



**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 S.S.  
CLEVELAND COUNTY  
**FILED** In The Consideration  
Office of the Court Clerk  
MAY 02 2019

In the office of the  
Court Clerk MARILYN WILLIAMS

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 44 FILED UNDER SEAL**

# EXHIBIT 44

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

**FILED**

STATE OF OKLAHOMA )  
EX REL. THE OKLAHOMA BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )

FEB - 3 2006

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )

v. )

Case No. 05-09-2995

HANH NGOC TRUONG, M.D., )  
LICENSE NO. 13991 )

Defendant. )

**FINAL ORDER OF REVOCATION**

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on January 26, 2006, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and through counsel, Donald K. Groom and Charles Holdstock.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

***Findings of Fact***

1. The Board 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 pursuant to 59 Okla. Stat. §480 *et seq.*
2. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.
3. Defendant, Hanh Ngoc Truong, M.D., holds Oklahoma license no. 13991.

### ***PRESCRIBING VIOLATIONS***

4. On or about February 4, 2005, Patient TFW, a confidential informant for the District 3 Drug Task Force for the State of Oklahoma, traveled with undercover police officer STW to Defendant's residence in Mangum, Oklahoma. At that time, Patient TFW purchased a prescription for forty (40) Darvon for \$20.00 from Defendant. Patient TFW asked Defendant to write the prescription in his cousin's name, Patient CCW. Defendant then wrote the prescription in the name of Patient CCW and gave it to confidential informant Patient TFW. At no time did Defendant perform a physical examination on Patient TFW or Patient CCW, nor did Patient TFW or Patient CCW give Defendant any medical reason for the prescription. A review of Defendant's records reveals that Defendant never performed a physical examination on either of these patients, that he did not establish a legitimate medical need for the medical treatment, that he did not establish a valid physician patient relationship prior to prescribing the medications, and that he failed to maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of these patients. Defendant admits he has no patient chart on Patient TFW or Patient CCW.

5. On or about February 11, 2005, confidential informant Patient TFW and undercover police officer STW again traveled to Defendant's residence in Mangum, Oklahoma. At that time, Patient TFW purchased two (2) prescriptions for forty (40) Darvon each, for a total of \$40.00 from Defendant. Patient TFW asked Defendant to write the prescriptions in his name and in his cousin's name, Patient CCW. Defendant then wrote the prescriptions in the names of Patient TFW and Patient CCW and gave them to confidential informant Patient TFW. At no time did Defendant perform a physical examination on Patient TFW or Patient CCW, nor did Patient TFW or Patient CCW give Defendant any medical reason for the prescription. A review of Defendant's records reveals that Defendant never performed a physical examination on either of these patients, that he did not establish a legitimate medical need for the medical treatment, that he did not establish a valid physician patient relationship prior to prescribing the medications, and that he failed to maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patients.

6. Defendant subsequently met with representatives of the District 3 Drug Task Force and the Oklahoma State Bureau of Narcotics at which time they advised him that the incidents on February 4, 2005 and February 11, 2005 had been recorded. At that time, Defendant agreed to surrender his OBN and DEA registrations.

### ***FALSIFYING MEDICAL RECORDS***

7. Subsequent to the filing of the original Complaint, Board investigators requested pharmacy records from the following six (6) pharmacies near Defendant's office: Puckett Drug, Central Pharmacy, Rexco, Bunker Hill Drug, Wal-Mart and Bratton Drug. Investigators obtained

records for all prescriptions for controlled dangerous substances written by Defendant for the period October 1, 2004 through October 1, 2005.

8. On October 25, 2005, Board investigators subpoenaed patient charts from Defendant so as to compare them with the pharmacy records previously obtained.

9. On October 26, 2005, Board investigators contacted Vickie Brooks, pharmacist at Puckett Drug in Mangum. Ms. Brooks advised that subsequent to Board investigators obtaining the printout of Defendant's prescriptions for the period October 1, 2004 through October 1, 2005, Defendant contacted the pharmacy and requested that he be provided the identical printout. Ms. Brooks advised the Defendant personally retrieved the printout from Puckett Drug.

10. On October 26, 2005, Board investigators contacted Jack Cassey, pharmacist at Bratton Drug. Mr. Cassey advised that subsequent to Board investigators obtaining the printout of Defendant's prescriptions for the period October 1, 2004-October 1, 2005, Defendant contacted the pharmacy approximately one week earlier and requested that he be provided the identical printout. Mr. Cassey advised that the Defendant personally retrieved the printout from Bratton Drug.

11. On or about October 26, 2005, Board investigators contacted the pharmacists at Wal-Mart, Rexco, Central Pharmacy and Bunker Hill, each of whom confirmed that they had no information that Defendant had ever requested a prescription profile from any of these pharmacies.

12. Based upon the fact that Defendant had obtained prescription printouts identical to those previously obtained by Board investigators from Puckett's and Bratton's, on October 26, 2005, Board investigators requested prescription printouts for the additional time period of January 1, 2004-September 30, 2004 from these pharmacies, as well as from Wal-Mart pharmacy.

13. At the time investigators made this request, Defendant had not requested this additional prescription information.

14. A review of the medical chart on Patient BBW provided by Defendant on October 25, 2005 reflects entries for alleged patient visits only for days on which she filled a prescription at Bratton Drug or Puckett Drug between October 1, 2004 and October 1, 2005, the time period for which Defendant had just recently obtained prescription printouts from these two pharmacies. The medical chart does not reflect patient visits for any days on which she filled prescriptions at Bunker Hill Drug or Rexco (Defendant did not obtain a prescription printout from either of these pharmacies), thereby indicating that Defendant used only the printouts he obtained from Bratton Drug and Puckett Drug to "create" a medical chart after the fact. Pharmacy records reflect that Patient BBW filled the following prescriptions at Bunker Hill and Rexco pharmacies which do not appear in Defendant's records:

<u>Date</u>	<u>Pharmacy</u>	<u>Drug</u>	<u>Quantity</u>
10/26/04	Bunker Hill	Soma	30
11/13/04	Rexco	Soma	40

The medical chart also does **not** reflect patient visits for any days between January 1, 2004 and September 30, 2004 (Defendant did not obtain a prescription printout for this time period) at Bratton Drug or Puckett Drug, thereby indicating that Defendant used only the printouts he obtained for the period October 1, 2004 through October 1, 2004 to "create" a medical chart after the fact. Pharmacy records reflect that Patient BBW filled the following prescriptions at these pharmacies between January 1, 2004 and September 30, 2004 which do not appear in Defendant's records:

<u>Date</u>	<u>Pharmacy</u>	<u>Drug</u>	<u>Quantity</u>
04/05/04	Puckett	Soma	50
05/24/04	Puckett	Soma	50
06/22/04	Puckett	Soma	40
07/26/04	Puckett	Soma	40

