

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

FILED
FEB 29 2016
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.*)
THE OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE AND)
SUPERVISION,)

Plaintiff,)

vs.)

Case No. 14-01-4899

ANDREA JAMES, M.D.,)
LICENSE NO. MD 23846,)

Defendant.)

VOLUNTARY SURRENDER OF LICENSE IN LIEU OF PROSECUTION

State of Oklahoma)
) ss:
Oklahoma County)

I, Andrea James, M.D., being of lawful age and after first being duly sworn, depose and state as follows:

1. I hereby voluntarily surrender my Oklahoma medical license no. 23846.
2. The surrender of my license is freely and voluntarily made. I have not been subject to any coercion or duress, and I am fully aware of the consequences of the surrender of my license.
3. I am the subject of an investigation by the Oklahoma State Board of Medical Licensure and Supervision ("Board") involving allegations that, if proven, would constitute grounds for disciplinary action by the Board.
4. The allegations of unprofessional conduct to which I plead guilty are as follows:
 - A. From April of 2013 through October 2013, I fraudulently obtained controlled dangerous substances for my own personal use from patients to whom I had written prescriptions.
 - B. I have been diagnosed with some health conditions and substance addiction issues which, if untreated, would impair my ability to practice medicine with reasonable skill and safety to patients.

BOARD: BJR

AJ: AJ

5. I am guilty of unprofessional conduct by violating the following rules of professional conduct:

- a. Habitual intemperance or the habitual use of habit-forming drugs in violation of 59 O.S. 2011, § 509(4);
- b. Dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public in violation of 59 O.S. 2011, § 509(8) & Okla. Admin. Code § 435:10-7-4(11);
- c. The violation, or attempted violation, direct or indirect, of any of the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, either as a principal, accessory or accomplice in violation of 59 O.S. 2011, § 509(13);
- d. 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(6);
- e. The inability to practice medicine with reasonable skill and safety to patients by reason of illness, or as a result of any mental or physical condition. In enforcing this subsection the State Board of Medical Licensure and Supervision may, upon probable cause, request a physician to submit to a mental or physical examination by physicians designated by it in violation of 59 O.S. 2011, § 509(15);
- f. The habitual or excessive use of any drug which impairs the ability to practice medicine with reasonable skill and safety to the patient in violation of Okla. Admin. Code § 435:10-7-4(3); and
- g. Violating any state or federal law or regulation relating to controlled substances in violation of Okla. Admin. Code § 435:10-7-4(27).

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

7. I hereby agree that I will not reapply for reinstatement of my Oklahoma medical license for a minimum of one year from the date this surrender is accepted by the Board. If the Board ever reinstates my Oklahoma medical license, I agree that it will be under terms of probation to be set by the Board at the time of reinstatement.

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

BOARD: Bjm

AJ: AJ

DATED this 13th day of January, 2016.

Andrea James MD
Andrea James, M.D., License No. 23846

Subscribed and sworn before me this 13th day of January, 2016.



Elaine P. Bapper
Notary Public

My commission expires: 12-13-2019
99019278

ACCEPTED:

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

Dated: Jan 14, 2016

BOARD: BHS

AJ: _____



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

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ATTORNEY GENERAL OPINION
2016-105A

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Billy Stout, M.D., Board Secretary
State Board of Medical Licensure and
Supervision
101 NE 51st Street
Oklahoma City, Oklahoma 73105

February 25, 2016

Dear Board Secretary 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 23846. The proposed action is to accept the licensee's Surrender In Lieu Of Prosecution. The licensee admitted to misconduct involving, among other things, the use of habit-forming drugs and controlled dangerous substances.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S.2011 & Supp.2015, §§ 480–518.1, authorizes the Board to accept a Surrender In Lieu Of Prosecution from licensees who admit to misconduct, 59 O.S.Supp.2015, § 509.1(E). The Act otherwise authorizes the Board to impose appropriate sanctions for unprofessional conduct. *Id.* § 503. Unprofessional conduct includes the "habitual use of habit-forming drugs," failing to keep accurate records concerning controlled dangerous substances, writing false prescriptions for controlled dangerous substances, prescribing drugs without adequate medical justification, and prescribing or dispensing controlled dangerous substances in excess of medical standards. 59 O.S.2011, § 509(4), (10)–(12), (16). Here, the licensee chose to make use of the Surrender In Lieu Of Prosecution procedure and admitted to misconduct involving the use of habit-forming drugs. The Board's acceptance of that decision thus accords with the Act.

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 to ensure the adequate regulation of dangerous substances.

A handwritten signature in blue ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA