



IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.,
MIKE HUNTER,
ATTORNEY GENERAL OF OKLAHOMA,

Plaintiff,

vs.

- (1) PURDUE PHARMA L.P.;
- (2) PURDUE PHARMA, INC.;
- (3) THE PURDUE FREDERICK COMPANY,
- (4) TEVA PHARMACEUTICALS USA, INC.;
- (5) CEPHALON, INC.;
- (6) JOHNSON & JOHNSON;
- (7) JANSSEN PHARMACEUTICALS, INC,
- (8) ORTHO-MCNEIL-JANSSEN
PHARMACEUTICALS, INC., n/k/a
JANSSEN PHARMACEUTICALS;
- (9) JANSSEN PHARMACEUTICA, INC.,
n/k/a JANSSEN PHARMACEUTICALS, INC.;
- (10) ALLERGAN, PLC, f/k/a ACTAVIS PLC,
f/k/a ACTAVIS, INC., f/k/a WATSON
PHARMACEUTICALS, INC.;
- (11) WATSON LABORATORIES, INC.;
- (12) ACTAVIS LLC; and
- (13) ACTAVIS PHARMA, INC.,
f/k/a WATSON PHARMA, INC.,

Defendants.

For Judge Balkman's
Consideration

STATE OF OKLAHOMA }
CLEVELAND COUNTY } S.

FILED

APR 23 2019

in the office of the
Court Clerk MARILYN WILLIAMS

Case No. CJ-2017-816
Honorable Thad Balkman

William C. Hetherington
Special Discovery Master

DEFENDANTS TEVA PHARMACEUTICALS USA, INC.,
CEPHALON, INC., WATSON LABORATORIES, INC., ACTAVIS LLC,
AND ACTAVIS PHARMA, INC., f/k/a WATSON PHARMA, INC.'S
MOTION FOR SUMMARY JUDGMENT AND BRIEF IN SUPPORT

DOCUMENTS SEALED PER COURT ORDER

DATED APRIL 16, 2018

THAD BALKMAN DISTRICT JUDGE

—CONFIDENTIAL—

TO BE FILED ONLY UNDER SEAL

Part G

EXHIBIT 33

1 IN THE DISTRICT COURT OF CLEVELAND COUNTY
2 STATE OF OKLAHOMA

3 STATE OF OKLAHOMA, ex rel.,
4 MIKE HUNTER, ATTORNEY GENERAL
5 OF OKLAHOMA,

6 Plaintiff,

7 vs.

 No. CJ-2017-816

8 PURDUE PHARMA L.P.;
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11 COMPANY;
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13 USA, INC.;
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18 PHARMACEUTICALS, INC., n/k/a
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21 INC., n/k/a JANSSEN
22 PHARMACEUTICALS, INC.;
23 ALLERGAN, PLC, f/k/a
24 ACTAVIS PLC, f/k/a ACTAVIS, INC.,
25 f/k/a WATSON PHARMACEUTICALS, INC.;
 WATSON LABORATORIES, INC.;
 ACTAVIS LLC; and
 ACTAVIS PHARMA, INC.,
 f/k/a WATSON PHARMA, INC.,

 Defendants.

_____/

VIDEOTAPED DEPOSITION OF LESLIE OLLAR-SHOEMAKE, D.O.
TAKEN ON BEHALF OF THE DEFENDANTS
ON MARCH 13, 2019, BEGINNING AT 4:00 P.M.
IN OKLAHOMA CITY, OKLAHOMA

VIDEOTAPED BY: Greg Brown
REPORTED BY: D. Luke Epps, CSR, RPR

1 Q I'm not going to burden you with that
2 today. Let's talk about C-sections.

3 A Yes.

4 Q Is C -- describe what a C-section is.

5 A C-section is delivery of a baby via an
6 abdominal incision.

7 Q Okay. And is that -- can that be a fairly
8 invasive procedure?

9 A Seven layers of tissue I'm cutting through
10 to deliver the baby, yes.

11 Q Okay. Would it affect your practice here
12 in Norman, Oklahoma, if a -- if you were not able to
13 prescribe opioids to mothers post C-section?

14 MS. HARNESS: I think you're asking her
15 expert questions again.

16 MS. FISCHER: I'm trying to, again, be
17 specific to a specific procedure in her practice
18 here in Norman and not ask the general question. I
19 thought I worked around the objection that you had,
20 Ms. Harness, I'm sorry, asking specific procedures
21 and not being specific to the allegations in the
22 case.

23 MR. LEONOUDAKIS: Objection.

24 THE WITNESS: I can't imagine having a
25 surgery and not having opioids available after

1 surgery. No matter what the surgery is, no matter
2 whether it's a second, third or fourth degree
3 laceration vaginally, I can't imagine that
4 happening.

5 MS. FISCHER: That's all the questions I
6 have. Thank you. Sorry.

7 DIRECT EXAMINATION

8 BY MR. MERKLEY:

9 Q Dr. Ollar-Shoemake, I just have two quick
10 questions. Have you ever been visited by a sales
11 rep for an opioid medication?

12 MR. LEONOUidakis: Objection. Form.

13 THE WITNESS: No.

14 Q (BY MR. MERKLEY) In your 26 years of
15 practice, have you ever been misled by a
16 representative of an opioid manufacturer?

17 MR. LEONOUidakis: Objection. Form.

18 THE WITNESS: No.

19 MR. MERKLEY: Nothing further. Thank you
20 for your time.

21 MR. LEONOUidakis: Pass the witness?

22 MR. MERKLEY: Pass the witness.

23 CROSS-EXAMINATION

24 BY MR. LEONOUidakis:

25 Q Okay. Doctor, my name is Ross

1 Leonoudakis. I represent the state of Oklahoma in
2 this case, and I just have a few follow-up
3 questions.

4 MS. RYAN: Ross, before you start --

5 MR. LEONOUidakis: Yeah.

6 MS. RYAN: I don't mean to interrupt you.

7 Can we have an agreement that an objection by one of
8 us is good for all of us?

9 MR. LEONOUidakis: Yes, you can.

10 MS. RYAN: Okay. Thank you.

11 Q (BY MR. LEONOUidakis) Doctor, who -- who
12 did you meet with to prepare for this deposition
13 today?

14 A My attorney.

15 Q Okay. Did you talk with anybody from any
16 of the defendants' law firms? Do you know?

17 A I talked to Nick.

18 Q Okay. Talk to anybody else?

19 A No.

20 Q What did you and Nick talk about?

21 A He asked me if -- he told me that there
22 was a case that he was involved in involving
23 narcotics, and did I prescribe narcotics, and had I
24 been repped, and I said no, and he said would you
25 testify on our behalf for that reason.

1 Q Okay. Nobody else from Nick's firm called
2 you?

3 A No.

4 Q Okay. And you didn't meet with any of
5 them to prepare for your deposition today?

6 A No.

7 Q Okay. These three lawyers in here
8 represent drug -- opioid manufacturers. Are you
9 aware of that?

10 A Yes.

11 Q And these three defendants have all
12 acknowledged that there's an opioid crisis in this
13 country. Did they tell you that?

14 MR. MERKLEY: Object to the form.

15 MS. RYAN: Objection. Form.

16 MS. FISCHER: Object to the form.

17 MS. HARNESS: Object to the form. She's
18 already testified that she never talked to them
19 except for Nick, and she told you what she talked
20 about. So that question is argumentative with what
21 she's already said. It's an improper question, and
22 I object to the form.

23 Q (BY MR. LEONOUKAKIS) Okay. Did any of
24 these -- has anybody told you that the defendants in
25 this lawsuit are blaming doctors for the opioid

EXHIBIT 34

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IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

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MIKE HUNTER,
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(4) TEVA PHARMACEUTICALS USA, INC.;
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(10) ALLERGAN, PLC, f/k/a WATSON
PHARMACEUTICALS, INC.;
(11) WATSON LABORATORIES, INC.;
(12) ACTAVIS, LLC; and
(13) ACTAVIS PHARMA, INC.,
f/k/a WATSON PHARMA, INC.,
Defendants.

VIDEO DEPOSITION OF BURL G. BEASLEY, PH.D.
TAKEN ON BEHALF OF THE DEFENDANTS
ON FEBRUARY 11, 2019, BEGINNING AT 9:10 A.M.
IN OKLAHOMA CITY, OKLAHOMA

Reported by:
Cheryl D. Rylant,
CSR, RPR
JOB NO. 3188577
PAGES 1 - 262

1 mentioned the word proper prescriber training, but 10:42
2 I believe that vernacular has kind of fallen away. 10:42
3 So I don't -- I don't believe we call it proper 10:42
4 prescriber training anymore. 10:42
5 Q. Okay. Was something like this implemented? 10:42
6 A. Yeah. He did a pain management tool kit, is 10:43
7 what he ended up doing. And that may be from this. 10:43
8 Q. Did you -- okay. Now, flip over to the 10:43
9 module. 10:43
10 A. Uh-huh. 10:43
11 Q. It's titled -- if you can flip over to the -- 10:43
12 no, flip over to the -- yeah, keep going. 10:43
13 A. Okay. Hold on. 10:43
14 Q. Yeah, right there. 10:43
15 A. Right here? Okay. 10:43
16 Q. So it says module 3, controlled substances -- 10:43
17 A. Uh-huh. 10:43
18 Q. -- Burl Beasley. 10:43
19 A. Uh-huh. 10:43
20 Q. Did you author this? 10:43
21 A. I believe I copied this from another module. 10:43
22 I was doing some training at the time. 10:43
23 Q. Okay.
24 A. So I would say no. And I've -- hopefully I 10:43
25 have referenced this in the document somewhere. 10:43

1 There's a bunch of references at the back. 10:43

2 Q. Okay.

3 A. See ASH -- the number 1? And number -- so 10:43

4 there's references there. 10:44

5 Q. Yeah. So you -- 10:44

6 A. So I authored this, but I didn't just pull 10:44

7 all this out. I'm not that smart, you know -- 10:44

8 Q. Right.

9 A. -- to do all this. So I used the references 10:44

10 that are listed to compile this e-mail. 10:44

11 Q. Okay. Fair enough. 10:44

12 A. Okay. 10:44

13 Q. Do you know why it's called module 3? 10:44

14 A. Because it was a training module through the 10:44

15 ASHP, American Society of Hospital Pharmacists. 10:44

16 Since I had just started in 2014, one of the first 10:44

17 things I was charged with was to monitor the opioids 10:44

18 that were being dispensed in Oklahoma. So I wanted 10:44

19 to edge my -- educate myself as to what that would 10:44

20 entail. 10:44

21 Q. And so I guess I'm asking, is there a module 10:44

22 1 and 2? 10:44

23 A. Yes. 10:44

24 Q. What -- what was mod -- what was module 1 and 10:44

25 mod -- module 2? 10:44

1 A. I believe module 1 -- 10:44

2 MR. HILL: Objection. 10:44

3 THE WITNESS: -- was just an introduction 10:44

4 to pain. 10:44

5 Q. (By Ms. Fischer) Okay. And did you 10:44

6 author -- did you author 1 and 2 as well? 10:45

7 A. No. 10:45

8 Q. Okay. Do you know who did those? 10:45

9 A. Let me see if I see names. Number 1, ASHP 10:45

10 Foundation, Pain and Palliative Care Traineeship 10:45

11 Program. On the references. 10:45

12 Q. Do you recall -- okay. 10:45

13 Do you re -- are you familiar enough with this 10:45

14 module -- I'm going to ask you some questions about 10:45

15 it. Do you need to look at it? 10:45

16 A. Yeah, let me look at it -- 10:45

17 Q. Oh, sure. 10:45

18 A. -- for a minute.

19 Q. Go ahead. 10:45

20 A. Yeah. Okay. I'm ready. 10:46

21 Q. Okay. You pointed at something? 10:46

22 A. Well, I'm thinking this module 3 right here 10:46

23 is from him, pharmacology. So he was asking me to do 10:47

24 the pharmacology portion of his whole program. 10:47

25 That's where that module 3 comes from. 10:47

EXHIBIT 35

1 IN THE DISTRICT COURT OF CLEVELAND COUNTY
2 STATE OF OKLAHOMA

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23 ALLERGAN, PLC, f/k/a
24 ACTAVIS PLC, f/k/a ACTAVIS, INC.,
25 f/k/a WATSON PHARMACEUTICALS, INC. ;
 WATSON LABORATORIES, INC. ;
 ACTAVIS LLC; and
 ACTAVIS PHARMA, INC.,
 f/k/a WATSON PHARMA, INC.,

 Defendants.

_____ /

21 VIDEOTAPED DEPOSITION OF STATE OF OKLAHOMA
22 3230 (c) (5) WITNESS BURL BEASLEY
23 TAKEN ON BEHALF OF THE DEFENDANTS
24 ON FEBRUARY 12, 2019, BEGINNING AT 9:14 A.M.
25 IN OKLAHOMA CITY, OKLAHOMA

VIDEOTAPED BY: Greg Brown
REPORTED BY: D. Luke Epps, CSR, RPR

1 at that. If you could mark this as 5, please. Do
2 you want to take a break, Doctor? Are you okay?

3 (Exhibit 5 marked for identification.)

4 A No. I'm good.

5 Q Okay. So this is a section of the
6 Oklahoma Administrative Code. It's Title 17 [sic],
7 Chapter 30, Subchapter 3, Part 1 entitled the
8 "Creation and Implementation of Rules;
9 Applicability." Do you see that?

10 A Yes.

11 Q And it's talking about the Health Care
12 Authority; is that correct?

13 MR. HILL: Objection. Form. Scope.

14 THE WITNESS: Yes.

15 Q (BY MS. KELLY) And if you go down to
16 Subsection D, it says that "Payments to
17 practitioners on behalf of Medicaid eligible
18 individuals," and that would be SoonerCare members;
19 right? Those are the Medicaid eligible individuals?

20 A That's correct.

21 Q "Is made only for services that are
22 medically necessary and essential to the diagnosis
23 and treatment of the patient's presenting problem."
24 Do you see that?

25 A Yes.

1 Q Okay. So that means that any services
2 that the Health Care Authority pays for for
3 SoonerCare members have to be medically necessary;
4 right?