15. A review of the medical chart on Patient DBW provided by Defendant on October 25, 2005 reflects entries for alleged patient visits **only** for days on which she filled a prescription at Bratton Drug or Puckett Drug between October 1, 2004 and October 1, 2005, the time period for which Defendant had just recently obtained the prescription printouts from these two pharmacies. The medical chart does **not** reflect patient visits for any days on which she filled prescriptions at Wal-Mart, Central Pharmacy or Rexco (Defendant did not obtain a prescription printout from any of these pharmacies), thereby indicating that Defendant used only the printouts he obtained from Bratton Drug and Puckett Drug to "create" a medical chart after the fact. Pharmacy records reflect that Patient DBW filled the following prescriptions at Wal-Mart, Central and Rexco pharmacies which do not appear in Defendant's records:

<u>Date</u>	<u>Pharmacy</u>	<u>Drug</u>	<u>Quantity</u>
03/08/05	Wal-Mart	Soma	30
05/17/05	Central	Lorazepam	30
05/17/05	Central	Soma	50
06/01/04	Central	Soma	40
07/02/05	Rexco	Klonopin	30
07/19/05	Central	Klonopin	40

The medical chart also does **not** reflect patient visits for any days between January 1, 2004 and September 30, 2004 (Defendant did not obtain a prescription printout for this time period) at Bratton Drug or Puckett Drug, thereby indicating that Defendant used only the printouts he obtained for the period October 1, 2004 through October 1, 2005 to "create" a medical chart after the fact. Pharmacy records reflect that Patient DBW filled the following prescriptions at these pharmacies between January 1, 2004 and September 30, 2004 which do not appear in Defendant's records:

<u>Date</u>	<u>Pharmacy</u>	<u>Drug</u>	<u>Quantity</u>
01/12/04	Puckett	Soma	40
02/18/04	Puckett	Soma	60
03/09/04	Bratton	Soma	40
03/22/04	Puckett	Soma	50
03/22/04	Puckett	Darvocet	50
05/06/04	Puckett	Soma	50
05/06/04	Puckett	Darvocet	50
07/13/04	Puckett	Soma	40
07/17/04	Bratton	Darvocet	30
07/23/04	Bratton	Soma	30
07/23/04	Bratton	Darvocet	30
07/28/04	Bratton	Klonopin	30
07/28/04	Bratton	Darvocet	30
08/04/04	Puckett	Soma	40
08/25/04	Bratton	Soma	40
09/07/04	Puckett	Soma	30
09/27/04	Puckett	Soma	40

16. A review of the medical chart on Patient BCW provided by Defendant on October 25, 2005 reflects entries for alleged patient visits only for days on which he filled a prescription at Bratton Drug or Puckett Drug between October 1, 2004 and October 1, 2005, the time period for which Defendant had just recently obtained the prescription printouts from these two pharmacies. The medical chart does not reflect patient visits for any days on which he filled prescriptions at Wal-Mart or Bunker Hill Pharmacy (Defendant did not obtain a prescription printout from either of these pharmacies), thereby indicating that Defendant used only the printouts he obtained from Bratton Drug and Puckett Drug to "create" a medical chart after the fact. Pharmacy records reflect that Patient DBW filled the following prescriptions at Wal-Mart and Bunker Hill pharmacies which do not appear in Defendant's records:

<u>Date</u>	<u>Pharmacy</u>	<u>Drug</u>	<u>Quantity</u>
10/03/04	Wal-Mart	Darvocet	30
10/03/04	Wal-Mart	Xanax	30
10/19/04	Bunker Hill	Darvocet	30
10/19/04	Bunker Hill	Xanax	30
10/31/04	Wal-Mart	Xanax	30
10/31/04	Wal-Mart	Darvocet	30
12/05/04	Bunker Hill	Xanax	30
12/05/04	Bunker Hill	Darvocet	30
01/04/05	Bunker Hill	Xanax	30

The medical chart also does not reflect patient visits for any days between January 1, 2004 and September 30, 2004 (Defendant did not obtain a prescription printout for this time

period) at Bratton Drug, Puckett Drug or Wal-Mart, thereby indicating that Defendant used only the printouts he obtained for the period October 1, 2004 through October 1, 2005 to "create" a medical chart after the fact. Pharmacy records reflect that Patient BCW filled the following prescriptions at these pharmacies between January 1, 2004 and September 30, 2004 which do not appear in Defendant's records:

<u>Date</u>	<u>Pharmacy</u>	<u>Drug</u>	<u>Quantity</u>
01/13/04	Bratton	Xanax	30
01/19/04	Puckett	Xanax	30
01/26/04	Puckett	Xanax	24
03/27/04	Puckett	Xanax	30
04/05/04	Bratton	Xanax	30
04/09/04	Puckett	Xanax	30
04/10/04	Puckett	Lortab	30
04/14/04	Bratton	Xanax	30
04/17/04	Puckett	Lortab	30
05/03/04	Bratton	Lortab	30
05/07/04	Bratton	Lortab	30
05/14/04	Puckett	Xanax	30
05/14/04	Puckett	Lortab	30
05/18/04	Bratton	Xanax	30
05/25/04	Puckett	Klonopin	20
05/25/04	Puckett	Lortab	30
05/25/04	Bratton	Xanax	30
05/26/04	Puckett	Klonopin	20
05/30/04	Wal-Mart	Hydrocodone	30
06/02/04	Puckett	Lortab	30
06/02/04	Bratton	Xanax	30
06/04/04	Bratton	Darvocet	30
06/08/04	Puckett	Klonopin	30
06/08/04	Puckett	Darvocet	30
06/10/04	Puckett	Lortab	24
06/14/04	Bratton	Xanax	30
06/14/04	Bratton	Darvocet	30
06/21/04	Puckett	Xanax	30
06/21/04	Puckett	Darvocet	30
06/25/04	Bratton	Xanax	30
06/25/04	Bratton	Darvocet	30
07/02/04	Puckett	Xanax	30
07/02/04	Puckett	Darvocet	30
07/06/04	Puckett	Darvocet	30
07/09/04	Bratton	Xanax	30
07/09/04	Bratton	Darvocet	30
07/18/04	Wal-Mart	Xanax	30



07/18/04	Wal-Mart	Propoxyphene	30
07/22/04	Bratton	Xanax	30
07/22/04	Bratton	Darvocet	30
07/26/04	Puckett	Klonopin	30
07/26/04	Puckett	Darvocet	30
07/29/04	Bratton	Klonopin	30
07/29/04	Bratton	Darvocet	30
08/05/04	Puckett	Xanax	30
08/05/04	Puckett	Darvocet	30
08/07/04	Bratton	Xanax	30
08/07/04	Bratton	Darvocet	30
08/18/04	Puckett	Xanax	30
08/18/04	Puckett	Darvocet	30
08/21/04	Bratton	Klonopin	30
08/21/04	Bratton	Darvocet	30
08/28/04	Puckett	Xanax	30
08/28/04	Puckett	Darvocet	30
09/01/04	Bratton	Klonopin	30
09/01/04	Bratton	Darvocet	30
09/09/04	Puckett	Xanax	30
09/09/04	Puckett	Darvocet	30
09/14/04	Bratton	Xanax	30
09/18/04	Bratton	Xanax	30
09/18/04	Bratton	Darvocet	30
09/20/04	Puckett	Xanax	30
09/20/04	Puckett	Darvocet	30
09/29/04	Bratton	Xanax	30
09/29/04	Bratton	Darvocet	30

