

**IN AND BEFORE THE OKLAHOMA STATE BOARD OF DENTISTRY
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel.)
THE OKLAHOMA BOARD OF DENTISTRY)
)
)
Plaintiff,)
)
)
vs.) Case #13-087
)
ADAM LEE POTTORFF, D.D.S.)
LICENSE # 5911)
RESPONDENT)

**AGREED ORDER ACCEPTING VOLUNTARY
SUBMITTAL TO JURISDICTION**

This cause comes on for hearing before the Oklahoma State Board of Dentistry (the "Board") on the 16th day of Jan. 2015 at the Board office, 2920 N. Lincoln Blvd. Suite B, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and rules of the Board.

Plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Dentistry by and through its Executive Director and attorney, Susan Rogers and the Respondent, Adam Pottorff, D.D.S., Oklahoma license No. 5911.

Adam Lee Pottorff, D.D.S. license # 5911 is licensed to practice dentistry in the State of Oklahoma. Dr. Pottorff's state dental license is currently in full force and effect and was originally issued July 28, 2006. The actions relevant to the Statement of Complaint occurred in and around Bartlesville, Oklahoma.

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 Order:

AGREEMENT AND ACKNOWLEDGEMENT BY RESPONDENT

By voluntarily submitting to jurisdiction and entering into this Order, Respondent pleads guilty to the allegations in the Complaint and citation filed herein and acknowledges that a hearing before the Board would result in some sanction under the Oklahoma State Dental Practices Act.

Respondent, Adam Pottorff, D.D.S., 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 evidentiary hearing on the allegations made against him. Respondent 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. Respondent acknowledges that he has read and understands the terms and conditions stated herein.

Respondent and Attorneys for the Board stipulate to the following findings of fact; The Board heard statements of counsel, reviewed the exhibits presented, and being fully apprised in the premises, finds that there is clear and convincing evidence of the following Findings of Fact, Conclusions of Law and Orders:

STIPULATIONS AND AGREED FINDINGS OF FACT

1. Adam Pottorff, D.D.S. currently possesses Oklahoma Dentistry License No. 5911, issued July 28, 2006.
2. Respondent Adam Pottorff, D.D.S is the subject of a complaint, Case No: 13-087.
3. The Board pursuant to the Oklahoma State Dental Practices Act 59 O.S. § 328.1 et. seq is a duly authorized State Agency empowered to license and oversee the activities of all persons practicing dentistry or hygiene pursuant to the act in the State of Oklahoma.
4. The Board has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the rules of the Board.
5. Adam Pottorff, D.D.S. has never been before this Board on a complaint since being licensed.
6. Defendant acknowledges that this agreement is freely and voluntarily made, and the Respondent has not been subject to duress or coercion.
7. Respondent has been apprised of his right to seek counsel on this matter and is fully aware of the consequences of this agreement.
8. Respondent admits that during the time periods stated in the complaint, he was practicing dentistry in an unsafe manner due to his addiction issues.
9. Respondent admits that during the time periods stated in the complaint, he wrote and authorized numerous false prescriptions for scheduled controlled dangerous drugs. These false prescriptions were for himself and others in a scheme whereby the patient filling the prescription would share the medication with the respondent.

10. Respondent admits that he failed to maintain proper patient records for a minimum of seven patients in which he was prescribing scheduled drugs. Respondent admits that he was aware that these and other activities were violations of the State Dental Act.
11. Respondent admits that he has illegally diverted controlled dangerous substances for his personal use.
12. Respondent admits that he has not completed his continuing education as required by the State Dental Act.
13. Dr. Yadon and Dr. Nowlin were assigned to the investigative panel for this matter.
14. Respondent has never before been brought before this board and been fully cooperative during the investigation.

The above acts and omissions set forth above constitutes violations of the State Dental Act including violations of State and Federal laws.

CT. I - PRACTICING DENTISTRY IN AN UNSAFE MANNER

59 O.S. § 328.32(A)(13), and 63 O.S. § 2-304(A)(10) by being under the influence of controlled scheduled medications and practicing in an inebriated manner.

CT. II-VII. -WRITING A FALSE PRESCRIPTION FOR A SCHEDULED CONTROLLED DANGEROUS SUBSTANCE. 59 O.S. § 328.32(A)(27), AND ILLEGAL DISTRIBUTION OF A CONTROLLED DANGEROUS SUBSTANCE, SPECIFICALLY HYDROCODONE, A SCHEDULE III NARCOTIC, 63 O.S. § 2-401(A)(1) . (drug was classified schedule III at the time of the events, but has been rescheduled to schedule II.)

CT. VIII - XIV. – PRESCRIBING A DRUG WITHOUT HAVING A VALID DENTIST-PATIENT RELATIONSHIP, 59 O.S. § 328.32(A)(28).

CT. XV – VIOLATING OR ATTEMPTING TO VIOLATE THE PROVISIONS OF THE STATE DENTAL ACT OR THE RULES OF THE BOARD AS A PRINCIPAL, ACCESSORY OR ACCOMPLICE. 59 O.S. § 328.32(A)(28)

CT. XVI-XXI - FAILING TO MAINTAIN PATIENT RECORDS FOR AT LEAST THREE (3) YEARS. 59 O.S. § 328.32(A)(34).

CT. XXII – FAILURE TO COMPLETE CONTINUING EDUCATION – 59 O.S. § 328.32(A)(9).

