

**SEALED**

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.

STATE OF OKLAHOMA  
CLEVELAND COUNTY J.S.S.  
FILED In The  
Office of the Court Clerk  
MAY 02 2019  
In the office of the  
Court Clerk MARILYN WILLIAMS

For Judge Balkman's  
Consideration

Case No. CJ-2017-816  
Honorable Thad Balkman

William C. Hetherington  
Special Discovery Master

**SEALED**

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

**EXHIBIT 37 FILED UNDER SEAL**

# 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

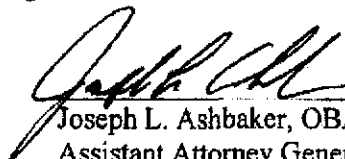
11. Based on the foregoing, the Defendant is guilty of professional misconduct as follows:
  - a. Dishonorable or immoral conduct likely to deceive, defraud, or harm the public, in violation of 59 O.S. 2011, § 509(8) and Okla. Admin. Code § 435:10-7-4(11);
  - b. Prescribing, dispensing or administering 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. 51<sup>st</sup> 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  
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.

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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,

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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 2<sup>nd</sup> day of MARCH, 2017.

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

~~Ann Warr, 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. 51<sup>st</sup> Street  
Oklahoma City, Oklahoma 73105  
T: (405) 962-1400  
F: (405) 962-1499

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**Certificate of Service**

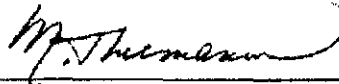
This is to certify that on the 5<sup>th</sup> day of April, 2017, a true and correct copy of the foregoing Order was transmitted as indicated, postage prepaid, to the following:

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 I  
Oklahoma City, Oklahoma 73102  
T: (405) 235-7639  
*Attorney for Defendant,*  
*Charles Eric Eckman, M.D.*



Nancy Thiemann, Legal Secretary

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Page 8 of 8

Order Accepting Voluntary Submittal to Jurisdiction; 15-08-5195  
Charles Eric Eckman, MD 12332



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. 51<sup>st</sup> 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