17. A review of the medical chart on Patient DCW provided by Defendant on October 25, 2005 reflects an entry for only **one alleged patient visit on October 4, 2004**, which was the **only** day on which she filled a prescription at Bratton Drug or Puckett Drug between October 1, 2004 and October 1, 2005, the time period for which Defendant had just recently obtained the prescription printouts from these two pharmacies. The medical chart does **not** reflect patient visits for any days between January 1, 2004 and September 30, 2004 (Defendant did not obtain a prescription printout for this time period) at Bratton Drug, Puckett Drug or Wal-Mart, thereby indicating that Defendant used only the printout he obtained for the period October 1, 2004 through October 1, 2005 to "create" a one (1) page medical chart after the fact. Pharmacy records reflect that Patient DCW filled the following prescriptions at these pharmacies between January 1, 2004 and September 30, 2004 which do not appear in Defendant's records:

<u>Date</u>	<u>Pharmacy</u>	<u>Drug</u>	<u>Quantity</u>
01/09/04	Puckett	Xanax	30
02/05/04	Bratton	Lortab	30

03/23/04	Bratton	Lortab	30
03/29/04	Puckett	Valium	30
04/06/04	Puckett	Xanax	30
04/10/04	Bratton	Lortab	30
04/15/04	Puckett	Valium	30
04/17/04	Bratton	Lortab	30
04/25/04	Wal-Mart	Xanax	30
05/01/04	Puckett	Lortab	30
05/21/04	Puckett	Xanax	30
05/25/04	Puckett	Darvocet	30
05/26/04	Bratton	Klonopin	10
05/28/04	Bratton	Lortab	30
06/02/04	Puckett	Xanax	30
06/03/04	Bratton	Valium	30
06/03/04	Bratton	Darvocet	30
06/06/04	Wal-Mart	Propoxyphene	30
06/06/04	Wal-Mart	Xanax	30
06/23/04	Puckett	Darvocet	30
06/23/04	Puckett	Xanax	30
07/11/04	Wal-Mart	Xanax	30
07/11/04	Wal-Mart	Propoxyphene	30
07/28/04	Puckett	Darvocet	30
07/28/04	Puckett	Klonopin	30
08/09/04	Puckett	Darvocet	30
08/09/04	Puckett	Klonopin	30
08/15/04	Wal-Mart	Xanax	30
08/15/04	Wal-Mart	Propoxyphene	30
08/19/04	Puckett	Darvocet	30
08/19/04	Puckett	Klonopin	30
08/25/04	Bratton	Xanax	30
08/27/04	Bratton	Darvocet	30
08/27/04	Bratton	Klonopin	30
09/07/04	Bratton	Darvocet	30
09/22/04	Bratton	Darvocet	30

On October 6, 2004, two (2) days after Defendant's last prescription to her, Patient DCW died from Acute Propoxyphene, Acetaminophen and Cocaine Intoxication.

18. A review of the medical chart on Patient TCW provided by Defendant on October 25, 2005 reflects entries for alleged patient visits only for days on which he filled a prescription at Bratton Drug or Puckett Drug between October 1, 2004 and October 1, 2005, the time period for which Defendant had just recently obtained the prescription printouts from these two pharmacies. The medical chart does not reflect patient visits for any days on which he filled prescriptions at Bunker Hill Pharmacy (Defendant did not obtain a prescription printout from this

pharmacies), thereby indicating that Defendant used only the printouts he obtained from Bratton Drug and Puckett Drug to "create" a medical chart after the fact. Pharmacy records reflect that Patient DBW filled the following prescriptions at Bunker Hill pharmacy which do not appear in Defendant's records:

<u>Date</u>	<u>Pharmacy</u>	<u>Drug</u>	<u>Quantity</u>
11/16/04	Bunker Hill	Xanax	30
11/28/04	Bunker Hill	Xanax	30
12/22/04	Bunker Hill	Xanax	30
12/22/04	Bunker Hill	Propoxyphene	30

The medical chart also does not reflect patient visits for any days between January 1, 2004 and September 30, 2004 (Defendant did not obtain a prescription printout for this time period) at Bratton Drug or Puckett Drug, thereby indicating that Defendant used only the printouts he obtained for the period October 1, 2004 through October 1, 2005 to "create" a medical chart after the fact. Pharmacy records reflect that Patient TCW filled the following prescriptions at these pharmacies between January 1, 2004 and September 30, 2004 which do not appear in Defendant's records:

<u>Date</u>	<u>Pharmacy</u>	<u>Drug</u>	<u>Quantity</u>
04/02/04	Bratton	Lortab	30
05/06/04	Puckett	Lortab	30
04/14/04	Bratton	Lortab	30
05/26/04	Bratton	Lortab	30
06/04/04	Bratton	Xanax	30
06/16/04	Bratton	Xanax	30
06/16/04	Bratton	Darvocet	30
06/28/04	Puckett	Xanax	30
06/28/04	Puckett	Darvocet	30
07/12/04	Bratton	Xanax	30
07/12/04	Bratton	Darvocet	20
07/20/04	Puckett	Klonopin	30
07/31/04	Bratton	Klonopin	30
07/31/04	Bratton	Darvocet	30
08/11/04	Puckett	Darvocet	30
08/11/04	Puckett	Klonopin	30
08/16/04	Bratton	Klonopin	30
08/16/04	Bratton	Darvocet	30
08/20/04	Puckett	Klonopin	30
08/20/04	Puckett	Darvocet	30
08/24/04	Puckett	Darvocet	30
08/24/04	Puckett	Xanax	30
09/02/04	Bratton	Klonopin	30
09/02/04	Bratton	Darvocet	30

09/13/04	Bratton	Klonopin	30
09/13/04	Bratton	Darvocet	30
09/16/04	Puckett	Darvocet	30
09/16/04	Puckett	Xanax	30
09/23/04	Bratton	Xanax	30
09/23/04	Bratton	Darvocet	30

19. A review of the medical chart on Patient KJW provided by Defendant on October 25, 2005 reflects entries for alleged patient visits only for days on which she filled a prescription at Bratton Drug or Puckett Drug between October 1, 2004 and October 1, 2005, the time period for which Defendant had just recently obtained the prescription printouts from these two pharmacies. The medical chart does not reflect patient visits for any days on which she filled prescriptions at Wal-Mart, Bunker Hill Pharmacy or Rexco (Defendant did not obtain a prescription printout from any of these pharmacies), thereby indicating that Defendant used only the printouts he obtained from Bratton Drug and Puckett Drug to "create" a medical chart after the fact. Pharmacy records reflect that Patient KJW filled the following prescriptions at Wal-Mart, Bunker Hill and Rexco pharmacies which do not appear in Defendant's records:

