

**IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA**

STATE BOARD OF OSTEOPATHIC)	
EXAMINERS,)	
STATE OF OKLAHOMA,)	
)	
Petitioner,)	
)	
v.)	Case No. 1017-129
)	
JEREMY DAVID THOMAS, D.O.,)	
Osteopathic Medical License No. 4495)	
)	
Respondent.)	

EMERGENCY ORDER OF SUSPENSION PENDING A HEARING

This matter comes on for hearing before the Oklahoma State Board of Osteopathic Examiners [Board] at a regular meeting of the Board on December 14, 2017. The Board is represented by the Executive Director for the Board, Deborah J. Bruce. Jeremy David Thomas, D.O. [Dr. Thomas] could not appear in person and could not receive notice of the Emergency Hearing held on this date. The Board's Chief Investigator, Richard Zimmer, appeared and gave testimony.

This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

The Board, after reviewing the pleadings, testimony at the hearing and considering all of the evidence and being fully advised specifically finds the following Findings of Fact and Conclusions of Law to be true and correct and proven by clear and convincing evidence.

FINDINGS OF FACT

After reviewing the Application for Emergency Order, hearing the testimony of the Board's witness, and asking questions of the Board's witness, the Board adopts, by clear and convincing evidence, the following Findings of Fact and Conclusions of Law.

1. Jeremy David Thomas, D.O. [Dr. Thomas] is the holder of a license to practice osteopathic medicine in the State Of Oklahoma, license number 4495. Dr. Thomas received his license as an osteopathic physician in Oklahoma from the Board in 2005. Dr.

Thomas is employed by the Premier Bone and Joint Specialists in Claremore. As of the date of this Emergency Hearing, his license is in good standing.

2. Efforts to provide notice of this proceeding to Dr. Thomas were unsuccessful.

3. An Application for an Emergency Order of Suspension and Citation were issued by the Board against Dr. Thomas on December 5, 2017. The Application and Citation are hereby incorporated by reference as if set forth in full herein.

4. At the Hearing evidence included that on October 17, 2017, Board Investigators met with OBNDD and DEA Agents. The Drug Diversion Agents had visited with Dr. Thomas at the Rogers County DA Office, Claremore Oklahoma. The Diversion Agents related the following conversation with Dr. Thomas:

Dr. Thomas was depressed. Dr. Thomas developed this problem after he had a hernia surgery operation and a hematoma he developed in his leg. Dr. Thomas admitted to using 8 to 10 Hydrocodone 10 mg tablets per day. Dr. Thomas admitted to splitting CDS prescriptions, mainly Hydrocodone-Acetaminophen, with at least four (4) of his patients.

Dr. Thomas “manipulated” the patients to obtain CDS from them. Dr. Thomas knew these patients needed CDS, so he used that to his advantage. Dr. Thomas did not pay for the CDS. He made the patient pay for the CDS. Dr. Thomas wrote the prescriptions. All of the patients were patients of Dr. Thomas’. Many of the prescriptions were not charted in his patient medical records. On that date, Dr. Thomas surrendered his OBNDD and DEA Drug Registrations to the Agents. (Testimony of the Board’s Chief Investigator Richard Zimmer.)

5. Testimony at the hearing also included that on October 26, 2017, Board Investigators issued subpoenas for Dr. Thomas’ medical records for patients identified as splitting prescriptions with Dr. Thomas. Dr. Thomas told diversion agents that not all prescriptions written were charted in his medical records. (Testimony of the Board’s Chief Investigator, Richard Zimmer.)

6. Evidence at the Hearing also included that on 10-26-2017, OSBOE Investigators served a Subpoena Duces Tecum to Rogers County District Attorney Chief Investigator, for a copy of text messages intercepted from six [6] of Dr. Thomas’ patients to Dr. Thomas. Upon review the texts corroborated the conversation between Diversion Agents and Dr. Thomas. Dr. Thomas would write the prescriptions, the patient would fill the prescription and the pills would then be split. All prescriptions were for scheduled drugs. In one text Dr. Thomas

directed the patient to meet him in the hospital parking lot because Dr Thomas would be in between surgeries. (Testimony of the Board's Chief Investigator Richard Zimmer.)

7. Board Investigators referred Dr. Thomas to the OHPP for evaluation. (Testimony of the Board's Chief Investigator Richard Zimmer.)