5 MR. HILL: Objection. Scope. Form.

6 THE WITNESS: That's correct.

7 Q (BY MS. KELLY) And when we're talking
8 about medical services, that includes pharmacy
9 benefits; right?

10 A Yes.

11 Q So reimbursing a claim for a prescription
12 would fall within this definition of medical
13 services; right?

14 MR. HILL: Objection. Form. Scope.

15 THE WITNESS: Yes.

16 Q (BY MS. KELLY) And that would include
17 opioid prescriptions; right?

18 A Yes.

19 Q So if the Health Care Authority pays for
20 an opioid prescription for a SoonerCare member, that
21 opioid prescription has to have been medically
22 necessary; correct?

23 MR. HILL: Objection. Form and scope.

24 THE WITNESS: Yes.

25 Q (BY MS. KELLY) Okay. And the services

1 that the Health Care Authority pays for for
2 SoonerCare patients also, as we saw before, have to
3 be essential to the diagnosis and treatment of the
4 patient's presenting problem; right?

5 A Yes.

6 Q So if the Health Care Authority pays for
7 an opioid prescription for a SoonerCare member, that
8 opioid prescription was essential to the treatment
9 of the patient's presenting problem; right?

10 MR. HILL: Objection. Form. Scope.

11 THE WITNESS: By the time it gets to us,
12 we would think that it's medically necessary, yes.

13 Q (BY MS. KELLY) And not just medically
14 necessary, though; right? The rules require that it
15 has to be -- it's medically necessary and essential
16 to the diagnosis and treatment; right?

17 MR. HILL: Objection. Form and scope.

18 THE WITNESS: Uh-huh. That's what it
19 says.

20 Q (BY MS. KELLY) Okay. Who determines
21 whether a service for a SoonerCare patient is
22 medically necessary?

23 MR. HILL: Objection. Form. Scope.

24 THE WITNESS: In my scope for a
25 prescription, it's the physician and the patient.

1 Q So it's up to the Health Care Authority to
2 decide whether the services that it pays for a
3 SoonerCare member are medically necessary; right?

4 MR. HILL: Objection. Form and scope.

5 THE WITNESS: Yes.

6 Q (BY MS. KELLY) And it's only the Health
7 Care Authority that can make that decision under
8 what we just read; right?

9 MR. HILL: Objection. Form and scope.

10 THE WITNESS: In this context, yes.

11 Q (BY MS. KELLY) Okay. So the Health Care
12 Authority only pays for medically-necessary
13 prescriptions for SoonerCare patients; right?

14 MR. HILL: Objection. Form and scope.

15 THE WITNESS: I would like to think so,
16 yes.

17 Q (BY MS. KELLY) Well, we know so because
18 we just looked at the law that says that's all they
19 can do, right?

20 A Uh-huh. Uh-huh.

21 MR. HILL: Objection. Form and scope.

22 That's a different question.

23 Q (BY MS. KELLY) Right?

24 A Yes.

25 Q Okay. And that includes prescription

1 opioids; right?

2 A Yes.

3 Q Okay. So the Health Care Authority only
4 pays for medically-necessary opioid prescriptions
5 for SoonerCare patients; right?

6 MR. HILL: Objection. Form and scope.
7 Duplicative.

8 THE WITNESS: Say that again.

9 Q (BY MS. KELLY) The Health Care Authority
10 only pays for medically-necessary opioid
11 prescriptions for SoonerCare patients; right?

12 MR. HILL: Objection. Form. Scope.

13 THE WITNESS: By the time it gets to us,
14 we would think that it is medically necessary.

15 Q (BY MS. KELLY) Well, it's not just that
16 you would think that. As we looked, it says the
17 services provided shall meet -- shall meet medical
18 necessity criteria; right?

19 A We said that --

20 MR. HILL: Objection. Form. Scope.
21 Argumentative at this point. He's answered your
22 question.

23 THE WITNESS: Yes.

24 Q (BY MS. KELLY) Okay. So for every
25 prescription for -- for every opioid prescription

1 for a SoonerCare patient that the Health Care
2 Authority has paid for, the Health Care Authority
3 has made the determination that that prescription
4 was medically necessary; correct?

5 A Yes.

6 MR. HILL: Objection. Form and scope.

7 Q (BY MS. KELLY) And that's been true from
8 1996 through today?

9 MR. HILL: Objection. Form and scope.

10 THE WITNESS: I wasn't at the Health Care
11 Authority before then, but I would assume so if
12 it's --

13 Q (BY MS. KELLY) Okay. Who at the Health
14 Care Authority makes the decision that services like
15 pharmacy benefits, and we'll talk about that
16 specifically, are medically necessary?

17 A Can you repeat the question?

18 Q Sure.

19 A I'm not sure I understand what -- what
20 you're asking.

21 Q Who within the -- well, let's go back and
22 take a look at this, and you'll see -- which is
23 Exhibit 5. It says "Medical necessity is
24 established through consideration of the following
25 standards"; right?

1 A Uh-huh. Yeah.

2 Q And then if you flip over and it lists six
3 different standards; correct?

4 A Yes.

5 Q Who is responsible within the Health Care
6 Authority for making sure that the claims that the
7 Health Care Authority determines are medically
8 necessary and that it therefore reimburses are
9 considered in light of these six standards?

10 MR. HILL: Objection. Form. Vague.

11 THE WITNESS: I think everybody at the
12 Health Care Authority.

13 THE COURT REPORTER: I'm sorry?

14 THE WITNESS: Everybody at the Health Care
15 Authority --

16 THE COURT REPORTER: Thank you.

17 THE WITNESS: -- would be responsible.

18 Q (BY MS. KELLY) Is there something other
19 than these six standards that the Health Care
20 Authority uses to determine whether a service for a
21 SoonerCare patient is medically necessary?

22 MR. HILL: Objection. Scope. Form.

23 THE WITNESS: I don't know.

24 Q (BY MS. KELLY) If the Health Care
25 Authority determines that a service, including a

1 A That's correct.

2 Q -- which oversees Pharmacy Management
3 Consultants who does these prior authorizations;
4 right?

5 A That's correct. Yes.

6 Q And testifying here today on behalf of the
7 state, you can't identify any specific example where
8 the Health Care Authority reimbursed a claim for
9 prescription opioid, and then went back and
10 determined that, in fact, that claim was medically
11 unnecessary, can you?

12 MR. HILL: Objection. Form and scope.
13 You're outside of your topics. He's made a very
14 reasonable effort to come here prepared to testify
15 about the topics that you identified. To the extent
16 you personally can answer that question, you can try
17 to do so.

18 THE WITNESS: I conducted an audit of
19 topical compounded claims. We were spending
20 \$100,000 a month on creams and lotions and potions
21 that are put on your skin, and of those, several of
22 them contained opioids. Now, it might not have been
23 OxyContin, but it was morphine or an opioid. So we
24 put systems in place that disallowed those kinds of
25 claims. So there are things that we have done.

1 Specifically to you and this lawsuit, no, but there
2 are things that we have done.

3 Q (BY MS. KELLY) And when the Health Care
4 Authority suspects that there are medically -- a
5 large number of medically unnecessary claims being
6 submitted, it can conduct things like the audit you
7 just described; right?

8 MR. HILL: Objection. Form.

9 THE WITNESS: When we know of it, we
10 could.

11 Q (BY MS. KELLY) Okay. And to date, you
12 haven't done anything like that related to
13 prescription opioids; is that fair to say?

14 A Not to my knowledge.

15 MR. HILL: Objection. Form and scope.

16 Q (BY MS. KELLY) And the Health Care
17 Authority is obviously aware? You're here today
18 testifying for them about the lawsuit that's been
19 brought in this case; right?

20 A Yes.

21 MR. HILL: Objection. Form.

22 Q (BY MS. KELLY) Has the Health Care
23 Authority as a result of what's being alleged in
24 this lawsuit undertaken an audit to go back and
25 review opioid prescription claims that it has

1 previously approved?

2 MR. HILL: Objection. Form and scope.
3 You're asking about the Health Care Authority or the
4 state?

5 MS. KELLY: Health Care Authority.

6 MR. HILL: Same objection.

7 THE WITNESS: We haven't gone back
8 retrospectively, but we're putting in morphine
9 milligram equivalent edits starting this month. So
10 going back and looking and recouping our money, no.

11 Q (BY MS. KELLY) Why not?

12 A Probably resources --

13 MR. HILL: Objection. Form and scope.

14 THE WITNESS: -- time, the effort. We
15 just said a million scripts to look at. We've got
16 to figure out somebody to compile that data and
17 figure out where the fraud is, and then go back and
18 recoup that money. So I would think that would be
19 something that Program Integrity would do or Quality
20 Assurance in assistance with the Pharmacy
21 Department.

22 Q (BY MS. KELLY) And has that process been
23 started?

24 MR. HILL: Objection. Form and scope.

25 THE WITNESS: We have not undertaken that

1 effort to my knowledge.

2 Q (BY MS. KELLY) Has there been a
3 discussion about starting that process?

4 MR. HILL: Objection. Form.

5 THE WITNESS: No, there has not.

6 Q (BY MS. KELLY) Why not?

7 MR. HILL: Objection. Form and scope.

8 THE WITNESS: I think we are just trying
9 to, like I said earlier, whack-a-mole. We are a
10 payer, so we are not the ones to decide what
11 physicians prescribe. So going back and looking at
12 all those diagnoses and claims data would take time
13 and resources that frankly we don't have right now.
14 Could it be done? Yes. Has anybody done it yet?
15 No.

16 Q (BY MS. KELLY) And to your knowledge,
17 there's been no discussion about doing that; right?

18 A No.

19 MR. HILL: Objection. Form and scope.

20 Q (BY MS. KELLY) You said when you were
21 talking about the topical compounded creams --

22 A Yes.

23 Q -- that there were -- you guys put systems
24 in place --

25 A Yes.

1 Q Okay. What was the active pharmaceutical
2 ingredient that you were looking at to determine
3 whether it was in these creams?

4 A There were several. Gabapentin was one.
5 Clonidine was another. Estradiol was another. I
6 believe testosterone was another. So there were
7 several, and so what pharmacies were doing were just
8 dumping all these into a tub and mixing them and
9 saying put this on. So if you're getting a cream
10 for clonidine and you have high blood pressure, now
11 you've put something for high blood pressure on your
12 skin. So now you may have possibly an interaction
13 with what you're taking orally. So you go to a
14 pharmacy and get your tub of cream, and then you go
15 to Walmart and get your blood pressure medicine, and
16 they don't talk to each other. So that was the
17 patient safety issue.

18 Q And so was this audit retrospective in
19 that you were looking at prior claims that were
20 paid, and then there were also prospective steps
21 taken in that you were not going to be paying for
22 these creams going forward?

23 A That's correct.

24 Q Okay. Did all of these compounded creams
25 contain opioids? I know you mentioned some of them

1 did.

2 A Not all of them, no.

3 Q Okay. Were any -- do you know whether any
4 of the compounded creams in your audit that were
5 found to be medically unnecessary contain an API
6 that was manufactured by any of the defendants in
7 this lawsuit, Teva, Purdue, and Janssen?

8 A I did not look at drug manufacturers.

9 Q Okay. And you understand that one of the
10 topics that you're testifying about here today as a
11 representative of the state, it's actually Topic 9,
12 is the administration of any pharmacy benefit
13 program by you or on your behalf; right?

14 A Yes.

15 Q And so you're testifying on behalf of
16 SoonerCare about that; right?

17 A Yes.

18 Q In your capacity as the state's
19 representative about the administration of any
20 pharmacy benefit program, are you aware of any
21 prescription that was reimbursed by the state of
22 Oklahoma prior to today for an opioid manufactured
23 by either Purdue, Janssen, or Teva that has since
24 been determined to be medically unnecessary?

25 MR. HILL: Objection. Form.

1 THE WITNESS: Not that I know of.

2 Q (BY MS. KELLY) Okay. We were talking
3 about Exhibit 20 before we took a break. Do you
4 still have that in front of you, Doctor?

5 (Exhibit 20 marked for identification.)

6 A Yes.

7 Q And that is a petition for medication
8 prior authorization. Do you see that?

9 A Yes.

10 Q That's another one of the prior
11 authorization forms that the Health Care Authority
12 uses; right?

13 A It is Pharm-4, the generic prior
14 authorization form.

15 Q Okay. And the Health Care Authority sets
16 what information has to go in this prior
17 authorization form; right? That's up to the Health
18 Care Authority?

19 A That's correct.

20 Q So for example, this generic form includes
21 the name of the medication; right?

22 A Yes.

23 Q It includes the strength of the
24 medication; right?

25 A Yes.

1 Q That's sometimes referred to as the dose?
2 Well, no. You know what? It's not referred to as
3 the dose, so let me strike that. It includes the
4 fill quantity; right?

5 A Yes.

6 Q The day's supply; right?

7 A Yes.

8 Q The prescriber name; correct?

9 A Yes.

10 Q The diagnosis; correct?

11 A Yes.

12 Q What happens if the person submitting this
13 form does not complete all of the information that's
14 requested?

15 A I believe it's marked as incomplete.

16 Q Okay. This also asks the doctor to list
17 previous Tier 1 or OTC trials; right?

18 A Correct.

19 Q This form doesn't require a doctor to
20 enter their DEA number, does it?

21 A No.

22 Q Are you familiar with the fact that for
23 Schedule II drugs, doctors have to register with --
24 or I guess I should say prescribers have to register
25 with the DEA before they can prescribe Schedule II

EXHIBIT 36

1 IN THE DISTRICT COURT FOR CLEVELAND COUNTY
2 STATE OF OKLAHOMA
3 STATE OF OKLAHOMA, ex. rel.,)
4 MIKE HUNTER, ATTORNEY GENERAL))
5 OF OKLAHOMA,))
6 Plaintiff,))
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No. CJ-2017-816

11 VOLUME I
12 DEPOSITION OF JASON W. BEAMAN, D.O.
13 TAKEN ON BEHALF OF THE DEFENDANTS
14 ON MARCH 14, 2019
15 IN OKLAHOMA CITY, OKLAHOMA

25 REPORTED BY: KIMI GEORGE, CSR

1 Q. Okay. And, Doctor, I don't -- If you'll try
2 to let me finish and I'll try to let you finish. We
3 don't want to make the court reporter's life any more
4 difficult --

5 A. Sure.

6 Q. -- than it already is, listening to us talk
7 about these -- these things.

8 Okay. So -- and I -- and I -- I can
9 actually -- I think I can show you something in the
10 petition that might give you some comfort with that
11 last answer. If you'll go to page 5 of the petition?

12 A. (Witness complies.)

13 Q. And you'll see a section there toward the
14 middle lower case Roman numeral 3. It says, "The
15 Cephalon Defendants." Do you see that?

16 A. I do.

17 Q. That paragraph 17 there refers to Cephalon,
18 Inc., and it also refers to the Teva Pharmaceuticals
19 USA, Inc. Do you see that?

20 A. I do.

21 Q. And down below, in paragraph 18, "The state
22 has alleged Defendant Cephalon, Inc., manufactures
23 several opioids, including Actiq and Fentora."

24 Do you see that?

25 A. I do.

1 Q. Okay. Okay. Let me go ahead and have you
2 look back at the first page of the petition again.
3 And if you'll go down to the Defendant No. 11, Watson
4 Laboratories, Inc. Have you ever heard of Watson
5 Laboratories, Inc.?

6 A. Just as a -- as a listed defendant in -- in
7 the case.

8 Q. Okay. Do you know, as a corporate
9 representative on behalf of the state, what opioid
10 medications, if any, have been manufactured at any
11 time by Watson Laboratories, Inc.?

12 A. Again, I would say that if they are a
13 subsidiary of Teva, then it would be in this
14 document. Outside of that, I would say no.

15 Q. Well, and again, when you refer to this
16 document, you're referring to the Exhibits 1 and 2
17 from --

18 A. Right.

19 Q. -- from Exhibit 1, and neither of those
20 documents reference Watson Laboratories, do they?

21 A. No.

22 Q. Okay. So all I'm trying to find out is, as
23 the corporate representative for the state here
24 today, do you know what, if any, opioid medications
25 have been manufactured at any time by Watson

1 Laboratories?

2 **A.** Again, I would refer you to my previous
3 answer, that if they are -- So, the Exhibits 1 and 2
4 that are located within Binder 1 -- Exhibit 1.
5 Exhibits 1 and 2 represent the state's knowledge of
6 all opioids that have been produced by Teva and their
7 subsidiary companies. I am not aware of whether or
8 not Watson is one of those subsidiaries, but when the
9 State of Oklahoma requested information, it's my
10 understanding from Teva Pharmaceuticals, on which
11 opioids they manufactured, they produced Exhibits 1
12 and 2 that would list those opioids.

13 So, if Watson is one of those entities, and
14 it would be my understanding then, that based on
15 information from the -- that the state received from
16 Teva, that those opioids would be listed in this
17 document.

18 **Q.** But do you know if Watson is one of those
19 entities?

20 **A.** I do not.

21 **Q.** Okay. The next defendant that's listed in
22 the front page of the petition is an entity called
23 Actavis LLC. Do you see that?

24 **A.** I do.

25 **Q.** On behalf of the state as its corporate

1 representative here today, do you know what, if any,
2 opioid medications Actavis LLC has ever produced?

3 A. And I would refer you to my previous answer,
4 that if it's a subsidiary of Teva Pharmaceuticals,
5 then it would be -- and I used the word subsidiary in
6 a lay physician term.

7 Q. I understand.

8 A. I don't want to misspeak. But if it's an
9 entity of Teva, then I would say that the state would
10 believe that opioids manufactured by them would be
11 located in Exhibits 1 and 2 located within Binder 1.

12 Q. Again -- again, I think your answer would be
13 the same, is you don't know whether or not
14 Actavis LLC has actually manufactured any of the
15 medications on Exhibits 1 and 2, do you?

16 A. Well, I would say that if they are an entity
17 of Teva, then based on information from Teva, that it
18 would be located in Exhibits 1 and 2.

19 Q. Well, is it your -- Is it the state's belief
20 that every entity that you just -- as you said, every
21 entity of Teva manufactures opioid medications?

22 A. It's the state's position that every opioid
23 manufactured by Teva and its entities are located
24 within Documents 1 and 2.

25 Q. Okay, all right. The last entity listed on

1 the front page of the original petition is No. 13,
2 Actavis Pharma, Inc., formerly known as Watson
3 Pharma, Inc. Do you see that?

4 A. I do.

5 Q. Again, if you want -- I know you're going to
6 probably give me the same answer, but I need to ask
7 you the question.

8 A. Sure.

9 Q. Do you know what, if any, opioid medications
10 have ever been manufactured, branded or generic, by
11 Actavis Pharma, Inc., formerly known as Watson
12 Pharma, Inc.?

13 A. Again, it would be the state's position that
14 if Actavis Pharma, Inc., formerly known as Watson
15 Pharma, is an entity of Teva, than any opioids
16 manufactured by them would be located in Exhibit 1
17 and 2 located within Binder 1.

18 Q. Okay. But you, as a representative of the
19 state here today, do not know whether or not Actavis
20 Pharma, Inc., formerly known as Watson Pharma, if
21 that particular entity has produced any opioid
22 medications, do you?

23 A. Again, I would say if they're an entity of
24 Teva, then their opioids would be listed here.

25 Q. Okay. All right. Let -- Okay. So, let me

1 just back it up a little bit, make -- make it clear
2 to you. There are obviously some other defendants
3 listed as Nos. 6 through 10 on this front page of the
4 petition. There's the Johnson & Johnson at No. 6,
5 Janssen Pharmaceuticals; No. 7, Ortho-McNeil-Janssen
6 Pharmaceuticals, 8; Janssen Pharmaceuticals, Inc.;
7 and then Janssen Pharmaceutica, now known as Janssen
8 Pharmaceuticals, Inc. Those entities, I do not
9 represent, and I'm not asking you questions about
10 those entities today, nor am I asking questions about
11 the Purdue entities.

12 Continuing on to the one remaining defendant
13 that's listed here, is No. 10, Allergan PLC, formerly
14 known at Actavis PLC, formerly known as Actavis,
15 Inc., formerly known at Watson Pharmaceuticals, Inc.

16 Do you see that?

17 A. I do.

18 Q. Okay. I also do not represent that entity.

19 It's my understanding that entity was named as a
20 defendant in this case but never served in this case
21 and is not being actively pursued as a defendant, at
22 least in this case, by the state. Is that your
23 understanding, or do you know one way or the other?

24 A. I -- I do not know --

25 Q. Okay.

1 **A.** Well, I believe that the state is seeking
2 damages for the overprescribing of opioids in the
3 relevant time period of -- of all opioids. So,
4 we're -- we're not going to separate out,
5 necessarily, damages specific to Actiq, that it's an
6 indivisible injury.

7 **Q.** What's an indivisible injury, Doctor?

8 **A.** As -- as I read it, it is -- or as I
9 understand it, it's that this injury was caused, and
10 you can't separate out and say that Actiq caused this
11 one overdose so the damage is related to that one
12 overdose is going to be assigned to that prescription
13 of Actiq.

14 **Q.** And where did you -- Or how did you come to
15 that understanding of the term indivisible injuries?

16 MR. ANGELOVICH: And just to the extent it
17 calls for -- for privileged communication, I'm going
18 to ask that he not disclose that. But other than
19 that, you can answer it.

20 BY MS. PATTERSON:

21 **Q.** If you can -- Again, certainly follow his
22 instructions. Can you -- can you answer my question
23 without divulging privileged communications?

24 **A.** No.

25 **Q.** So, am I correct, that everything you know

1 about what constitutes an individual injury is based
2 on what you have learned from counsel for the state?

3 A. Yes.

4 Q. You are not a lawyer, are you?

5 A. I am not a lawyer.

6 Q. Okay. So, while I -- I certainly understand
7 you've had discussions with the state and I'm not
8 entitled to know about those discussions, I am
9 entitled to ask you some questions about what the
10 state's position is on certain things, and from a
11 factual --

12 A. Okay.

13 Q. -- standpoint, okay? So, I -- I want to
14 find out, Are you aware of any determination which
15 has been made by the state of the number of
16 prescriptions for Actiq, in particular, which have
17 been made during the relevant time period?

18 A. Yeah. I think that number is approximately
19 2700.

20 Q. Okay.

21 A. And that number actually may combine Actiq
22 and Fentora during the relevant time period.

23 Q. So, do you know one way or the other if it's
24 a combined number or --

25 A. I do not.

1 Q. Okay. And where did you come up with the
2 number 2700?

3 A. Through -- I believe that number is derived
4 from the MMIS data.

5 Q. Okay. And what is the MMIS data?

6 A. That is the Medicaid database that is
7 maintained by the State of Oklahoma in which this
8 kind of information would be kept.

9 Q. That's the Oklahoma Health Care Authority's
10 database?

11 A. Yes.

12 Q. Okay. And so, it's your testimony on behalf
13 of the state here today, that during the relevant
14 time period, there have been approximately 2700
15 prescriptions for Actiq and Fentora?

16 A. And/or Fentora, yes.

17 Q. So you don't know if that's just Actiq or if
18 it's a combined number?

19 A. Correct.

20 Q. Okay. Who at the state would know that?

21 A. I mean, I think that that number could be
22 ascertained by any number of individuals. We would
23 just have to look for that specific question. I
24 think it would be the Oklahoma Health Care Authority,
25 since the data is in their system.

1 Q. Okay. Have -- have you, for any purpose in
2 connection with this case, reviewed the MMIS data
3 regarding prescriptions reimbursed by the Oklahoma
4 Health Care Authority?

5 A. Yes.

6 Q. Okay. I thought so. Have you reviewed data
7 from the Health Care Authority related to
8 prescriptions that have been reimbursed for Actiq and
9 Fentora?

10 A. Yes.

11 Q. All right. And you said -- So you have some
12 familiar -- some familiarity with how that data is
13 kept and maintained in the electronic system,
14 correct?

15 A. Yes.

16 Q. All right. Is it your belief that it would
17 be possible to essentially run a query to separate
18 out prescriptions for Actiq from prescriptions for
19 Fentora or prescriptions for some other opioid?

20 A. Yes, I believe that would be possible.

21 Q. Okay. So, the number of prescriptions which
22 have been reimbursed for Actiq during the relevant
23 time period is a knowable number based on the MMIS
24 data you referred to, correct?

25 A. Yes.

1 Q. Okay. Same question for Fentora: The
2 number of Fentora prescriptions that have been
3 prescribed in Oklahoma during the relevant time
4 period is also a knowable number?

5 A. Yes, I believe so.

6 Q. Okay. Can you confirm, as you sit here
7 today as a representative of the state on the various
8 topics that we're here about today, whether or not
9 the majority of the prescriptions for Actiq during
10 the relevant time period have been made for chronic
11 non-cancer pain?

12 A. I cannot, other than relying on the
13 testimony provided by Dr. Kolodny, who was speaking
14 as a representative of the state.

15 Q. Okay. Other than relying on the testimony
16 of Dr. Kolodny -- Well, strike that.

17 Let me ask a different question. Did
18 Dr. Kolodny provide any testimony that you're aware
19 of regarding prescriptions of Fentora?

20 A. I'm not aware.

21 Q. Okay. Do you know if there have been any
22 prescriptions of Fentora that have been made during
23 the relevant time period for chronic non-cancer pain?

24 A. Have there been -- And so the question is,
25 Have there been any Fentora prescriptions in the

1 state of Oklahoma since 1996 for non-chronic cancer
2 pain?

3 Q. Of Fentora.

4 A. It is my understanding that there have been,
5 but to quantify that, I'm not able to.

6 Q. Why not?

7 A. Because I think the state would rely on
8 Dr. Kolodny for that information.

9 Q. The state would rely on Dr. Kolodny to
10 determine whether or not a prescription for Fentora
11 was made --

12 A. Well, it's my understanding as the corporate
13 representative that Dr. Kolodny was analyzing that
14 data set as a corporate rep.

15 Q. Okay. I'm not sure what Dr. Kolodny was
16 told about what he was doing, and I'm -- I'm -- I'm
17 not asking you about what he did. Again, you are
18 here today to testify on the topics that you're here
19 to testify on, as we pointed out in the notice.

20 So my question is -- And I'll -- I'll ask it
21 again. As a representative of the state here today,
22 are you able to identify any prescription of Fentora
23 during the relevant time period that was prescribed
24 to a patient for chronic non-cancer pain?

25 A. It is -- it's not the state's position that

EXHIBIT 37

**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,)
)
 vs.)
)
 CHARLES ERIC ECKMAN, M.D.,)
 LICENSE NO. MD 12332,)
)
 Defendant.)

FILED

SEP 29 2016

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 15-08-5195

VERIFIED COMPLAINT

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision ("Board"), alleges and states as follows for its Complaint against Charles Eric Eckman, M.D. ("Defendant"):

1. The Board has jurisdiction over the subject matter and is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians, surgeons and other allied health professionals in the State of Oklahoma pursuant to 59 O.S. § 480 *et seq.*
2. Defendant holds Oklahoma medical license number 12332, which was issued on July 2, 1979.
3. The acts and omissions complained of herein were made while Defendant was acting as a physician pursuant to his medical license conferred upon him by the State of Oklahoma. Such acts and omissions occurred within the physical territory of the State of Oklahoma.

I. ALLEGATIONS OF PROFESSIONAL MISCONDUCT

4. In December of 2010, Defendant asked D.P.W., a patient and friend of Defendant, to come over and help him remove an object from Defendant's rectum. D.P.W. brought S.S.W. with him to help. S.S.W. was unsuccessful in removing the object and all three left and went to S.S.W.'s house and attempted a second time to remove the object unsuccessfully. At that time all three proceeded to Midwest City Hospital.
5. Upon arrival at Midwest City Hospital, D.P.W. checked Defendant in under D.P.W.'s name, used D.P.W.'s Medicaid insurance information, and D.P.W. paid the required co-pay. Defendant told S.S.W. that he would "make it right" after they helped him. S.S.W.

understood that meant S.S.W. and D.P.W. would be prescribed medications by Defendant without medical need.