<u>Date</u>	<u>Pharmacy</u>	<u>Drug</u>	<u>Quantity</u>
10/18/04	Wal-Mart	Xanax	30
10/18/04	Rexco	Valium	30
11/01/04	Rexco	Xanax	50
11/01/04	Rexco	Soma	60
11/09/04	Rexco	Valium	30
12/16/04	Rexco	Lortab	22
01/27/05	Bunker Hill	Xanax	40
02/17/05	Rexco	Soma	50
03/26/05	Rexco	Soma	40
03/29/05	Rexco	Valium	30
03/29/05	Rexco	Darvocet	40
05/05/05	Rexco	Soma	50
05/05/05	Rexco	Xanax	40

The medical chart also does not reflect patient visits for any days between January 1, 2004 and September 30, 2004 (Defendant did not obtain a prescription printout for this time period) at Bratton Drug or Puckett Drug, thereby indicating that Defendant used only the printouts he obtained for the period October 1, 2004 through October 1, 2005 to "create" a medical chart after the fact. Pharmacy records reflect that Patient KHW filled the following prescriptions at these pharmacies between January 1, 2004 and September 30, 2004 which do not appear in Defendant's records:

<u>Date</u>	<u>Pharmacy</u>	<u>Drug</u>	<u>Quantity</u>
01/12/04	Puckett	Kadian	10

08/02/04	Bratton	Soma	100
08/02/04	Bratton	Xanax	30

20. On or about August 23, 2005, Defendant was interviewed by agents of the Oklahoma State Bureau of Narcotics and Dangerous Drugs at which time he admitted he had no patient chart for Patient TFW, the confidential informant for the Drug Task Force set forth in paragraphs 3-5 above. However, when Board investigators subpoenaed patient charts from Defendant on October 25, 2005, Defendant produced a patient chart for Patient TFW. The chart produced reflects entries for alleged patient visits only for days on which he filled a prescription at Bratton Drug or Puckett Drug between October 1, 2004 and October 1, 2005, the time period for which Defendant had just recently obtained the prescription printouts from these two pharmacies. The medical chart does not reflect a patient visit for February 4, 2005, the day he provided Patient TFW with a prescription in the name of Patient CCW, his alleged "cousin". The chart additionally does not reflect a patient visit for February 11, 2005, the day he provided prescriptions in the names of Patient TFW and Patient CCW to Patient TFW. None of these three (3) prescriptions were ever filled by the confidential informant, thereby indicating that Defendant used only the printouts he obtained from Bratton Drug and Puckett Drug to "create" a medical chart after the fact.

21. All of the medical records of Defendant set forth in paragraphs 13 through 19 above contain no identifying information (no date of birth, address, telephone number, health history) for any patient other than the name of the patient at the top of the page. The records contain no insurance papers, no billing records, no lab reports, no records from previous treating physicians and no hospital records, even for patients mentioned as previous surgical patients.

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

A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).

B. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).

C. Procured, aided or abetted a criminal operation in violation of 59 O.S. §509(1).

D. Prescribed a drug without sufficient examination and establishment of a valid physician patient relationship in violation of 59 O.S. §509(12).

E. Confessed to a crime involving a violation of the anti-narcotic laws of the federal government or the laws of this state in violation of 59 O.S. §509(7).

F. Committed an 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. §509(9).

G. Failed to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient in violation of 59 O.S. §509(18) and 435:10-7-4(41).

H. Violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

I. Prescribed, dispensed or administered a controlled substance or narcotic drugs in excess of the amount considered good medical practice, or prescribed, dispensed or administered controlled substances or narcotic drugs without medical need in accordance with published standards in violation of 59 O.S. 509(16) and OAC 435:10-7-4(2) and (6).

J. Engaged in the indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs in violation of OAC 435:10-7-4(1).

K. Wrote a false or fictitious prescription for any drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs in violation of 59 O.S. 509(11).

L. Directly or indirectly gave or received any fee, commission, rebate, or other compensation for professional services not actually and personally rendered in violation of OAC 435:10-7-4(30).

M. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).

### *Conclusions of Law*

1. The Board has jurisdiction and authority over the Defendant and

subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant is guilty of unprofessional conduct in that he:
  - A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).
  - B. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).
  - C. Procured, aided or abetted a criminal operation in violation of 59 O.S. §509(1).
  - D. Prescribed a drug without sufficient examination and establishment of a valid physician patient relationship in violation of 59 O.S. §509(12).
  - E. Confessed to a crime involving a violation of the anti-narcotic laws of the federal government or the laws of this state in violation of 59 O.S. §509(7).
  - F. Committed an 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. §509(9).
  - G. Failed to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient in violation of 59 O.S. §509(18) and 435:10-7-4(41).
  - H. Violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
  - I. Prescribed, dispensed or administered a controlled substance or narcotic drugs in excess of the amount considered good medical practice, or prescribed, dispensed or administered controlled substances or narcotic drugs without medical need in accordance with published standards in violation of 59 O.S. 509(16) and OAC 435:10-7-4(2) and (6).

J. Engaged in the indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs in violation of OAC 435:10-7-4(1).

K. Wrote a false or fictitious prescription for any drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs in violation of 59 O.S. 509(11).

L. Directly or indirectly gave or received any fee, commission, rebate, or other compensation for professional services not actually and personally rendered in violation of OAC 435:10-7-4(30).

M. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).

3. The Board further found that the Defendant's license should be revoked based upon any or all of the violations of the unprofessional conduct provisions and Oklahoma Administrative Code as set forth above.

*Order*

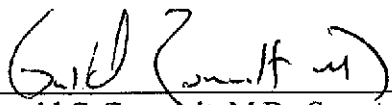
IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The license of Defendant, Hanh Ngoc Truone, M.D., Oklahoma license no. 13991, is hereby **REVOKED** as of the date of this hearing, January 26, 2006.

2. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

3. Defendant's revoked license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs and expenses incurred by the State of Oklahoma.

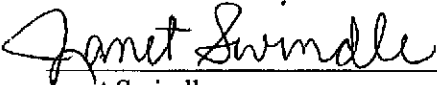
Dated this 3 day of <sup>Feb</sup> ~~January~~, 2006.

  
Gerald C. Zumwalt, M.D., Secretary  
Oklahoma State Board of Medical  
Licensure and Supervision



**CERTIFICATE OF SERVICE**

I certify that on the 3 day of <sup>February</sup> ~~January~~, 2006, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Don Groom, 4301 N. MacArthur Blvd., Oklahoma City, OK 73122 and to Hahn Ngoc Truong, P.O. Box 630, Mangum, OK 73554-0630.