CONCLUSIONS OF LAW

1. The Board concludes that because Dr. Thomas has violated Section 637 of the Act, specifically § 637(A) (2) (g), (3), (4), (7), (8) and (12) and that it has the authority to take emergency disciplinary action.

2. The Board has jurisdiction to hear this matter pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 640 *et. seq.*, Rules of the Board, 510 OAC § 1-1-1 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

3. Dr. Thomas is in violation of the Oklahoma Osteopathic Medicine Act, 59 O.S. § 637 [Act] and specifically § 637(A) (2) (g), (3), (4), (7), (8) and (12) of the Act, to wit:

- A. The State Board of Osteopathic Examiners may refuse to admit a person or to an examination or may refuse to issue or reinstate or may suspend or revoke any license issued or reinstated by the Board upon proof that the applicant or holder of such license:
 2. Has engaged in the use or employment of dishonesty, fraud, misrepresentation, false promise, false pretense, unethical conduct or unprofessional conduct, as may be determined by the Board, in the furtherance or duties of an osteopathic physician, including, but not limited to the following:
 - g. Signing a blank prescription form; or dispensing, prescribing, administering or otherwise distributing any drug, controlled substance or other treatment without sufficient examination or the establishment of a physician/patient relationship, or for other than medically accepted therapeutic or experimental or investigational purpose duly authorized by a state or federal agency, or not in good faith to relieve pain and suffering, or not to treat an ailment, physical infirmity or disease, or violating any state or federal law on controlled dangerous substances;
 3. Has engaged in gross negligence, gross malpractice or gross incompetence;
 4. Has engaged in repeated acts of negligence, malpractice or incompetence;
 7. Has violated, or failed to comply with provisions of any act or regulation administered by the Board;
 8. is incapable, for medical or psychiatric or any other good cause, of discharging the functions of an osteopathic physician in a manner consistent with the public's health, safety and welfare; and

12. Has been guilty of habitual drunkenness, or habitual addiction to the use of morphine, cocaine or other habit-forming drugs.

4. The actions of Dr. Thomas, as described in paragraphs 1-7 of the Findings of Fact and paragraphs 1-5 of the Conclusions of Law, imperatively threaten the public health, safety and welfare and constitute an emergency circumstance that requires emergency action by this Board.

5. The Board also concludes that such actions, having been proven by clear and convincing evidence, are grounds for further discipline of Dr. Thomas' license. The Board further concludes that Dr. Thomas' license shall be suspended and shall remain suspended until a full hearing of all matters has been adjudicated.

EMERGENCY ORDER

The Board, having adopted the above-described Findings of Fact and Conclusions of Law, adopts the following Emergency Order:

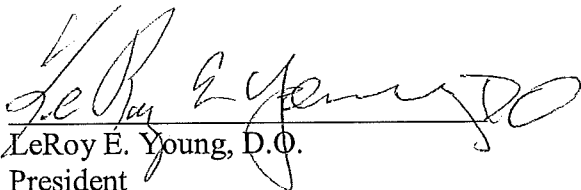
1. The license issued by the Board to Dr. Thomas to practice osteopathic medicine in the State of Oklahoma is **SUMMARILY SUSPENDED** pending further Hearing and Order of the Board. Such Hearing will be set by the Board upon written request by Dr. Thomas presented to the Board at the Board office. The hearing will be set within thirty days of the receipt of Dr. Thomas' written request or as soon thereafter as reasonably possible pursuant to law and rules of the Board. The written request shall allow sufficient time for a special meeting to be scheduled by the Board. Said Suspension shall continue until such time as the Board determines that Dr. Thomas' practice of osteopathic medicine does not threaten the public health, safety and welfare.

2. Nothing in this Order shall preclude the Board or Board Staff from initiating another disciplinary action against Dr. Thomas for actions that were not a part of this Order.

3. These Findings of Fact, Conclusions of Law and Emergency Order is a public record and subject to disclosure under the Oklahoma Open Records Act.

IT IS SO ORDERED, ADJUDGED AND DECREED this 14th day of December, 2017.

Effective Date: 1-8-2018


LeRoy E. Young, D.O.
President
State Board of Osteopathic Examiners

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Case No. 1017-128

JEREMY DAVID THOMAS, D.O.,)
Osteopathic Medical License No. 4495)

Respondent.)

APPLICATION FOR EMERGENCY ORDER OF SUSPENSION

The Special Prosecutor for the State Board of Osteopathic Examiners [Board], Roma McElwee, files this Application against the Respondent, Jeremy David Thomas, D.O.