6. Subsequent to the hospital visit, Defendant prescribed S.S.W. Schedule II controlled dangerous substances ("CDS"). Defendant prescribed S.S.W. 49 prescriptions of Methadone 10mg, #360, for a total of 14,874 dosage units from August 12, 2011, to February 24, 2015 which was 11.5 dosage units per day. Defendant also prescribed S.S.W. 9 prescriptions of Hydrocodone for a total of 952 dosage units, beginning in December 27, 2010. Defendant was aware that S.S.W. was formerly addicted to Methadone and that he had never given S.S.W. a physical examination. There was no medical necessity for these prescriptions.
7. In addition to CDS, Defendant also gave money to S.S.W. on several occasions after the December 2010 incident.
8. Prior to the December 2010 incident, D.P.W. was a patient of Defendant. However, after the incident, D.P.W. began receiving prescriptions for increased amounts of CDS from Defendant. From January 3, 2012, to January 27, 2015, Defendant prescribed D.P.W. 360 Oxycodone 30mg pills per month, which was 13.6 dosage units per day. In addition, Defendant prescribed D.P.W. Hydromorphone 8mg pills and Xanax 2mg pills, which is 18 dosage units per day. In addition to prescribing increased amounts of CDS without medical need or justification, the amounts were large and the combinations of drugs were dangerous.
9. In or around February 2015, Defendant told D.P.W. and S.S.W. that he was going to stop prescribing CDS to them and they threatened to tell the authorities about his behavior and prescribing if he did not continue. In addition to the prescriptions, they extorted money from Defendant. Subsequent to talking to Board investigators, Defendant filed a complaint with the Oklahoma City Police Department and both D.P.W. and S.S.W. were charged by the District Attorney with extortion and blackmail.
10. There has been an allegation made that Defendant has a medical condition resulting in a physical limitation so severe that one of his assessment recommendations indicated that he should not practice interventional radiology as doing so may be unsafe. The condition limits his fine motor dexterity. Defendant is not currently practicing interventional radiology due to this condition. Defendant also made an agreement, with the assessment facility, to refrain from prescribing narcotic medications.

II. VIOLATIONS

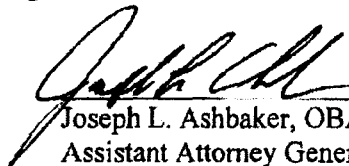
11. Based on the foregoing, the Defendant is guilty of professional misconduct as follows:
 - a. Dishonorable or immoral conduct likely to deceive, defraud, or harm the public, in violation of 59 O.S. 2011, § 509(8) and Okla. Admin. Code § 435:10-7-4(11);
 - b. Prescribing, dispensing or administering 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, in violation of 59 O.S. 2011, § 509(16) and Okla. Admin. Code § 435:10-7-4(1), (2), (6);

- c. Failure 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. 2011, § 509(18), (20) and Okla. Admin. Code § 435:10-7-4(41);
- d. The commission of any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine, in violation of 59 O.S. 2011, § 509(9);
- e. Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship, in violation of 59 O.S. 2011, § 509(12) and Okla. Admin. Code § 435:10-7-4(49);
- f. The inability to practice medicine with reasonable skill and safety to patients by reason of physical condition, in violation of 59 O.S. 2011, § 509(15) and Okla. Admin. Code § 435:10-7-4(40);
- g. Prescribing selling, administering, distributing, ordering, or giving any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug for other than medically accepted therapeutic purposes, in violation of Okla. Admin. Code § 435:10-7-4(24);
- h. Prescribing, selling, administering, distributing, ordering, or giving to a habitue or addict or any person previously drug dependent, any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug, in violation of Okla. Admin. Code § 435:10-7-4(25).

III. CONCLUSION

Given the foregoing, the undersigned requests 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 the Defendant's professional license, including an assessment of costs and attorney's fees incurred in this action as provided by law.




Joseph L. Ashbaker, OBA No. 19395
Assistant Attorney General
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
101 N.E. 51st Street
Oklahoma City, Oklahoma 73105
405/962.1400
405/962.1499 – Facsimile

VERIFICATION

I, Steve Washbourne, under penalty of perjury, under the laws of the State of Oklahoma, state as follows:

1. I have read the above Complaint regarding the Defendant, Charles Eric Eckman, M.D.; and
2. The factual statements contained therein are true and correct to the best of my knowledge and belief.



Steve Washbourne, Investigator
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Date: 9-29-16

OKlahoma Cd.
Place of Execution

**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,)
)
 vs.)
)
 CHARLES ERIC ECKMAN, M.D.,)
 LICENSE NO. MD 12332,)
)
 Defendant.)

FILED

APR 05 2017

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 15-08-5195

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

The State of Oklahoma, *ex rel.* the Oklahoma State Board of Medical Licensure and Supervision ("Board"), by and through its attorney, Joseph L. Ashbaker, Assistant Attorney General, for the State of Oklahoma ("State") and the staff of the Board, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, along with Charles Eric Eckman, M.D. ("Defendant"), Oklahoma medical license no. 12332, (collectively, the "Parties") who appears in person and through counsel Redmond P. Kemether, offer this Order Accepting Voluntary Submittal to Jurisdiction (herein, "Order" or "Agreement") effective March 2, 2017, for acceptance by the Board *en banc* pursuant to Okla. Admin. Code § 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant admits to the allegations herein contained and further acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("Act"), 59 O.S. 2011, § 480, *et seq.*

Defendant, Charles Eric Eckman, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for an evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with him.

BOARD *MSK*

CEE *CEE*

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Defendant herein, if any, shall not be regarded as evidence against him in a subsequent disciplinary hearing. Defendant will be free to defend himself, and no inferences will be made from his willingness to have this Order accepted by the Board. The Parties stipulate that neither the presentation of this Order nor the Board's consideration of this Order shall be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not be grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.

FINDINGS OF FACT

The State, the Defendant and the Board staff stipulate and agree as follows:

1. Defendant holds Oklahoma medical license number 12332.
2. The acts and omissions complained of herein were made while Defendant was acting as a physician pursuant to his medical license conferred upon him by the State of Oklahoma. Such acts and omissions occurred within the physical territory of the State of Oklahoma.

CURRENT ALLEGATIONS OF UNPROFESSIONAL CONDUCT

3. In December of 2010, Defendant asked D.P.W., a patient and friend of Defendant, to come over and help him with a medical issue which he wanted to keep confidential. D.P.W. brought S.S.W. with him to help. S.S.W. was unsuccessful in providing any help with Defendant's medical problem. Subsequently, all three proceeded to Midwest City Hospital.
4. Upon arrival at Midwest City Hospital, D.P.W. checked Defendant in under D.P.W.'s name, used D.P.W.'s Medicaid insurance information, and D.P.W. paid the required co-pay. Defendant told S.S.W. that he would "make it right" after they helped him. S.S.W. understood that meant S.S.W. and D.P.W. would be prescribed medications by Defendant without medical need.
5. Subsequent to the hospital visit, Defendant prescribed S.S.W. Schedule II controlled dangerous substances ("CDS"). Defendant prescribed S.S.W. 49 prescriptions of Methadone 10mg, #360, for a total of 14,874 dosage units from August 12, 2011, to February 24, 2015 which was 11.5 dosage units per day. Defendant also prescribed S.S.W. 9 prescriptions of Hydrocodone for a total of 952 dosage units, beginning in December 27, 2010. Defendant was aware that S.S.W. was formerly addicted to Methadone and that he had never given S.S.W. a physical examination. There was no medical necessity for these prescriptions.
6. Prior to the December 2010 incident, D.P.W. was a patient of Defendant. However, after the incident, D.P.W. began receiving prescriptions for increased amounts of CDS from Defendant. From January 3, 2012, to January 27, 2015, Defendant prescribed D.P.W. 360 Oxycodone 30mg pills per month, which was 13.6 dosage units per day. In addition,

BOARD *CE*

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Defendant prescribed D.P.W. Hydromorphone 8mg pills and Xanax 2mg pills, which is 18 dosage units per day. In addition to prescribing increased amounts of CDS without medical need or justification, the amounts were large and the combinations of drugs were dangerous.

7. In or around February 2015, Defendant told D.P.W and S.S.W. that he was going to stop prescribing CDS to them and they threatened to tell the authorities about his behavior and prescribing if he did not continue. In addition to the prescriptions, they extorted money from Defendant. Subsequent to talking to Board investigators, Defendant filed a complaint with the Oklahoma City Police Department and both D.P.W. and S.S.W. were charged by the District Attorney with extortion and blackmail.

CONCLUSIONS OF LAW

8. The Board has jurisdiction over the subject matter and 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. 59 O.S. 2011, § 480 *et seq.*
9. Based on the foregoing, the Defendant is guilty of professional misconduct as follows:
 - a. Dishonorable or immoral conduct likely to deceive, defraud, or harm the public, in violation of 59 O.S. 2011, § 509(8) and Okla. Admin. Code § 435:10-7-4(11);
 - b. 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, in violation of 59 O.S. 2011, § 509(16) and Okla. Admin. Code § 435:10-7-4(1), (2), (6);
 - c. Failure 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. 2011, § 509(18), (20) and Okla. Admin. Code § 435:10-7-4(41);
 - d. The commission of any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine, in violation of 59 O.S. 2011, § 509(9);
 - e. Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship, in violation of 59 O.S. 2011, § 509(12) and Okla. Admin. Code § 435:10-7-4(49);
 - f. The inability to practice medicine with reasonable skill and safety to patients by reason of physical condition, in violation of 59 O.S. 2011, § 509(15) and Okla. Admin. Code § 435:10-7-4(40);

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- g. Prescribing selling, administering, distributing, ordering, or giving any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug for other than medically accepted therapeutic purposes, in violation of Okla. Admin. Code § 435:10-7-4(24);
- h. Prescribing, selling, administering, distributing, ordering, or giving to a habitue or addict or any person previously drug dependent, any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug, in violation of Okla. Admin. Code § 435:10-7-4(25).

ORDERS

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

- 1. The Board *en banc* hereby adopts the Agreement of the Parties in this Voluntary Submittal to Jurisdiction, including the Findings of Fact and Conclusions of Law stated herein.
- 2. The Oklahoma medical license number 12332 of **CHARLES ERIC ECKMAN, M.D.** is **SUSPENDED** for (60) sixty days, effective March 6, 2016 through May 4, 2016, which has already been served.
- 3. Defendant **CHARLES ERIC ECKMAN, M.D.** is hereby placed on terms of **PROBATION** for a period of **THREE (3) YEARS**, effective from the date of the filing of this Order. The terms of Defendant's probation are set out below.
- 4. **CHARLES ERIC ECKMAN, M.D.** shall not prescribe controlled dangerous substances during his probation.
- 5. The terms of Defendants' probation are as follows:

Standard Terms:

- a) Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Board. Any question of interpretation regarding the Act or this order shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Board or its designee.
- b) Defendant will furnish a copy of this Order to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.

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- c) Defendant will keep the Board informed of his current address.
- d) Defendant will keep current payment of all assessments by the Board for prosecution, investigation and monitoring of his case, which shall include, but is not limited to, a fee of one hundred fifty dollars (\$150.00) per month during the term of probation, unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- e) Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.
- f) Defendant will not supervise allied health professionals that require surveillance of a licensed medical practitioner.
- g) Defendant will submit for analysis biological fluid specimens, including but not limited to, blood and urine, as well as hair follicle, upon request of the Board or its designee, and Defendant will pay the costs attendant thereto.
- h) Defendant will take no medications except that which is authorized by a physician treating him for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating him of the Board Order immediately upon initiation, or continuation of treatment.
- i) Defendant will have the affirmative duty not to ingest any substance, including but not limited to alcohol, which will cause a body fluid sample to test positive for prohibited substances.
- j) Defendant shall make himself available for one or more personal appearances before the Board or its authorized designee upon request.
- k) Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or authorized designee.
- l) Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Coordinator to obtain copies of medical records and assessments and authorize the Compliance Coordinator to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.
- m) Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing. Immediately upon learning that a licensee is in violation of a Board-ordered probation, the Executive Director of the Board may summarily suspend the license based on imminent harm to the public and

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assign a hearing date for the matter to be presented at the next scheduled Board meeting.

- n) If Defendant moves his residence or practice location out of the State of Oklahoma during the probationary period, the probation will be tolled until such time as Defendant returns to the State of Oklahoma and begins practicing within the state. The Defendant will notify the Board Secretary prior to moving out-of-state.

Specific Terms:

- a) Defendant will inform the Board Secretary of any move from Oklahoma to another licensing jurisdiction.
 - b) Defendant will maintain treatment under his current pain management doctor and any changes with respect to that physician will be approved by the Secretary of the Board. Further, Defendant will ensure that his pain management doctor will provide quarterly reports to the Secretary of the Board explaining the current prognosis and level of pain medications currently prescribed.
 - c) Defendant will continue his current OHPP contract for a period of (5) five years from the date of this Order.
 - d) Defendant follow any and all recommendations made by Professional Renewal Center in his most recent evaluation as well as any subsequent recommendations made in future evaluations.
 - e) If Defendant desires to change his employment, the proposed working environment must first be approved by Board Secretary.
6. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.
7. A copy of this Order shall be provided to Defendant as soon as it is processed.
8. **This Order is subject to review and approval by the Oklahoma Attorney General, and this Order shall become final upon completion of the review by the Oklahoma Attorney General unless disapproved, in which case this Order shall be null and void.**

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Dated this 2nd day of MARCH, 2017.

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Charles Eric Eckman MD
Charles Eric Eckman, M.D.
License No. 12332

~~Ann Warn, M.D., President~~
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Henry Ross, VP
Billy H. Stout

Billy H. Stout, M.D., Board Secretary
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Redmond P. Kemether
Redmond P. Kemether, OBA No. 10872
~~Assistant Attorney General~~
500 N. Walker, Suite I
Oklahoma City, Oklahoma 73102
T: (405) 235-7639
Attorney for Defendant,
Charles Eric Eckman, M.D.