  
\_\_\_\_\_  
Janet Swindle

# EXHIBIT 44

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

**FILED**

STATE OF OKLAHOMA )  
EX REL. THE OKLAHOMA BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )

FEB - 3 2006

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )

v. )

Case No. 05-09-2995

HANH NGOC TRUONG, M.D., )  
LICENSE NO. 13991 )

Defendant. )

**FINAL ORDER OF REVOCATION**

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on January 26, 2006, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and through counsel, Donald K. Groom and Charles Holdstock.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

***Findings of Fact***

1. The Board 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 pursuant to 59 Okla. Stat. §480 *et seq.*
2. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.
3. Defendant, Hanh Ngoc Truong, M.D., holds Oklahoma license no. 13991.

### ***PRESCRIBING VIOLATIONS***

4. On or about February 4, 2005, Patient TFW, a confidential informant for the District 3 Drug Task Force for the State of Oklahoma, traveled with undercover police officer STW to Defendant's residence in Mangum, Oklahoma. At that time, Patient TFW purchased a prescription for forty (40) Darvon for \$20.00 from Defendant. Patient TFW asked Defendant to write the prescription in his cousin's name, Patient CCW. Defendant then wrote the prescription in the name of Patient CCW and gave it to confidential informant Patient TFW. At no time did Defendant perform a physical examination on Patient TFW or Patient CCW, nor did Patient TFW or Patient CCW give Defendant any medical reason for the prescription. A review of Defendant's records reveals that Defendant never performed a physical examination on either of these patients, that he did not establish a legitimate medical need for the medical treatment, that he did not establish a valid physician patient relationship prior to prescribing the medications, and that he failed to maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of these patients. Defendant admits he has no patient chart on Patient TFW or Patient CCW.

5. On or about February 11, 2005, confidential informant Patient TFW and undercover police officer STW again traveled to Defendant's residence in Mangum, Oklahoma. At that time, Patient TFW purchased two (2) prescriptions for forty (40) Darvon each, for a total of \$40.00 from Defendant. Patient TFW asked Defendant to write the prescriptions in his name and in his cousin's name, Patient CCW. Defendant then wrote the prescriptions in the names of Patient TFW and Patient CCW and gave them to confidential informant Patient TFW. At no time did Defendant perform a physical examination on Patient TFW or Patient CCW, nor did Patient TFW or Patient CCW give Defendant any medical reason for the prescription. A review of Defendant's records reveals that Defendant never performed a physical examination on either of these patients, that he did not establish a legitimate medical need for the medical treatment, that he did not establish a valid physician patient relationship prior to prescribing the medications, and that he failed to maintain an office record which accurately reflects the evaluation, treatment and medical necessity of treatment of the patients.

6. Defendant subsequently met with representatives of the District 3 Drug Task Force and the Oklahoma State Bureau of Narcotics at which time they advised him that the incidents on February 4, 2005 and February 11, 2005 had been recorded. At that time, Defendant agreed to surrender his OBN and DEA registrations.

### ***FALSIFYING MEDICAL RECORDS***

7. Subsequent to the filing of the original Complaint, Board investigators requested pharmacy records from the following six (6) pharmacies near Defendant's office: Puckett Drug, Central Pharmacy, Rexco, Bunker Hill Drug, Wal-Mart and Bratton Drug. Investigators obtained

records for all prescriptions for controlled dangerous substances written by Defendant for the period October 1, 2004 through October 1, 2005.

8. On October 25, 2005, Board investigators subpoenaed patient charts from Defendant so as to compare them with the pharmacy records previously obtained.

9. On October 26, 2005, Board investigators contacted Vickie Brooks, pharmacist at Puckett Drug in Mangum. Ms. Brooks advised that subsequent to Board investigators obtaining the printout of Defendant's prescriptions for the period October 1, 2004 through October 1, 2005, Defendant contacted the pharmacy and requested that he be provided the identical printout. Ms. Brooks advised the Defendant personally retrieved the printout from Puckett Drug.

10. On October 26, 2005, Board investigators contacted Jack Cassey, pharmacist at Bratton Drug. Mr. Cassey advised that subsequent to Board investigators obtaining the printout of Defendant's prescriptions for the period October 1, 2004-October 1, 2005, Defendant contacted the pharmacy approximately one week earlier and requested that he be provided the identical printout. Mr. Cassey advised that the Defendant personally retrieved the printout from Bratton Drug.

11. On or about October 26, 200, Board investigators contacted the pharmacists at Wal-Mart, Rexco, Central Pharmacy and Bunker Hill, each of whom confirmed that they had no information that Defendant had ever requested a prescription profile from any of these pharmacies.

12. Based upon the fact that Defendant had obtained prescription printouts identical to those previously obtained by Board investigators from Puckett's and Bratton's, on October 26, 2005, Board investigators requested prescription printouts for the additional time period of January 1, 2004-September 30, 2004 from these pharmacies, as well as from Wal-Mart pharmacy.

13. At the time investigators made this request, Defendant had not requested this additional prescription information.

14. A review of the medical chart on Patient BBW provided by Defendant on October 25, 2005 reflects entries for alleged patient visits only for days on which she filled a prescription at Bratton Drug or Puckett Drug between October 1, 2004 and October 1, 2005, the time period for which Defendant had just recently obtained prescription printouts from these two pharmacies. The medical chart does not reflect patient visits for any days on which she filled prescriptions at Bunker Hill Drug or Rexco (Defendant did not obtain a prescription printout from either of these pharmacies), thereby indicating that Defendant used only the printouts he obtained from Bratton Drug and Puckett Drug to "create" a medical chart after the fact. Pharmacy records reflect that Patient BBW filled the following prescriptions at Bunker Hill and Rexco pharmacies which do not appear in Defendant's records:

<u>Date</u>	<u>Pharmacy</u>	<u>Drug</u>	<u>Quantity</u>
10/26/04	Bunker Hill	Soma	30
11/13/04	Rexco	Soma	40

The medical chart also does **not** reflect patient visits for any days between January 1, 2004 and September 30, 2004 (Defendant did not obtain a prescription printout for this time period) at Bratton Drug or Puckett Drug, thereby indicating that Defendant used only the printouts he obtained for the period October 1, 2004 through October 1, 2004 to "create" a medical chart after the fact. Pharmacy records reflect that Patient BBW filled the following prescriptions at these pharmacies between January 1, 2004 and September 30, 2004 which do not appear in Defendant's records:

<u>Date</u>	<u>Pharmacy</u>	<u>Drug</u>	<u>Quantity</u>
04/05/04	Puckett	Soma	50
05/24/04	Puckett	Soma	50
06/22/04	Puckett	Soma	40
07/26/04	Puckett	Soma	40

