savage, OBA # 18990  
Assistant Attorney General

Oklahoma State Board of Medical  
Licensure and Supervision  
101 NE 51<sup>st</sup> Street  
Oklahoma City, OK 73105