Joseph L. Ashbaker
Joseph L. Ashbaker, OBA No. 19395
Assistant Attorney General
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
101 N.E. 51st Street
Oklahoma City, Oklahoma 73105
T: (405) 962-1400
F: (405) 962-1499

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Certificate of Service

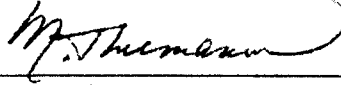
This is to certify that on the 5th day of April, 2017, a true and correct copy of the foregoing Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail

Charles Eric Eckman
6608 North Western Avenue, #422
Oklahoma City, Oklahoma 73116
Defendant

U.S. First Class Mail

Redmond P. Kemether, OBA No. 10872
~~Assistant Attorney General~~
500 N. Walker, Suite 1
Oklahoma City, Oklahoma 73102
T: (405) 235-7639
Attorney for Defendant,
Charles Eric Eckman, M.D.



Nancy Thiemann, Legal Secretary

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OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-242A

FILED

APR 05 2017

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Billy Stout, Executive Director
State Board of Medical Licensure and Supervision
101 N.E. 51st Street
Oklahoma City, OK 73105

April 3, 2017

Dear Executive Director Stout:

This office has received your request for a written Attorney General Opinion regarding agency action that the State Board of Medical Licensure and Supervision intends to take with respect to Medical Doctor Licensee 12332. In December 2010, the licensee used a former patient's name and Medicaid insurance to check into a hospital for treatment and allowed former patient to pay the insurance co-payment. In return, the licensee prescribed the former patient and partner Controlled Dangerous Substances (CDS). The partner was prescribed Schedule II CDS, including 49 prescriptions of Methadone from August 12, 2011 to February 24, 2015 and 9 prescriptions of Hydrocodone beginning December 27, 2010, despite the fact that the licensee did not give a physical examination and was aware that the former patient had a prior addiction to Methadone and had no medical necessity for the prescriptions. The former patient was prescribed large amounts and dangerous combinations of CDS without medical need or justification, including 360 Oxycodone 30 mg pills per month from January 3, 2012 to January 27, 2015, and Hydromorphone and Xanax pills. In February 2015, the licensee told the former patient and the patient's partner that the licensee was going to stop prescribing CDS medications to them, and they threatened to tell authorities about their arrangement and extorted money from the licensee. Subsequent to the Board investigation, the licensee filed a complaint with the Oklahoma City Police Department, and both the former patient and partner were charged with extortion and blackmail.

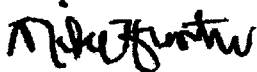
The proposed action is to enter an agreement with the applicant whereby restrictions will be imposed on the applicant's professional practice in conjunction with a sixty day suspension of the license followed by a three year probation period. During the probationary period, the licensee will be prohibited from prescribing CDS, among other restrictions including: notification of potential employers, or other states, of the agreement; inform Board on current address, including any move to another licensing jurisdiction; payment of all associated fees and costs assessed by the Board; no supervision of allied health professionals; submission to random hair follicle and body fluid testing; ingestion of only medications authorized by a treating physician who has been made aware of the agreement; affirmative duty not to ingest prohibited substances including alcohol; appearance before the Board upon request; submission of timely reports to the Board; Board access to applicant's treatment-related records; maintenance of treatment under current pain management doctor, including submission of quarterly reports to the Board; extension for five years of the



current contract with the Oklahoma Health Professional Program, a substance abuse assistance program; follow recommendations by Professional Renewal Center; and approval from Board prior to a change of employment.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S.2011 & Supp.2016, §§ 480–518.1, authorizes the Board to discipline licensees who engage in unprofessional conduct. 59 O.S.Supp.2016, § 503. Unprofessional conduct includes “[dishonorable or immoral conduct likely to deceive, defraud, or harm the public,” “[p]rescribing or administering a drug or treatment without sufficient examination,” “[p]rescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice,” and the “inability to practice medicine with reasonable skill and safety to patients by reason of . . . any mental or physical condition.” 59 O.S.2011, § 509(8), (12), (15), (16). The action seeks to enforce these requirements that ensure controlled dangerous substances are used appropriately in medical practice. The Board may reasonably believe that the restrictions on the applicant’s license described above seek to ensure that the licensee does not engage in additional violations.

It is, therefore, the official opinion of the Attorney General that the State Board of Medical Licensure and Supervision has adequate support for the conclusion that this action advances the State of Oklahoma’s policy requiring that medical doctors observe standards of professionalism.



MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA



SHELLY PERKINS
ASSISTANT ATTORNEY GENERAL

EXHIBIT 38

IN THE DISTRICT COURT AND FOR SEQUOYAH COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA,)

Plaintiff,)

vs.)

BERNARD M. TOUGAS,
3100 Jackson St.
Fort Smith, Arkansas 72903
D.O.B.: 07/21/1972
SSN: ***-**-5760

RONALD V. MYERS,
27 Weeks Drive
Belzoni, Mississippi 39038
D.O.B.: 02/29/56
SSN: ***-**-8414

GEORGE B. HOWELL and,
7015 E. 14th Street N
Wichita, KS 67206
D.O.B.: 06/16/1936
SSN: ***-**-5778, ***-**-5278

Defendants.)

Case No. CF-16-493A

SEQUOYAH COUNTY, OKLAHOMA
FILED
IN DISTRICT COURT

JUN 17 2016

VICKI BEATY, COUNTY CLERK
BY: WD DEPUTY

INFORMATION

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OKLAHOMA: E.
SCOTT PRUITT, Attorney General of the State of Oklahoma, by Assistant Attorney General,
Emily N. Harrelson, in the name and by the authority, and on behalf of the State of Oklahoma,
give information that in SEQUOYAH COUNTY, State of Oklahoma, BERNARD M.
TOUGAS, RONALD V. MYERS and GEORGE B. HOWELL did then and there unlawfully,
willfully, knowingly and wrongfully commit the crimes of:

COUNT 1: RACKETEERING

During the period of the 1st day of August, 2009, and continuously through the 31st day of December, 2014, the crime of **RACKETEERING** was committed in **Sequoyah County**, State of Oklahoma by defendants **BERNARD M. TOUGAS, RONALD V. MYERS, and GEORGE B. HOWELL**, along with others, in violation of Section 1403 of Title 22 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma. That is to say that during the period of the 1st day August, 2009, and continuously through the 31st December, 2014, inclusive, defendants **BERNARD M. TOUGAS, RONALD V. MYERS, and GEORGE B. HOWELL**, and others, were associated with an enterprise as defined by Section 1403 of Title 22 of the Oklahoma Statutes, to wit: Wellness Clinic of Roland. Prior to 2009 Bernard Tougas worked as a Physician Assistant to Dr. Terry Brackman in Fort Smith, Arkansas. During this time Dr. George Howell and Dr. Ronald Myers also worked for Dr. Brackman's practice. Upon Dr. Brackman's death in August, 2009, Bernard Tougas moved the practice to Roland, Oklahoma, calling the new practice, the Wellness Clinic of Roland. Dr. Myers also moved with the practice becoming the Medical Director. Dr. John Friedl was recruited by Bernard Tougas to work at the clinic and began working there as a doctor in 2009. Dr. Howell also moved over from Dr. Brackman's practice to the Wellness Clinic in Roland. Dr. Myers and Dr. Friedl were salaried employees of the clinic, and Dr. Howell was a contract employee. On December 30, 2011, a Certificate of Incorporation was filed with the Office of the Secretary of State, State of Oklahoma, establishing the Wellness Clinic of Roland. The stated primary purpose of this incorporation was to operate a family practice medical clinic. Also on December, 30, 2011, the initial directors' meeting was held. The following officers were nominated and approved: Dr. Ronald Myers as President and Medical Director, Dr. John Friedl Vice President and Assistant

Medical Director, and Debra Cox, Bernard Tougas's mother, Vice President and Clinic Administrator. Bernard Tougas was the sole stockholder in Wellness Clinic of Roland, Inc. During this meeting, the corporation entered into an outsourcing service agreement with Tougas Management, Inc., related to management, business administration, and the outsourcing of physicians and physician's assistants. Dr. Friedl was a Vice President of Tougas Management, Inc. In late summer of 2013, Dr. Friedl left the Wellness Clinic of Roland, Inc. to continue his practice in Tulsa, Oklahoma. On February 21, 2014, Dr. Howell was terminated from his employment contract with the Wellness Clinic of Roland, Inc. Dr. Myers continued to work with Bernard Tougas at the Wellness Clinic.

During this aforementioned period of time defendants, **BERNARD M. TOUGAS, RONALD V. MYERS, and GEORGE B. HOWELL**, and others, did knowingly, willfully, and unlawfully conduct or participate, directly or indirectly, in the conduct of the affairs of the Wellness Clinic of Roland, an enterprise, through a pattern of racketeering activity as defined by Section 1402(5) and 1402(10) of Title 22 of the Oklahoma Statutes to-wit the following felonies:

1. On or between the inclusive dates from the 1st of August, 2009, through the 21st day of February, 2014, defendant **GEORGE B. HOWELL** committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 10th day of April, 2012, **GEORGE B. HOWELL**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Oxycodone, Lorcet (acetaminophen/hydrocodone), and Soma (carisoprodol), classified as controlled dangerous substances, schedule II through IV, in the Controlled Dangerous Substances Act of this State by signing and/or delivering

a prescription for said drugs to Tonya Lynn Chester, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

2. On or between the inclusive dates from the 1st of August, 2009, through the 21st day of February, 2014, defendant **GEORGE B. HOWELL** committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 13th day of March, 2012, **GEORGE B. HOWELL**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Oxycodone, Lorcet (acetaminophen/hydrocodone), and Soma (carisoprodol), classified as controlled dangerous substances, schedule II through IV, in the Controlled Dangerous Substance Act of this State by signing and/or delivering a prescription for said drugs to Tonya Lynn Chester, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

3. On or between the inclusive dates from the 1st of August, 2009, through the 21st day of February, 2014, defendant **GEORGE B. HOWELL** committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 15th day of February, 2012, **GEORGE B. HOWELL**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Oxycodone, Lorcet (acetaminophen/hydrocodone), and Soma (carisoprodol), classified as controlled dangerous substances, schedule II through IV,

in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs to Tonya Lynn Chester, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

4. On or between the inclusive dates from the 1st of August, 2009, through the 21st day of February, 2014, defendant **GEORGE B. HOWELL** committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 17th day of January, 2012, **GEORGE B. HOWELL**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Oxycodone, Lorcet (acetaminophen/hydrocodone), and Soma (carisprodol), classified as controlled dangerous substances, schedule II through IV, of the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs to Tonya Lynn Chester, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

5. On or between the inclusive dates from the 1st of August, 2009, through the 21st day of February, 2014, defendant **GEORGE B. HOWELL** committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 20th day of December, 2011, **GEORGE B. HOWELL**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Oxycodone, Lorcet (acetaminophen/hydrocodone), and Soma

(carisoprodol), classified as controlled dangerous substances, schedule II through IV, in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs to Tonya Lynn Chester, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

6. On or between the inclusive dates from the 1st of August, 2009, through the 21st day of February, 2014, defendant **GEORGE B. HOWELL** committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 22nd day of November, 2011, **GEORGE B. HOWELL**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Oxycodone, Lorcet (acetaminophen/hydrocodone), and Soma (carisoprodol), classified as controlled dangerous substances, schedule II through IV, in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs to Tonya Lynn Chester, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

7. On or between the inclusive dates from the 1st of August, 2009, through the 21st day of February, 2014, defendant **GEORGE B. HOWELL** committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 25th day of October, 2011, **GEORGE B. HOWELL**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or

dispensed, a quantity of Oxycodone, Lorcet (acetaminophen/hydrocodone), and Soma (carisoprodol), classified as controlled dangerous substances, schedules II through IV, in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs to Tonya Lynn Chester, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

8. On or between the inclusive dates from the 1st of August, 2009, through the 21st day of February, 2014, defendant **GEORGE B. HOWELL** committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 27th day of September, 2011, **GEORGE B. HOWELL**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Oxycodone, Lorcet (acetaminophen/hydrocodone), and Soma (carisoprodol), classified as controlled dangerous substances, schedule II through IV, in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs to Tonya Lynn Chester, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

9. On or between the inclusive dates from the 1st of August, 2009, through the 21st day of February, 2014, defendant **GEORGE B. HOWELL** committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 30th day of August, 2011, **GEORGE B. HOWELL**, willfully and knowingly, for other than legitimate medical

or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Oxycodone, Lorcet (acetaminophen/hydrocodone), and Soma (carisoprodol), classified as controlled dangerous substances, schedule II through IV, in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs to Tonya Lynn Chester, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

10. On or between the inclusive dates from the 1st of August, 2009, through the 21st day of February, 2014, defendant **GEORGE B. HOWELL** committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 2nd day of August, 2011, **GEORGE B. HOWELL**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Oxycodone, Lorcet (acetaminophen/hydrocodone), and Soma (carisoprodol), classified as controlled dangerous substances, schedules II through IV, in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs to Tonya Lynn Chester, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

11. On or between the inclusive dates from the 1st of August, 2009, through the 21st day of February, 2014, defendant **GEORGE B. HOWELL** committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 23rd day of

September, 2010, **GEORGE B. HOWELL**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Oxycodone, Soma (carisoprodol), and Xanax (alprazolam) classified as controlled dangerous substances, schedule II and IV, in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs to Brian Bourne, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

12. On or between the inclusive dates from the 1st of August, 2009, through the 21st day of February, 2014, defendant **GEORGE B. HOWELL** committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County**, Oklahoma. That is to say that on or about the 21st day of October, 2010, **GEORGE B. HOWELL**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Oxycodone, Lorcet (acetaminophen/hydrocodone), Soma (carisoprodol), and Xanax (alprazolam) classified as controlled dangerous substances, schedule II through IV, in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs to Brian Bourne, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

13. On or between the inclusive dates from the 1st of August, 2009, through the 21st day of February, 2014, defendant **GEORGE B. HOWELL** committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in**