15. A review of the medical chart on Patient DBW provided by Defendant on October 25, 2005 reflects entries for alleged patient visits **only** for days on which she filled a prescription at Bratton Drug or Puckett Drug between October 1, 2004 and October 1, 2005, the time period for which Defendant had just recently obtained the prescription printouts from these two pharmacies. The medical chart does **not** reflect patient visits for any days on which she filled prescriptions at Wal-Mart, Central Pharmacy or Rexco (Defendant did not obtain a prescription printout from any of these pharmacies), thereby indicating that Defendant used only the printouts he obtained from Bratton Drug and Puckett Drug to "create" a medical chart after the fact. Pharmacy records reflect that Patient DBW filled the following prescriptions at Wal-Mart, Central and Rexco pharmacies which do not appear in Defendant's records:

<u>Date</u>	<u>Pharmacy</u>	<u>Drug</u>	<u>Quantity</u>
03/08/05	Wal-Mart	Soma	30
05/17/05	Central	Lorazepam	30
05/17/05	Central	Soma	50
06/01/04	Central	Soma	40
07/02/05	Rexco	Klonopin	30
07/19/05	Central	Klonopin	40

The medical chart also does **not** reflect patient visits for any days between January 1, 2004 and September 30, 2004 (Defendant did not obtain a prescription printout for this time period) at Bratton Drug or Puckett Drug, thereby indicating that Defendant used only the printouts he obtained for the period October 1, 2004 through October 1, 2005 to "create" a medical chart after the fact. Pharmacy records reflect that Patient DBW filled the following prescriptions at these pharmacies between January 1, 2004 and September 30, 2004 which do not appear in Defendant's records:

<u>Date</u>	<u>Pharmacy</u>	<u>Drug</u>	<u>Quantity</u>
01/12/04	Puckett	Soma	40
02/18/04	Puckett	Soma	60
03/09/04	Bratton	Soma	40
03/22/04	Puckett	Soma	50
03/22/04	Puckett	Darvocet	50
05/06/04	Puckett	Soma	50
05/06/04	Puckett	Darvocet	50
07/13/04	Puckett	Soma	40
07/17/04	Bratton	Darvocet	30
07/23/04	Bratton	Soma	30
07/23/04	Bratton	Darvocet	30
07/28/04	Bratton	Klonopin	30
07/28/04	Bratton	Darvocet	30
08/04/04	Puckett	Soma	40
08/25/04	Bratton	Soma	40
09/07/04	Puckett	Soma	30
09/27/04	Puckett	Soma	40

16. A review of the medical chart on Patient BCW provided by Defendant on October 25, 2005 reflects entries for alleged patient visits **only** for days on which he filled a prescription at Bratton Drug or Puckett Drug between October 1, 2004 and October 1, 2005, the time period for which Defendant had just recently obtained the prescription printouts from these two pharmacies. The medical chart does **not** reflect patient visits for any days on which he filled prescriptions at Wal-Mart or Bunker Hill Pharmacy (Defendant did not obtain a prescription printout from either of these pharmacies), thereby indicating that Defendant used only the printouts he obtained from Bratton Drug and Puckett Drug to "create" a medical chart after the fact. Pharmacy records reflect that Patient DBW filled the following prescriptions at Wal-Mart and Bunker Hill pharmacies which do not appear in Defendant's records:

<u>Date</u>	<u>Pharmacy</u>	<u>Drug</u>	<u>Quantity</u>
10/03/04	Wal-Mart	Darvocet	30
10/03/04	Wal-Mart	Xanax	30
10/19/04	Bunker Hill	Darvocet	30
10/19/04	Bunker Hill	Xanax	30
10/31/04	Wal-Mart	Xanax	30
10/31/04	Wal-Mart	Darvocet	30
12/05/04	Bunker Hill	Xanax	30
12/05/04	Bunker Hill	Darvocet	30
01/04/05	Bunker Hill	Xanax	30

The medical chart also does **not** reflect patient visits for any days between January 1, 2004 and September 30, 2004 (Defendant did not obtain a prescription printout for this time

period) at Bratton Drug, Puckett Drug or Wal-Mart, thereby indicating that Defendant used only the printouts he obtained for the period October 1, 2004 through October 1, 2005 to "create" a medical chart after the fact. Pharmacy records reflect that Patient BCW filled the following prescriptions at these pharmacies between January 1, 2004 and September 30, 2004 which do not appear in Defendant's records:

<u>Date</u>	<u>Pharmacy</u>	<u>Drug</u>	<u>Quantity</u>
01/13/04	Bratton	Xanax	30
01/19/04	Puckett	Xanax	30
01/26/04	Puckett	Xanax	24
03/27/04	Puckett	Xanax	30
04/05/04	Bratton	Xanax	30
04/09/04	Puckett	Xanax	30
04/10/04	Puckett	Lortab	30
04/14/04	Bratton	Xanax	30
04/17/04	Puckett	Lortab	30
05/03/04	Bratton	Lortab	30
05/07/04	Bratton	Lortab	30
05/14/04	Puckett	Xanax	30
05/14/04	Puckett	Lortab	30
05/18/04	Bratton	Xanax	30
05/25/04	Puckett	Klonopin	20
05/25/04	Puckett	Lortab	30
05/25/04	Bratton	Xanax	30
05/26/04	Puckett	Klonopin	20
05/30/04	Wal-Mart	Hydrocodone	30
06/02/04	Puckett	Lortab	30
06/02/04	Bratton	Xanax	30
06/04/04	Bratton	Darvocet	30
06/08/04	Puckett	Klonopin	30
06/08/04	Puckett	Darvocet	30
06/10/04	Puckett	Lortab	24
06/14/04	Bratton	Xanax	30
06/14/04	Bratton	Darvocet	30
06/21/04	Puckett	Xanax	30
06/21/04	Puckett	Darvocet	30
06/25/04	Bratton	Xanax	30
06/25/04	Bratton	Darvocet	30
07/02/04	Puckett	Xanax	30
07/02/04	Puckett	Darvocet	30
07/06/04	Puckett	Darvocet	30
07/09/04	Bratton	Xanax	30
07/09/04	Bratton	Darvocet	30
07/18/04	Wal-Mart	Xanax	30



07/18/04	Wal-Mart	Propoxyphene	30
07/22/04	Bratton	Xanax	30
07/22/04	Bratton	Darvocet	30
07/26/04	Puckett	Klonopin	30
07/26/04	Puckett	Darvocet	30
07/29/04	Bratton	Klonopin	30
07/29/04	Bratton	Darvocet	30
08/05/04	Puckett	Xanax	30
08/05/04	Puckett	Darvocet	30
08/07/04	Bratton	Xanax	30
08/07/04	Bratton	Darvocet	30
08/18/04	Puckett	Xanax	30
08/18/04	Puckett	Darvocet	30
08/21/04	Bratton	Klonopin	30
08/21/04	Bratton	Darvocet	30
08/28/04	Puckett	Xanax	30
08/28/04	Puckett	Darvocet	30
09/01/04	Bratton	Klonopin	30
09/01/04	Bratton	Darvocet	30
09/09/04	Puckett	Xanax	30
09/09/04	Puckett	Darvocet	30
09/14/04	Bratton	Xanax	30
09/18/04	Bratton	Xanax	30
09/18/04	Bratton	Darvocet	30
09/20/04	Puckett	Xanax	30
09/20/04	Puckett	Darvocet	30
09/29/04	Bratton	Xanax	30
09/29/04	Bratton	Darvocet	30