1. Jeremy David Thomas, D.O. [Dr. Thomas] is the holder of a license to practice osteopathic medicine in the State Of Oklahoma, license number 4495. Dr. Thomas received his license as an osteopathic physician in Oklahoma from the Board in 2007. Dr. Thomas is employed by the Premier Bone and Joint Specialists in Claremore. As of the date of this Emergency Application, his license is in good standing. Efforts to provide notice of this proceeding to Dr. Thomas were unsuccessful.

2. Dr. Thomas is in violation of the Oklahoma Osteopathic Medicine Act, 59 O.S. § 637 [Act] and specifically § 637(A) (2) (g), (3), (4), (7), (8) and (12) of the Act, to wit:

A. The State Board of Osteopathic Examiners may refuse to admit a person or to an examination or may refuse to issue or reinstate or may suspend or revoke any license issued or reinstated by the Board upon proof that the applicant or holder of such license:

2. Has engaged in the use or employment of dishonesty, fraud, misrepresentation, false promise, false pretense, unethical conduct or unprofessional conduct, as may be determined by the Board, in the furtherance or duties of an osteopathic physician,

including, but not limited to the following:

- g. Signing a blank prescription form; or dispensing, prescribing, administering or otherwise distributing any drug, controlled substance or other treatment without sufficient examination or the establishment of a physician/patient relationship, or for other than medically accepted therapeutic or experimental or investigational purpose duly authorized by a state or federal agency, or not in good faith to relieve pain and suffering, or not to treat an ailment, physical infirmity or disease, or violating any state or federal law on controlled dangerous substances;
- 3. Has engaged in gross negligence, gross malpractice or gross incompetence;
- 4. Has engaged in repeated acts of negligence, malpractice or incompetence;
- 7. Has violated, or failed to comply with provisions of any act or regulation administered by the Board;
- 8. is incapable, for medical or psychiatric or any other good cause, of discharging the functions of an osteopathic physician in a manner consistent with the public's health, safety and welfare; and
- 12. Has been guilty of habitual drunkenness, or habitual addiction to the use of morphine, cocaine or other habit-forming drugs.

3. On October 17, 2017, Board Investigators met with OBNDD and DEA Agents. The Drug Diversion Agents had visited with Dr. Thomas at the Rogers County DA Office, Claremore Oklahoma. The Diversion Agents related the following conversation with Dr. Thomas:

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Dr. Thomas "manipulated" the patients to obtain CDS from them. Dr. Thomas knew these patients needed CDS, so he used that to his advantage. Dr. Thomas did not pay for the CDS. He made the patient pay for the CDS. Dr. Thomas wrote the prescriptions. All of the patients were patients of Dr. Thomas'. Many of the prescriptions were not charted in his patient medical records. On that date, Dr. Thomas surrendered his OBNDD and DEA Drug Registrations to the Agents.

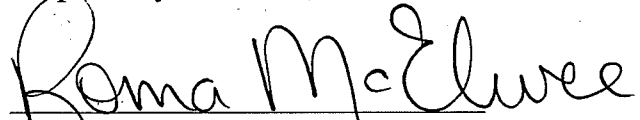
4. On October 26, 2017, Board Investigators issued subpoenas for Dr. Thomas' medical records for patients identified as splitting prescriptions with Dr. Thomas. Dr. Thomas told diversion agents that not all prescriptions written were charted in his medical records.

5. On 10-26-2017, OSBOE Investigators served a Subpoena Duces Tecum to Rogers County District Attorney Chief Investigator, for a copy of text messages intercepted from six [6] of Dr. Thomas' patients to Dr. Thomas. Upon review the texts corroborated the conversation between Diversion Agents and Dr. Thomas. Dr. Thomas would write the prescriptions, the patient would fill the prescription and the pills would then be split. All prescriptions were for scheduled drugs. In one text Dr. Thomas directed the patient to meet him in the hospital parking lot because Dr Thomas would be in between surgeries.

6. Board Investigators referred Dr. Thomas to the OHPP for evaluation.

THE ACTIONS OF DR. JEREMY THOMAS AS DESCRIBED IN PARAGRAPHS 1-6 OF THIS APPLICATION FOR EMERGENCY SUSPENSION PENDING A HEARING, IMPERATIVELY CONSTITUTE A THREAT TO THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC THAT REQUIRES EMERGENCY ACTION BY THIS BOARD.

Respectfully submitted,



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PROSECUTOR FOR THE BOARD