Sequoyah County, Oklahoma. That is to say that on or about the 1st day of July, 2010, **GEORGE B. HOWELL**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Lorcet (acetaminophen/hydrocodone), Soma (carisoprodol), and Xanax (alprazolam) classified as controlled dangerous substances, schedule IV through II, in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs to Brian Bourne, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

14. On or between the inclusive dates from the 1st of August, 2009, through the 21st day of February 2014, defendant **GEORGE B. HOWELL** committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma.** That is to say that on or about the 31st day of January, 2012, **GEORGE B. HOWELL**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Methadone Hydrochloride, Soma (carisoprodol), Xanax (alprazolam), and Percocet (oxycodone and acetaminophen) classified as controlled dangerous substances, schedule II through IV, in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs to Donna Ruth Parson, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

15. On or between the inclusive dates from the 1st of August, 2009, through the 21st day of February, 2014, defendant **GEORGE B. HOWELL** committed the

rackeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 3rd day of January, 2012, **GEORGE B. HOWELL**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Methadone Hydrochloride, Soma (carisoprodol), Xanax (alprazolam), and Percocet (oxycodone and acetaminophen) classified as controlled dangerous substances, schedule II through IV, in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs to Donna Ruth Parson, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

16. On or between the inclusive dates from the 1st of August, 2009, through the 21st day of February, 2014, defendant **GEORGE B. HOWELL** committed the rackeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 22nd day of January, 2013, **GEORGE B. HOWELL**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Valium (Diazepam) and OxyContin classified as controlled dangerous substances, schedule II through IV, in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs to Gary Edgar Alewine, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

17. On or between the inclusive dates from the 1st of August, 2009, through the 21st day of February, 2014, defendant **GEORGE B. HOWELL** committed the

racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 27th day of December, 2012, **GEORGE B. HOWELL**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Oxycodone Hydrochloride and Soma (Carisoprodol) classified as controlled dangerous substances, schedule II through IV, in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs to Gerald A. Turpin, II., a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

18. On or between the inclusive dates from the 1st of August, 2009, through the 21st day of February, 2014, defendant **GEORGE B. HOWELL** committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 24th day of January, 2013, **GEORGE B. HOWELL**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Oxycodone Hydrochloride and Soma (Carisoprodol) classified as controlled dangerous substances, schedule II through IV, in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs to Gerald A. Turpin, II., a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

19. On or between the inclusive dates from the 1st of August, 2009, through August, 2013, a member of the racketeering enterprise, **JOHN C. FRIEDL**, committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 27th day of March, 2012, **JOHN C. FRIEDL**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Methadone Hydrochloride, Soma (Carisoprodol), Xanax (Alprazolam), and Percocet (Oxycodone and Acetaminophen) classified as controlled dangerous substances, schedule II through IV, in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs to Donna Ruth Parson, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

20. On or between the inclusive dates from the 1st of August, 2009, through August, 2013, a member of the racketeering enterprise, **JOHN C. FRIEDL** committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 24th day of April, 2012, **JOHN C. FRIEDL**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Methadone Hydrochloride classified as controlled dangerous substance, schedule II, in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs to Donna Ruth Parson, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

21. On or between the inclusive dates from the 1st of August, 2009, through August, 2013, a member of the racketeering enterprise, **JOHN C. FRIEDL** committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 22nd day of May, 2012, **JOHN C. FRIEDL**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Morphine Sulfate classified as controlled dangerous substance, schedule III, in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs to Donna Ruth Parson, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

22. On or between the inclusive dates from the 1st of August, 2009 through August, 2013, a member of the racketeering enterprise, **JOHN C. FRIEDL and defendant, BERNARD TOUGAS**, acting in concert, committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 27th day of March, 2013, **JOHN C. FRIEDL and BERNARD TOUGAS**, willfully, knowingly, and co-jointly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Oxycodone classified as controlled dangerous substance, schedule II, in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs to Jenna Mooneyham, aka Rachel Geller, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

23. On or between the inclusive dates from the 1st of August, 2009, through August, 2013, a member of the racketeering enterprise, **JOHN C. FRIEDL**, committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 4th day of October, 2012, **JOHN C. FRIEDL**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Oxycodone Hydrochloride, OxyContin, and Soma (Carisoprodol) classified as controlled dangerous substances, schedule II through IV, in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs them to Gerald A. Turpin, II., a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

24. On or between the inclusive dates from the 1st of August, 2009, through August, 2013, a member of the racketeering enterprise, **JOHN C. FRIEDL**, committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 1st day of November, 2012, **JOHN C. FRIEDL**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Oxycodone Hydrochloride and Soma (Carisoprodol) classified as controlled dangerous substances, schedule II through IV, in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs to Gerald A. Turpin, II., a patient of the Wellness Clinic

of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

25. On or between the inclusive dates from the 1st of August, 2009, through August, 2013, a member of the racketeering enterprise, **JOHN C. FRIEDL**, committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 29th day of November, 2012, **JOHN C. FRIEDL**, willfully and knowingly for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Oxycodone Hydrochloride and Soma (Carisoprodol) classified as controlled dangerous substances, schedule II through IV, in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs to Gerald A. Turpin, II., a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

26. On or between the inclusive dated from 1st of August, 2009, through August, 2013, a member of the racketeering enterprise, **JOHN C. FRIEDL**, committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 4th day of June, 2013, **JOHN C. FRIEDL**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Oxycodone classified as controlled dangerous substance in schedule II of the Controlled Dangerous Substances Act of this State by signing and/or allowing delivery of a prescription for said drug to Jenna Mooneyham, aka Rachel

Geller, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma.

27. On or between the inclusive dates from the 1st of August, 2009, through the 31st day of December, 2014, a member of the racketeering enterprise **JOHN C. FRIEDL and defendant, BERNARD M. TOUGAS**, committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 24th day of April, 2013, **JOHN C. FRIEDL and BERNARD M. TOUGAS**, willfully, knowingly, and co-jointly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Oxycodone and Ultram classified as controlled dangerous substances, in schedule II through IV, of the Controlled Dangerous Substances Act of this State by signing and/or causing delivering of a prescription for said drugs to Jenna Mooneyham, aka Rachel Geller, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-104 of Title 63 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma.

28. On or between the inclusive dates from the 1st of August, 2009, through the 31st of December, 2014, defendant **RONALD V. MYERS** committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 1st day of July, 2010, **RONALD V. MYERS**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Oxycodone Hydrochloride classified as controlled dangerous substance,

schedule II, in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for drugs to Brian Bourne, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

29. On or between the inclusive dates from the 1st of August, 2009, through the 31st day of December, 2014, defendant **RONALD V. MYERS** committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 23rd day of September, 2010, **RONALD V. MYERS**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Oxycodone Hydrochloride classified as controlled dangerous substance, schedule II, in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs to Brian Bourne, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

30. On or between the inclusive dates from the 1st of August, 2009, through the 31st day of December, 2014, defendant **RONALD V. MYERS** committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 21st day of October, 2010, **RONALD V. MYERS**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Oxycodone Hydrochloride classified as controlled dangerous substance, schedule II, in the Controlled Dangerous Substances Act of this State by

signing and/or delivering a prescription of said drugs to Brian Bourne, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

31. On or between the inclusive dates from the 1st of August, 2009, through the 31st day of December, 2014, defendant **RONALD V. MYERS** committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 6th day of September, 2012, **RONALD V. MYERS**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Hydrocodone Bitartrate and Acetaminophen and Soma (Carisoprodol) classified as controlled dangerous substances, schedule III through IV, in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs to Gerald A. Turpin, II., a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

32. On or between the inclusive dates from the 1st of August, 2009, through the 31st day of December, 2014, defendant **RONALD V. MYERS** committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 18th day of February, 2013, **RONALD V. MYERS**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Valium (Diazepam) and OxyContin classified as controlled dangerous substances, schedule IV and II, in the Controlled Dangerous Substances

Act of this State by signing and/or delivering a prescription of said drugs to Gary Edgar Alwine, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

33. On or between the inclusive dates from the 1st of August, 2009, through the 31st day of December, 2014, defendant **RONALD V. MYERS** committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 29th day of November, 2012, **RONALD V. MYERS**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Valium (Diazepam), OxyContin and Oxycodone classified as controlled dangerous substances, schedule IV through II, in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription of said drugs to Gary Edgar Alwine, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

34. On or between the inclusive dates from the 1st of August, 2009, through the 31st day of December, 2014, defendant **RONALD V. MYERS** committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 30th day of October, 2012, **RONALD V. MYERS**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Valium (Diazepam), OxyContin, and Oxycodone classified as controlled dangerous substances, schedule IV through II, in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs

to Gary Edgar Alwine, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

35. On or between the inclusive dates from the 1st of August, 2009, through the 31st day of December, 2014, defendant **RONALD V. MYERS** committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County**, Oklahoma. That is to say that on or about the 2nd day of October, 2012, **RONALD V. MYERS**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Valium (Diazepam), OxyContin, and Oxycodone classified as controlled dangerous substances, schedule IV through II, in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription of said drugs to Gary Edgar Alwine, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

36. On or between the inclusive dates from the 1st of August, 2009, through the 31st day of December, 2014, defendants **RONALD V. MYERS** and **BERNARD M. TOUGAS**, committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County**, Oklahoma. That is to say that on or about the 10th day of December, 2013, **RONALD V. MYERS** and **BERNARD M. TOUGAS**, willfully, knowingly, and co-jointly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Oxycodone Hydrochloride, OxyContin, and Valium (Alprazolam) classified as controlled dangerous substances, schedule II through IV of the Controlled Dangerous Substances Act of this State by signing and/or delivering a

prescription for said drugs to Tammy Bond Tanksley, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma.

37. On or between the inclusive dates from the 1st day of August, 2009, through the 31st day of December, 2014, defendants **RONALD V. MYERS and BERNARD M. TOUGAS** committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County, Oklahoma**. That is to say that on or about the 7th day of January, 2014, **RONALD V. MYERS and BERNARD M. TOUGAS**, willfully, knowingly, and co-jointly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Oxycodone Hydrochloride, OxyContin, and Valium (Alprazolam) classified as controlled dangerous substances, schedule II through IV of the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs to Tammy Bond Tanksley, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma.

38. On or between the inclusive dates from the 1st of August, 2009, through the 31st day of December, 2014, defendant **GEORGE B. HOWELL** committed the racketeering act of **Murder in the First Degree in Sequoyah County, Oklahoma**. That is to say that on or about the 8th day of May, 2012, the crime of Murder in the First Degree was feloniously committed in **Sequoyah County, Oklahoma**, by **GEORGE B. HOWELL**, who, while in the commission of the crime of Unlawful Distribution or Dispensing of Controlled Dangerous Substances, killed or caused the

death of Tonya Lynn Chester, a patient of the Wellness Clinic of Roland, by drug toxicity, causing her death on the 8th of May, 2012, contrary to the provisions of section 701.7 of Title 21 of the Oklahoma Statutes. **Or in the alternative**, that on or between the inclusive dates from the 1st of August, 2009, through the 31st day of December, 2014, defendant **GEORGE B. HOWELL** committed the racketeering act of **Murder in the Second Degree in Sequoyah County, Oklahoma**. That is to say that on or about the 8th day of May, 2012, the crime of Murder in the Second Degree was feloniously committed in **Sequoyah County, Oklahoma**, by **GEORGE B. HOWELL**, who unlawfully prescribed outside the usual course of medical practice and/or without medical purpose, excessive amounts of controlled dangerous substances to Tonya Lynn Chester, a patient of the Wellness Clinic of Roland, in a manner imminently dangerous to another person, evincing a depraved mind, and without regard of human life, killing Tonya Lynn Chester, by drug toxicity, which caused her death on the 8th of May, 2012, contrary to the provisions of section 701.7 of Title 21 of the Oklahoma Statutes.

39. On or between the inclusive dates from the 1st of August, 2009, through the 31st day of December, 2014, defendant **BERNARD M. TOUGAS** committed the racketeering act of **Maintaining a Building Where Controlled Dangerous Substances Are Sold in Sequoyah County, Oklahoma**. That is to say on or between the 1st day of August, 2009, through the 31st day of December, 2014, the crime of **Maintaining a Building Where Controlled Dangerous Substances Are Sold** was feloniously committed in **Sequoyah County, Oklahoma**, by **BERNARD M. TOUGAS**, who willfully and knowingly kept and/or maintained the building for the

Wellness Clinic of Roland, a medical clinic, for the unlawful selling of controlled dangerous substances, contrary to the provisions of section 2-404(A)(6) of Title 63 of the Oklahoma Statutes.

40. On or between the inclusive dates from the 1st of August, 2009, through the 31st day of December, 2014, defendant **BERNARD M. TOUGAS** committed the racketeering act of **Unlawful Distribution of a Controlled Dangerous Substance in Sequoyah County**, Oklahoma. That is to say that on or about the 30th day of October, 2012, **BERNARD M. TOUGAS**, willfully and knowingly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship and outside of his legal authority as a physician assistant, distributed or dispensed a quantity of MS Contin (Morphine) classified as controlled dangerous substance, schedule II in the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription of said drugs to Robert Stanton, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes.

COUNT 2: MURDER IN THE FIRST DEGREE

That on or about the 8th day of May, 2012, the crime of Murder in the First Degree was feloniously committed in **Sequoyah County**, Oklahoma, by **GEORGE B. HOWELL**, who, while in the commission of unlawful distribution or dispensing of controlled dangerous substances, including 30 mg Oxycodone (Schedule II CDS), 15mg Oxycodone (Schedule II CDS,) Lorcet (acetaminophen/hydrocodone) (Schedule III CDS), Soma (carisoprodol) (Schedule IV CDS), and Elavil, totaling six hundred and forty four (644) pills, killed or caused the death of Tonya Lynn Chester, a patient of the Wellness Clinic of Roland, by drug toxicity, causing her

death on the 8th of May, 2012, contrary to the provisions of Section 701.7 of Title 21 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma.