17. A review of the medical chart on Patient DCW provided by Defendant on October 25, 2005 reflects an entry for only **one alleged patient visit on October 4, 2004**, which was the **only** day on which she filled a prescription at Bratton Drug or Puckett Drug between October 1, 2004 and October 1, 2005, the time period for which Defendant had just recently obtained the prescription printouts from these two pharmacies. The medical chart does **not** reflect patient visits for any days between January 1, 2004 and September 30, 2004 (Defendant did not obtain a prescription printout for this time period) at Bratton Drug, Puckett Drug or Wal-Mart, thereby indicating that Defendant used only the printout he obtained for the period October 1, 2004 through October 1, 2005 to "create" a one (1) page medical chart after the fact. Pharmacy records reflect that Patient DCW filled the following prescriptions at these pharmacies between January 1, 2004 and September 30, 2004 which do not appear in Defendant's records:

<u>Date</u>	<u>Pharmacy</u>	<u>Drug</u>	<u>Quantity</u>
01/09/04	Puckett	Xanax	30
02/05/04	Bratton	Lortab	30

03/23/04	Bratton	Lortab	30
03/29/04	Puckett	Valium	30
04/06/04	Puckett	Xanax	30
04/10/04	Bratton	Lortab	30
04/15/04	Puckett	Valium	30
04/17/04	Bratton	Lortab	30
04/25/04	Wal-Mart	Xanax	30
05/01/04	Puckett	Lortab	30
05/21/04	Puckett	Xanax	30
05/25/04	Puckett	Darvocet	30
05/26/04	Bratton	Klonopin	10
05/28/04	Bratton	Lortab	30
06/02/04	Puckett	Xanax	30
06/03/04	Bratton	Valium	30
06/03/04	Bratton	Darvocet	30
06/06/04	Wal-Mart	Propoxyphene	30
06/06/04	Wal-Mart	Xanax	30
06/23/04	Puckett	Darvocet	30
06/23/04	Puckett	Xanax	30
07/11/04	Wal-Mart	Xanax	30
07/11/04	Wal-Mart	Propoxyphene	30
07/28/04	Puckett	Darvocet	30
07/28/04	Puckett	Klonopin	30
08/09/04	Puckett	Darvocet	30
08/09/04	Puckett	Klonopin	30
08/15/04	Wal-Mart	Xanax	30
08/15/04	Wal-Mart	Propoxyphene	30
08/19/04	Puckett	Darvocet	30
08/19/04	Puckett	Klonopin	30
08/25/04	Bratton	Xanax	30
08/27/04	Bratton	Darvocet	30
08/27/04	Bratton	Klonopin	30
09/07/04	Bratton	Darvocet	30
09/22/04	Bratton	Darvocet	30

On October 6, 2004, two (2) days after Defendant's last prescription to her, Patient DCW died from Acute Propoxyphene, Acetaminophen and Cocaine Intoxication.

18. A review of the medical chart on Patient TCW provided by Defendant on October 25, 2005 reflects entries for alleged patient visits only for days on which he filled a prescription at Bratton Drug or Puckett Drug between October 1, 2004 and October 1, 2005, the time period for which Defendant had just recently obtained the prescription printouts from these two pharmacies. The medical chart does not reflect patient visits for any days on which he filled prescriptions at Bunker Hill Pharmacy (Defendant did not obtain a prescription printout from this

pharmacies), thereby indicating that Defendant used only the printouts he obtained from Bratton Drug and Puckett Drug to "create" a medical chart after the fact. Pharmacy records reflect that Patient DBW filled the following prescriptions at Bunker Hill pharmacy which do not appear in Defendant's records:

<u>Date</u>	<u>Pharmacy</u>	<u>Drug</u>	<u>Quantity</u>
11/16/04	Bunker Hill	Xanax	30
11/28/04	Bunker Hill	Xanax	30
12/22/04	Bunker Hill	Xanax	30
12/22/04	Bunker Hill	Propoxyphene	30

The medical chart also does not reflect patient visits for any days between January 1, 2004 and September 30, 2004 (Defendant did not obtain a prescription printout for this time period) at Bratton Drug or Puckett Drug, thereby indicating that Defendant used only the printouts he obtained for the period October 1, 2004 through October 1, 2005 to "create" a medical chart after the fact. Pharmacy records reflect that Patient TCW filled the following prescriptions at these pharmacies between January 1, 2004 and September 30, 2004 which do not appear in Defendant's records:

<u>Date</u>	<u>Pharmacy</u>	<u>Drug</u>	<u>Quantity</u>
04/02/04	Bratton	Lortab	30
05/06/04	Puckett	Lortab	30
04/14/04	Bratton	Lortab	30
05/26/04	Bratton	Lortab	30
06/04/04	Bratton	Xanax	30
06/16/04	Bratton	Xanax	30
06/16/04	Bratton	Darvocet	30
06/28/04	Puckett	Xanax	30
06/28/04	Puckett	Darvocet	30
07/12/04	Bratton	Xanax	30
07/12/04	Bratton	Darvocet	20
07/20/04	Puckett	Klonopin	30
07/31/04	Bratton	Klonopin	30
07/31/04	Bratton	Darvocet	30
08/11/04	Puckett	Darvocet	30
08/11/04	Puckett	Klonopin	30
08/16/04	Bratton	Klonopin	30
08/16/04	Bratton	Darvocet	30
08/20/04	Puckett	Klonopin	30
08/20/04	Puckett	Darvocet	30
08/24/04	Puckett	Darvocet	30
08/24/04	Puckett	Xanax	30
09/02/04	Bratton	Klonopin	30
09/02/04	Bratton	Darvocet	30

09/13/04	Bratton	Klonopin	30
09/13/04	Bratton	Darvocet	30
<b>09/16/04</b>	<b>Puckett</b>	<b>Darvocet</b>	<b>30</b>
<b>09/16/04</b>	<b>Puckett</b>	<b>Xanax</b>	<b>30</b>
<b>09/23/04</b>	<b>Bratton</b>	<b>Xanax</b>	<b>30</b>
<b>09/23/04</b>	<b>Bratton</b>	<b>Darvocet</b>	<b>30</b>

19. A review of the medical chart on Patient KJW provided by Defendant on October 25, 2005 reflects entries for alleged patient visits only for days on which she filled a prescription at Bratton Drug or Puckett Drug between October 1, 2004 and October 1, 2005, the time period for which Defendant had just recently obtained the prescription printouts from these two pharmacies. The medical chart does not reflect patient visits for any days on which she filled prescriptions at Wal-Mart, Bunker Hill Pharmacy or Rexco (Defendant did not obtain a prescription printout from any of these pharmacies), thereby indicating that Defendant used only the printouts he obtained from Bratton Drug and Puckett Drug to "create" a medical chart after the fact. Pharmacy records reflect that Patient KJW filled the following prescriptions at Wal-Mart, Bunker Hill and Rexco pharmacies which do not appear in Defendant's records:

<u>Date</u>	<u>Pharmacy</u>	<u>Drug</u>	<u>Quantity</u>
10/18/04	Wal-Mart	Xanax	30
10/18/04	Rexco	Valium	30
11/01/04	Rexco	Xanax	50
11/01/04	Rexco	Soma	60
11/09/04	Rexco	Valium	30
12/16/04	Rexco	Lortab	22
01/27/05	Bunker Hill	Xanax	40
02/17/05	Rexco	Soma	50
03/26/05	Rexco	Soma	40
03/29/05	Rexco	Valium	30
03/29/05	Rexco	Darvocet	40
05/05/05	Rexco	Soma	50
05/05/05	Rexco	Xanax	40

The medical chart also does not reflect patient visits for any days between January 1, 2004 and September 30, 2004 (Defendant did not obtain a prescription printout for this time period) at Bratton Drug or Puckett Drug, thereby indicating that Defendant used only the printouts he obtained for the period October 1, 2004 through October 1, 2005 to "create" a medical chart after the fact. Pharmacy records reflect that Patient KHW filled the following prescriptions at these pharmacies between January 1, 2004 and September 30, 2004 which do not appear in Defendant's records:

<u>Date</u>	<u>Pharmacy</u>	<u>Drug</u>	<u>Quantity</u>
01/12/04	Puckett	Kadian	10

08/02/04	Bratton	Soma	100
08/02/04	Bratton	Xanax	30

20. On or about August 23, 2005, Defendant was interviewed by agents of the Oklahoma State Bureau of Narcotics and Dangerous Drugs at which time he admitted he had no patient chart for Patient TFW, the confidential informant for the Drug Task Force set forth in paragraphs 3-5 above. However, when Board investigators subpoenaed patient charts from Defendant on October 25, 2005, Defendant produced a patient chart for Patient TFW. The chart produced reflects entries for alleged patient visits only for days on which he filled a prescription at Bratton Drug or Puckett Drug between October 1, 2004 and October 1, 2005, the time period for which Defendant had just recently obtained the prescription printouts from these two pharmacies. The medical chart does not reflect a patient visit for February 4, 2005, the day he provided Patient TFW with a prescription in the name of Patient CCW, his alleged "cousin". The chart additionally does not reflect a patient visit for February 11, 2005, the day he provided prescriptions in the names of Patient TFW and Patient CCW to Patient TFW. None of these three (3) prescriptions were ever filled by the confidential informant, thereby indicating that Defendant used only the printouts he obtained from Bratton Drug and Puckett Drug to "create" a medical chart after the fact.

21. All of the medical records of Defendant set forth in paragraphs 13 through 19 above contain no identifying information (no date of birth, address, telephone number, health history) for any patient other than the name of the patient at the top of the page. The records contain no insurance papers, no billing records, no lab reports, no records from previous treating physicians and no hospital records, even for patients mentioned as previous surgical patients.

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

- A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).
- B. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).
- C. Procured, aided or abetted a criminal operation in violation of 59 O.S. §509(1).
- D. Prescribed a drug without sufficient examination and establishment of a valid physician patient relationship in violation of 59 O.S. §509(12).

E. Confessed to a crime involving a violation of the anti-narcotic laws of the federal government or the laws of this state in violation of 59 O.S. §509(7).

F. Committed an 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. §509(9).

G. Failed to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient in violation of 59 O.S. §509(18) and 435:10-7-4(41).

H. Violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

I. Prescribed, dispensed or administered a controlled substance or narcotic drugs in excess of the amount considered good medical practice, or prescribed, dispensed or administered controlled substances or narcotic drugs without medical need in accordance with published standards in violation of 59 O.S. 509(16) and OAC 435:10-7-4(2) and (6).

J. Engaged in the indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs in violation of OAC 435:10-7-4(1).

K. Wrote a false or fictitious prescription for any drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs in violation of 59 O.S. 509(11).

L. Directly or indirectly gave or received any fee, commission, rebate, or other compensation for professional services not actually and personally rendered in violation of OAC 435:10-7-4(30).

M. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).

### *Conclusions of Law*

1. The Board has jurisdiction and authority over the Defendant and

subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant is guilty of unprofessional conduct in that he:
  - A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).
  - B. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).
  - C. Procured, aided or abetted a criminal operation in violation of 59 O.S. §509(1).
  - D. Prescribed a drug without sufficient examination and establishment of a valid physician patient relationship in violation of 59 O.S. §509(12).
  - E. Confessed to a crime involving a violation of the anti-narcotic laws of the federal government or the laws of this state in violation of 59 O.S. §509(7).
  - F. Committed an 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. §509(9).
  - G. Failed to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient in violation of 59 O.S. §509(18) and 435:10-7-4(41).
  - H. Violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
  - I. Prescribed, dispensed or administered a controlled substance or narcotic drugs in excess of the amount considered good medical practice, or prescribed, dispensed or administered controlled substances or narcotic drugs without medical need in accordance with published standards in violation of 59 O.S. 509(16) and OAC 435:10-7-4(2) and (6).

J. Engaged in the indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs in violation of OAC 435:10-7-4(1).

K. Wrote a false or fictitious prescription for any drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs in violation of 59 O.S. 509(11).

L. Directly or indirectly gave or received any fee, commission, rebate, or other compensation for professional services not actually and personally rendered in violation of OAC 435:10-7-4(30).

M. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).


3. The Board further found that the Defendant's license should be revoked based upon any or all of the violations of the unprofessional conduct provisions and Oklahoma Administrative Code as set forth above.

*Order*

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

1. The license of Defendant, Hanh Ngoc Truone, M.D., Oklahoma license no. 13991, is hereby **REVOKED** as of the date of this hearing, January 26, 2006.
2. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.
3. Defendant's revoked license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs and expenses incurred by the State of Oklahoma.

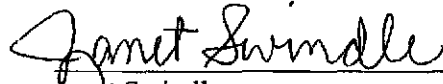
Dated this 3 day of <sup>Feb</sup> ~~January~~, 2006.

  
Gerald C. Zumwalt, M.D., Secretary  
Oklahoma State Board of Medical  
Licensure and Supervision



**CERTIFICATE OF SERVICE**

I certify that on the 3 day of <sup>February</sup> ~~January~~, 2006, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Don Groom, 4301 N. MacArthur Blvd., Oklahoma City, OK 73122 and to Hahn Ngoc Truong, P.O. Box 630, Mangum, OK 73554-0630.

  
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Janet Swindle