OR IN THE ALTERNATIVE

MURDER IN THE SECOND DEGREE

That on or about the 8th day of May, 2012, the crime of Murder in the Second Degree was feloniously committed in Sequoyah County, Oklahoma, by **GEORGE B. HOWELL**, who unlawfully prescribed outside the usual course of medical practice and/or without a medical purpose, excessive amounts of controlled dangerous substances to Tonya Lynn Chester, a patient of the Wellness Clinic of Roland, in a manner imminently dangerous to another person, evincing a depraved mind, and without regard of human life, killing Tonya Lynn Chester, by drug toxicity, which caused her death on the 8th day of May, 2012, contrary to the provisions of section 701.8 of Title 21 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma.

COUNT 3: UNLAWFUL DISTRIBUTION OF A CONTROLLED DANGEROUS SUBSTANCE

That on or about the 10th day of December, 2013, the crime of Unlawful Distribution of a Controlled Dangerous Substance was feloniously committed in Sequoyah County, Oklahoma, by **RONALD V. MYERS and BERNARD M. TOUGAS**, who willfully, knowingly, and co-jointly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Oxycodone, OxyContin, and Valium (Alprazolam) classified as controlled dangerous substances, schedule II and IV, of the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs to Tammy Bond Tanksley, a patient of the Wellness Clinic of Roland, contrary to the provisions

of section 2-401 of Title 63 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma.

COUNT 4: UNLAWFUL DISTRIBUTION OF A CONTROLLED DANGEROUS SUBSTANCE

That on or about the 7th day of January, 2014, the crime of Unlawful Distribution of a Controlled Dangerous Substance was feloniously committed in Sequoyah County, Oklahoma, by **RONALD V. MYERS and BERNARD M. TOUGAS**, who willfully, knowingly, and co-jointly, for other than legitimate medical or scientific purposes and/or without a doctor/patient relationship, distributed or dispensed a quantity of Oxycodone, OxyContin, and Valium (Alprazolam) classified as controlled dangerous substances, schedule II and IV of the Controlled Dangerous Substances Act of this State by signing and/or delivering a prescription for said drugs to Tammy Bond Tanksley, a patient of the Wellness Clinic of Roland, contrary to the provisions of section 2-401 of Title 63 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma.

COUNT 5: MAINTAINING A BUILDING WHERE CONTROLLED DANGEROUS SUBSTANCES ARE SOLD

That on or about August, 2009, through December, 2014, the crime of Maintaining a Building Where Controlled Dangerous Substances Are Sold was feloniously committed in Sequoyah County, Oklahoma, by **BERNARD M. TOUGAS**, who willfully and knowingly kept and/or maintained the building for the Wellness Clinic of Roland, a medical clinic, for the unlawful selling of controlled dangerous substances, contrary to the provisions of section 2-404(A)(6) of Title 63 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

By: *Emily Harrelson*
EMILY N. HARRELSON, OBA #22930
Assistant Attorney General
313 N.E. 21st Street
Oklahoma City, OK 73105
[405] 522-5354 Telephone
[405] 522-2795 Facsimile


STATE OF OKLAHOMA)
)
COUNTY OF SEQUOYAH)

I, Emily Harrelson, being duly sworn on my oath, declare that the statements set forth in the above information, are true and correct to the best of my knowledge and belief.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

By: *Emily Harrelson*
Emily Harrelson
Assistant Attorney General

Subscribe and sworn to before me this 13th day of June, 2016.

Barbara C. [Signature] 

NOTARY PUBLIC

VIOLATION AND PENALTY:

COUNT 1: 22 O.S. §1403 – Imprisonment in the custody of the Department of Corrections of not less than ten (10) years and shall not be eligible for a deferred sentence, probation, suspension, work furlough, or release from confinement until one-half (1/2) of sentence served and a fine up to three times value of gain or loss.

COUNT 2: 21 O.S. §701.7 – Death or Life without parole or Life and no deferred sentence.

COUNT 2: IN THE ALTERNATIVE: 21 O.S. §701.8 – Imprisonment in a State Penal Institution for not less than ten (10) years nor more than Life.

COUNT 3-4: 63 O.S. §2-401(B)(1) – Imprisonment in the custody of the Department of Corrections of not less than five (5) years nor more than Life and a fine of not more than One Hundred Thousand Dollars (\$100,000.00).

COUNT 5: 63 O.S. 2-404(A)(6) – Imprisonment for not more than five (5) years, and a fine of not more than Ten Thousand Dollars (\$10,000.00).

WITNESSES ENDORSED FOR THE STATE OF OKLAHOMA

Chris Smith, Oklahoma Bureau of Narcotics and Dangerous Drug Control, 607 Southwest E. Avenue, Lawton, Oklahoma.

Jenna Mooneyham, Oklahoma Bureau of Narcotics and Dangerous Drug Control, 419 NE 38th Terrace, Oklahoma City, Oklahoma, 73105.

Earl Beaver, Oklahoma Bureau of Narcotics and Dangerous Drug Control, 419 NE 38th Terrace, Oklahoma City, Oklahoma, 73105.

Brian Tallant, Oklahoma Bureau of Narcotics and Dangerous Drug Control, 419 NE 38th Terrace, Oklahoma City, Oklahoma, 73105.

Dr. Ryan Walker, Walgreens Pharmacy Supervisor, Tulsa South District for Walgreens.

Corporal Paul Smith, Fort Smith Police Department, Narcotics Unit, 100 South 10th Street, Fort Smith, Arkansas.

Steve Washbourne, Oklahoma Medical Board, 5104 N. Francis Ave., Oklahoma City, Oklahoma.

Jana Lane, Oklahoma Medical Board, 5104 N. Francis Ave., Oklahoma City, Oklahoma.

Dr. Richard Brittingham, 3201 W. Gore Blvd., Lawton, Oklahoma.

Tammy Bond Tanksley, 9600 Jenny Lind Road, Fort Smith, Arkansas.

John Chester, 202 Thompson Street, Poteau, Oklahoma.

Betty Gunter, 476300 E. 1095 Road, Roland, Oklahoma, 74954.

Danielle Dedmon, 213 W. Broadway, Spiro, Oklahoma, 74959.

James Graham, 1 Mercy Way, #50, Bella Vista, Arkansas, 72714.

Jimmy Jones, 22736 128th Ave., Cameron, Oklahoma 74932.

Johnny Roberts, 303 Ray Fine Blvd., Roland, Oklahoma, 74954.

EXHIBIT 39

IN THE DISTRICT COURT OF OKLAHOMA
STATE OF OKLAHOMA

DEED COUNTY
DISTRICT COURT
OKLAHOMA COUNTY

STATE OF OKLAHOMA)
 Plaintiff,)
 vs.)
 HARVEY CLARKE JENKINS, JR., M.D.)
 TASHONDA RENEE DIXON)
 JULIE BROWN)
 MICHAEL WAYNE OXLEY)
 TAYLOR SHAI ZAMARRIPA)
 ELSIE MURGUIA)
 Defendants.)

JAN 23 2018
 RICK WARRIEN
 COURT CLERK
 09 _____

CF-16-2325

THIRD AMENDED INFORMATION

In the name and by the authority of the State of Oklahoma, comes now MIKE HUNTER, the duly appointed, qualified, and acting Attorney General in and for the State of Oklahoma, and on his official oath informs the District Court that:

COUNT 1
CONSPIRACY TO ILLEGALLY POSSESS/DISTRIBUTE/DISPENSE/PRESCRIBE
CONTROLLED DANGEROUS SUBSTANCES [63 O.S. §2-401(A)(1) and 21 O.S. §421]

On or about the 1st day of January, 2010 A.D., through and including the 28th day of February, 2015 A.D., in Oklahoma County, Oklahoma, **Harvey Clarke Jenkins, Jr., M.D., Tashonda Renee Dixon, Julie Brown, Michael Wayne Oxley, Taylor Shai Zamarripa, and Elsie Murguia**, acting jointly and in concert with each other at various times, knowingly, intentionally, feloniously, and in concert with each other Conspired to Illegally Possess/Distribute/Dispense/Prescribe Controlled Dangerous Substances by committing one or more of the following overt acts in furtherance of the conspiracy:

1. Illegally possessing, distributing, dispensing or causing to be distributed and dispensed, prescribing or causing to be prescribed controlled dangerous substances for other than a legitimate medical or scientific purpose, and/or without a doctor/patient relationship, and/or without a valid medical license;
2. Inadequate verification of the patient's medical complaint;
3. Cursory or no medical examinations by Dr. Jenkins and/or Aria Orthopedics staff;
4. No patient medical history and/or inadequate patient medical history with no follow-up verification;
5. Incomplete or inadequate mental or physical examinations;

Oklahoma Administrative Code
Title 317. Oklahoma Health Care Authority
Chapter 30. Medical Providers-Fee for Service
Subchapter 3. General Provider Policies
Part 1. General Scope and Administration

Okla. Admin. Code 317:30-3-1

317:30-3-1. Creation and implementation of rules; applicability

Currentness

EXHIBIT #	5
DATE	
DEPONENT	
<input type="checkbox"/> PROFESSIONAL REPORTERS	(800) 276-1006

(a) Medical rules of the Oklahoma Health Care Authority (OHCA) are set by the Oklahoma Health Care Authority Board. The rules are based upon the recommendations of the Chief Executive Officer of the Authority, the Deputy Administrator for Health Policy, the Medicaid Operations State Medicaid Director, and the Advisory Committee on Medical Care for Public Assistance Recipients. The Medicaid Operations State Medicaid Director is responsible for implementing medical policies and programs and directing the Fiscal Agent with regard to proper payment of claims.

(b) Payment to practitioners under Medicaid is made for services clearly identifiable as personally rendered services performed on behalf of a specific patient. There are no exceptions to personally rendered services unless specifically set out in coverage guidelines.

(c) Payment is made on behalf of Medicaid eligible individuals for services within the scope of the Authority medical programs. Services cannot be paid under Medicaid for ineligible individuals or for services not covered under the scope of medical programs or that do not meet documentation requirements. These claims will be denied, or in some instances upon post-payment review, payment will be recouped.

(d) Payment to practitioners on behalf of Medicaid eligible individuals is made only for services that are medically necessary and essential to the diagnosis and treatment of the patient's presenting problem. Well patient examinations and diagnostic testing are not covered for adults unless specifically set out in coverage guidelines.

(e) The scope of the medical program for eligible children is the same as for adults except as further set out under EPSDT.

(f) Services provided within the scope of the Oklahoma Medicaid Program shall meet medical necessity criteria. Requests by medical services providers for services in and of itself shall not constitute medical necessity. The Oklahoma Health Care Authority shall serve as the final authority pertaining to all determinations of medical necessity. Medical necessity is established through consideration of the following standards:

- (1) Services must be medical in nature and must be consistent with accepted health care practice standards and guidelines for the prevention, diagnosis or treatment of symptoms of illness, disease or disability;
 - (2) Documentation submitted in order to request services or substantiate previously provided services must demonstrate through adequate objective medical records, evidence sufficient to justify the client's need for the service;
 - (3) Treatment of the client's condition, disease or injury must be based on reasonable and predictable health outcomes;
 - (4) Services must be necessary to alleviate a medical condition and must be required for reasons other than convenience for the client, family, or medical provider;
 - (5) Services must be delivered in the most cost-effective manner and most appropriate setting; and
 - (6) Services must be appropriate for the client's age and health status and developed for the client to achieve, maintain or promote functional capacity.
- (g) Emergency medical condition means a medical condition including injury manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected, by a reasonable and prudent layperson, to result in placing the patient's health in serious jeopardy, serious impairment to bodily function, or serious dysfunction of any bodily organ or part.
- (h) Verbal or written interpretations of policy and procedure in singular instances is made on a case by case basis and shall not be binding on this Agency or override its policy of general applicability.
- (i) The rules and policies in this part apply to all providers of service who participate in the program.

Credits

[Source: Added at 12 Ok Reg 751, eff 1-5-95 through 7-14-95 (emergency); Added at 12 Ok Reg 3131, eff 7-27-95; Amended at 17 Ok Reg 3306, eff 7-28-00 (emergency); Amended at 18 Ok Reg 761, eff 1-23-01 (emergency); Amended at 18 Ok Reg 1130, eff 5-11-01]

Current through rules published in Volume 36, Number 9 of the Oklahoma Register dated January 15, 2019.

OAC 317:30-3-1, OK ADC 317:30-3-1

End of Document

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Oklahoma Administrative Code
Title 317. Oklahoma Health Care Authority
Chapter 30. Medical Providers-Fee for Service
Subchapter 3. General Provider Policies
Part 1. General Scope and Administration

Okla. Admin. Code 317:30-3-1

317:30-3-1. Creation and implementation of rules; applicability

Currentness

EXHIBIT #	5
DATE	
DEPONENT	
PROFESSIONAL REPORTERS	(800) 878-1005

(a) Medical rules of the Oklahoma Health Care Authority (OHCA) are set by the Oklahoma Health Care Authority Board. The rules are based upon the recommendations of the Chief Executive Officer of the Authority, the Deputy Administrator for Health Policy, the Medicaid Operations State Medicaid Director, and the Advisory Committee on Medical Care for Public Assistance Recipients. The Medicaid Operations State Medicaid Director is responsible for implementing medical policies and programs and directing the Fiscal Agent with regard to proper payment of claims.

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Credits

[Source: Added at 12 Ok Reg 751, eff 1-5-95 through 7-14-95 (emergency); Added at 12 Ok Reg 3131, eff 7-27-95; Amended at 17 Ok Reg 3306, eff 7-28-00 (emergency); Amended at 18 Ok Reg 761, eff 1-23-01 (emergency); Amended at 18 Ok Reg 1130, eff 5-11-01]

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OAC 317:30-3-1, OK ADC 317:30-3-1

End of Document

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Oklahoma Administrative Code
Title 317. Oklahoma Health Care Authority
Chapter 30. Medical Providers-Fee for Service
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Part 1. General Scope and Administration

Okla. Admin. Code 317:30-3-1

317:30-3-1. Creation and implementation of rules; applicability

Currentness

EXHIBIT #	5
DATE	
DEPONENT	
OR PROFESSIONAL REPORTERS	(405) 276-1005

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317:30-3-1. Creation and Implementation of rules; applicability, OK ADC 317:30-3-1

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Current through rules published in Volume 36, Number 9 of the Oklahoma Register dated January 15, 2019.

OAC 317:30-3-1, OK ADC 317:30-3-1

317:30-3-1. Creation and implementation of rules; applicability, OK ADC 317:30-3-1

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EXHIBIT 40



FILED IN DISTRICT COURT
OKLAHOMA COUNTY

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

DEC 03 2018

RICK WARREN
COURT CLERK
04

THE STATE OF OKLAHOMA,)
)
Plaintiff,)
)
vs.)
)
REGAN GANOUNG NICHOLS,)
DOB: 05/1960)
SS#: XXX-XX-9565)
Defendant.)

Case No. CF-2017-3954

AMENDED INFORMATION

In the name and by the authority of the State of Oklahoma comes now MIKE HUNTER, Duly appointed Attorney General for the State of Oklahoma, in and for the State and County aforesaid, gives the court to know and be informed as follows:

COUNT 1

On or about March 30, 2010, A.D., the crime of MURDER IN THE SECOND DEGREE was feloniously committed in Oklahoma County, by REGAN GANOUNG NICHOLS who was prescribing dangerous combinations and excessive amounts of controlled dangerous substances to Debra L. Messner unlawfully, outside the usual course of medical practice or without a legitimate medical purpose, and in a manner imminently dangerous to another person, evincing a depraved mind with reckless disregard of human life, killed Debra L. Messner, by drug toxicity which caused her death on the 30th day of March, 2010 contrary to the provisions of Section 701.8 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

OR IN THE ALTERNATIVE COUNT 2

On or about March 30, 2010, A.D., the crime of MANSLAUGHTER IN THE SECOND DEGREE was feloniously committed in Oklahoma County, by REGAN GANOUNG NICHOLS who was prescribing dangerous combinations and excessive amounts of controlled dangerous substances to Debra L. Messner

unlawfully and negligently, outside the usual course of medical practice or without a legitimate medical purpose, killed Debra L. Messner, death having been caused by drug toxicity the 30th day of March, 2010 contrary to the provisions of Section 716 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

COUNT 3

On or about March 1, 2012, A.D., the crime of MURDER IN THE SECOND DEGREE was feloniously committed in Oklahoma County, by REGAN GANOUNG NICHOLS who was prescribing dangerous combinations and excessive amounts of controlled dangerous substances to Lynette Annette Nelson unlawfully, outside the usual course of medical practice or without a legitimate medical purpose, and in a manner imminently dangerous to another person, evincing a depraved mind with reckless disregard of human life, killed Lynette Annette Nelson, by drug toxicity which caused her death on the 1st day of March, 2012 contrary to the provisions of Section 701.8 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

OR IN THE ALTERNATIVE COUNT 4

On or about March 1, 2012, A.D., the crime of MANSLAUGHTER IN THE SECOND DEGREE was feloniously committed in Oklahoma County, by REGAN GANOUNG NICHOLS who was prescribing dangerous combinations and excessive amounts of controlled dangerous substances to Lynette Annette Nelson unlawfully and negligently, outside the usual course of medical practice or without a legitimate medical purpose, killed Lynette Annette Nelson, death having been caused by drug toxicity the 1ST day of March, 2012 contrary to the provisions of Section 716 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

COUNT 5

On or about November 21, 2012, A.D., the crime of MURDER IN THE SECOND DEGREE was feloniously committed in Oklahoma County, by REGAN GANOUNG NICHOLS who was prescribing dangerous combinations and excessive amounts of controlled dangerous substances to Sheila D. Bartels unlawfully, outside the usual course of medical practice or without a legitimate medical purpose, and in a manner imminently dangerous to another person, evincing a depraved mind with reckless disregard of human life, killed Sheila D. Bartels, by drug toxicity which caused her death on the 21st day of November, 2012 contrary to the provisions of Section 701.8 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

OR IN THE ALTERNATIVE COUNT 6

On or about November 21, 2012, A.D., the crime of MANSLAUGHTER IN THE SECOND DEGREE was feloniously committed in Oklahoma County, by REGAN GANOUNG NICHOLS who was prescribing dangerous combinations and excessive amounts of controlled dangerous substances to Shelia D. Bartels unlawfully and negligently, outside the usual course of medical practice or without a legitimate medical purpose, killed Shelia D. Bartels, death having been caused by drug toxicity the 21st of November, 2012 contrary to the provisions of Section 716 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

COUNT 7

On or about August 4, 2013, A.D., the crime of MURDER IN THE SECOND DEGREE was feloniously committed in Oklahoma County, by REGAN GANOUNG NICHOLS who was prescribing dangerous combinations and excessive amounts of controlled dangerous substances to Chelsy Dawn Dockery unlawfully, outside the usual course of medical practice or without a legitimate medical purpose, and in a manner imminently dangerous to another person, evincing a depraved mind with reckless disregard of human life, killed Chealsy Dawn Dockery, by drug toxicity which caused her death on the 4th day of

August, 2013 contrary to the provisions of Section 701.8 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

OR IN THE ALTERNATIVE COUNT 8

On or about August 4, 2013, A.D., the crime of MANSLAUGHTER IN THE SECOND DEGREE was feloniously committed in Oklahoma County, by REGAN GANOUNG NICHOLS who was prescribing dangerous combinations and excessive amounts of controlled dangerous substances to Chealsy Dawn Dockery unlawfully and negligently, outside the usual course of medical practice or without a legitimate medical purpose, killed Chealsy Dawn Dockery, death having been caused by drug toxicity the 4th of August, 2013 contrary to the provisions of Section 716 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

COUNT 9

On or about October 24, 2013, A.D., the crime of MURDER IN THE SECOND DEGREE was feloniously committed in Oklahoma County, by REGAN GANOUNG NICHOLS who was prescribing dangerous combinations and excessive amounts of controlled dangerous substances to Deborah Sue Hutcheson unlawfully, outside the usual course of medical practice or without a legitimate medical purpose, and in a manner imminently dangerous to another person, evincing a depraved mind with reckless disregard of human life, killed Deborah Sue Hutcheson, by drug toxicity which caused her death on the 24th day of October, 2013 contrary to the provisions of Section 701.8 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

OR IN THE ALTERNATIVE COUNT 10

On or about October 24th, 2013 A.D., the crime of MANSLAUGHTER IN THE SECOND DEGREE was feloniously committed in Oklahoma County, by REGAN GANOUNG NICHOLS who was prescribing dangerous combinations and excessive amounts of controlled dangerous substances to Deborah Sue Hutcheson unlawfully and negligently, outside the usual course of medical practice or without a legitimate medical purpose, killed Deborah Sue Hutcheson, death having been caused by drug toxicity the 24th of

October, 2013 contrary to the provisions of Section 716 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

By: *Rachel Rogers*
Rachel A. Rogers, OBA #31206
Deputy Attorney General
313 NE 21st St.
Oklahoma City, OK 73105

STATE OF OKLAHOMA)
)
COUNTY OF OKLAHOMA) ss.

I do solemnly swear that the statements and allegations set forth in the within information are true and correct to the best of my information and belief.

Rachel Rogers
Rachel A. Rogers, OBA #31206
Deputy Attorney General

Signed and sworn to before me on the 30th day of November, 2018, by Rachel A. Rogers.



Pamela G. Tiffin
Notary Public

My Commission Expires: June 8, 2019

Penalty:

21O.S. §701.8 – Punishable by imprisonment in the State Penitentiary not less than ten (10) years nor more than life.

21 O.S. §716- Punishable by imprisonment in the State Penitentiary not more than four (4) years and not less than two (2) years, or by imprisonment in a county jail not exceeding one (1) year, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both fine and imprisonment.

Witnesses:

Michelle Sanders, DEA
901 N.E. 122nd Street
Suite 210
Oklahoma City, OK 73114

Brian Veazey, OBN
440 Northeast 39th Street
Oklahoma City, Oklahoma 73105
Larry Carter, OBN
440 Northeast 39th Street
Oklahoma City, Oklahoma 73105

Martina Troy
2441 N. Ann Arbor, Apt #44
Oklahoma City, OK 73127

JoAnn Polk

William Diaz, OBN
440 Northeast 39th Street
Oklahoma City, Oklahoma 73105

Alton Cranford
2816 Parklawn Dr # 2,
Oklahoma City, OK 73110

Carolyn Buchanan

Eric Pfeifer, MD
Office of the Medical Examiner
901 North Stonewall
Oklahoma City, Oklahoma 73117

Byron Curtis
Forensic Toxicologist
901 North Stonewall

John Kushnir, DEA
901 N.E. 122nd Street
Suite 210
Oklahoma City, OK 73114

Officer Anderson
Oklahoma City Police Department
Oklahoma City, Oklahoma 73117

Greg Turner
Office of the Medical Examiner
901 North Stonewall
Oklahoma City, Oklahoma 73117

Dr. Benjamin Baker Fore
1001 15th Avenue NW
Ardmore, Oklahoma 73401

Records Custodian for the Oklahoma
Prescription Monitoring Program

Dr. Eric Duval
Office of the Medical Examiner
901 North Stonewall
Oklahoma City, Oklahoma 73117

Dr. Andrew Sibley
1115 West 17th Street
Tulsa, Oklahoma 74107

Dr. Chrystal Cutrer
Office of the Medical Examiner
901 North Stonewall
Oklahoma City, Oklahoma 73117

Officer Michael Gray
Del City Police Department
4517 SE 29th Street
Del City, Oklahoma 73115

Mark Wary
5304 12 SE
Del City, Oklahoma 73115

Stacy Clement, Lieutenant
Norman Police Department
201 W. Gray St. B
Norman, OK 73069

Stacey Truss
4101 N.W. Expressway, Apt. 16123
Oklahoma City, OK 73116

Chad Miller
23861 Eagle Rd.
Purcell, OK 73080

Patricia McCully
833 NW. 23rd
Moore, OK 73160

Lisa Dockery
3024 S.W. 21st
Oklahoma City, OK 73108

Marc Harrison, M.D.
Office of the Chief Medical Examiner
901 N. Stonewall
Oklahoma City, OK 73117

David Gage, Officer (RETIRED)
Oklahoma City Police Department

Leigh Ramos, Officer
Oklahoma City Police Department

EXHIBIT 41



[HOME](#) / [NEWS](#) / [NEWSROOM](#)



Attorney General Hunter Charges Doctor with Five Counts of Second Degree Murder

OKLAHOMA CITY – Oklahoma Attorney General Mike Hunter today charged Dr. Regan Nichols with five counts of second degree murder in relation to the death of at least five patients during her time working at a Midwest City clinic.

According to the probable cause affidavit, Nichols, an osteopathic physician, knowingly prescribed controlled dangerous substances to patients without a legitimate medical need, in quantities and circumstances that are considered an extreme disregard of human life.

Attorney General Hunter thanked the work of the Drug Enforcement Administration, Oklahoma Bureau of Narcotics, the Oklahoma County District Attorney's Office and the investigating agents and attorneys who worked the case. He said attorneys in his office will do whatever it takes to ensure justice is served to the victims.

"I appreciate the effort from everyone who worked as a team and put this case together," Attorney General Hunter said. "The dangers associated with opioid drugs have been well documented and most doctors follow strict guidelines when prescribing opioids to their patients. Nichols prescribed patients, who entrusted their well-being to her, a horrifyingly excessive amount of opioid medications. Nichols' blatant disregard for the lives of her patients is unconscionable."

The Oklahoma Medical Examiner's reports stated all five deaths were the result of multi-drug toxicity.

Through the investigation, agents found the five individuals who died were prescribed more than 1,800 opioid pills in the same months as their deaths. Three of the five individuals were prescribed a deadly three drug combination of a narcotic opioid pain reliever, an anti-anxiety drug and a muscle relaxer. All of the prescriptions were signed by Nichols.

In addition, data gathered by agents through the Oklahoma Bureau of Narcotics and Dangerous Drugs Control Prescription Monitoring Program indicates that from Jan. 1, 2010 to Oct. 7, 2014, Nichols prescribed in excess of 3 million dosage units of controlled dangerous substances.

After a September 2015 hearing before the Oklahoma State Board of Osteopathic Examiners, the board stripped Nichols of her prescribing authority of controlled dangerous substances. She voluntarily surrendered her credentials with the Drug Enforcement Administration and Oklahoma Bureau of Narcotics.

An Oklahoma County judge has issued a warrant for her arrest. Nichols will be held in lieu of \$50,000 bond.

View the counts against Nichols, [here \(/Websites/oag/images/Counts%20-%20Regan%20Nichols.pdf\)](#).

View the probable cause affidavit, [here \(/Websites/oag/images/Affidavit%20-%20Regan%20Nichols.pdf\)](#).

View a copy of the arrest warrant, [here \(/Websites/oag/images/Warrant%20-%20Regan%20Nichols.pdf\)](#).

All individuals charged with a crime are presumed innocent until proven guilty in a court of law.

[Go Back \(1\)](#)

**CONTACT THE OKLAHOMA
ATTORNEY GENERAL'S OFFICE**

Office of the Oklahoma Attorney General
313 NE 21st Street
Oklahoma City, OK 73105

Oklahoma City: (405) 521-3921
Tulsa: (918) 581-2885
Fax: (405) 521-6246

[Employees \(https://mx.oag.ok.gov\)](https://mx.oag.ok.gov)

**CAREERS WITH THE OKLAHOMA
ATTORNEY GENERAL'S OFFICE**

Come [join the team \(/oag-careers\)](#) at the Oklahoma
Office of the Attorney General!

ADDITIONAL LEGAL RESOURCES

[US Constitution \(https://www.archives.gov/founding-docs\)](https://www.archives.gov/founding-docs)

[Oklahoma Constitution \(http://www.oklegislature.gov/ok_constitution.aspx\)](http://www.oklegislature.gov/ok_constitution.aspx)

[Oklahoma Statutes \(http://www.oklegislature.gov/osStatuesTitle.aspx\)](http://www.oklegislature.gov/osStatuesTitle.aspx)

[Oklahoma State Courts Network \(http://www.oscn.net/v4/\)](http://www.oscn.net/v4/)