CONCLUSIONS OF LAW

The Board has jurisdiction over the Respondent the subject matter herein pursuant to the Oklahoma State Dental Act 59 O.S. § 328.1 et. seq and the Board of Dentistry Rules and Regulations, Title 195 et. seq.

Based on the foregoing facts and admissions, the Board finds that Respondent committed violations of

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CT. II-VII. –WRITING A FALSE PRESCRIPTION FOR A SCHEDULED CONTROLLED DANGEROUS SUBSTANCE. 59 O.S. § 328.32(A)(27), AND ILLEGAL DISTRIBUTION OF A CONTROLLED DANGEROUS SUBSTANCE, SPECIFICALLY HYDROCODONE, A SCHEDULE III NARCOTIC, 63 O.S. § 2-401(A)(1) . (drug was classified schedule III at the time of the events, but has been rescheduled to schedule II.)

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CT. XXII – FAILURE TO COMPLETE CONTINUING EDUCATION – 59 O.S. § 328.32(A)(9).

The Board en banc, hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.

AGREED ORDER

IT IS THEREFORE ORDERED by the Oklahoma State Board of Dentistry as follows:

1. The license of Respondent, Adam Lee Pottorff, D.D.S., Oklahoma Dentistry License No. 5911, is hereby SUSPENDED for a period of 1 year beginning January 16, 2015 and ending January 15, 2016, and respondent shall be on probation a period of five years to be concluded on January 15, 2020, under the following terms and conditions:
2. Respondent shall pay an administrative fine of \$6,000.00, to be paid in increments of not less than \$2,000.00 per year during the last three years of probation. The first payment shall be due January 15, 2018, and each subsequent year amount to be due on January 15th of each year until total is paid.
3. Respondent shall pay \$175.00 for costs of investigation pursuant to 59 O.S. 328.44a (A)(8), which states, the Respondent shall pay all reasonable costs expended by the Board for any legal fees and costs, and any investigation, including but not limited to staff time, salary and travel expenses, witness fees and attorney's fees incurred with respect to this case. This amount shall be paid by January 15, 2017.
4. Within one (1) year of the date of this Voluntary Submittal to Jurisdiction, Respondent shall complete TWENTY (20) HOURS OF COMMUNITY SERVICE at a facility treating medically underserved persons to be approved in advance in writing by the Board President.
5. Respondent is PROHIBITED from prescribing ANY SCHEDULED DRUG for a period of two years to be concluded no later than January 15, 2017. Respondent SHALL APPEAR BEFORE THE BOARD TO REQUEST PERMISSION TO REAPPLY FOR HIS DEA AND OBN REGISTRATION. During this two-year period, Respondent shall not have access to any Schedule II or III narcotics available in the office for administering by another dentist, physician or nurse anesthetist. Respondent may prescribe FDA regulated or legend drugs after the one year suspension.
6. Respondent is prohibited from having contact with ANYONE known or unknown to the Board that he has diverted drugs in association with including but not limited to: J.P., J.H., J.S. and B.B. beginning two weeks after the beginning of this agreed order. If he is contacted by any of these individuals he is required to notify the Board within 24 hours.
7. Upon reinstatement, Respondent will conduct his practice in compliance with all other State Laws and Regulations under the Oklahoma Dental Practices Act;

8. Respondent will complete all continuing education required by the end of the one year suspension.
9. Respondent will not violate any other State or Federal law;
10. During the first week of returning to practice, Respondent shall be limited to practicing 20 hours during the week;
11. During the Second and Third week, Respondent is limited to practicing 30 hours during the week;
12. During the Fourth week and all subsequent weeks, Respondent shall be limited to practicing 40 hours per week. Any community service required by this agreement shall not be included in the 40 hours.
13. Respondent will furnish to each and every state in which he holds licensure or applies for licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege or employment a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Dentistry.
14. Respondent will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Respondent's case with Respondent's treating physicians and/or physicians holding Respondent's records.
15. Respondent will submit biological fluid and/or hair specimens to include, but not limited to, blood and urine, for analysis, upon request of the OHPP or Board designee and Respondent will pay for the analysis thereof.
16. Respondent will take no medication except that which authorized by a physician treating him for a legitimate medical need. Respondent has the affirmative duty to inform any and every doctor treating him of the Board Order immediately upon initiation, or continuation of treatment.
17. Respondent 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.
18. Respondent will complete an in-patient treatment program approved by OHPP and the Board during the 1-year suspension.
19. Respondent will sign a contract with and attend a minimum of (1) meeting per week with the Oklahoma Health Professionals Program unless excused by the

OHPP. Respondent shall abide by all requirements of his contract with the OHPP. Any violation of the OHPP contract shall constitute a violation of this agreed order.

20. Respondent shall obtain a primary care physician who shall monitor his general health and who shall also be responsible for managing the use of all prescription and non-prescription medications. Respondent's primary care physician shall be Dr. Kilbrey or another physician approved in advance in writing by the Board President. Respondent shall notify any physician treating him of his addiction and agreed order.
21. Respondent shall submit all monthly reports regarding attendance and compliance with all recommendations made by OHPP.
22. Respondent shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.
23. Respondent shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse.
24. Respondent will keep OHPP and the Oklahoma State Board of Dentistry informed of his current address.
25. Respondent shall be responsible for all costs of the Oklahoma State Board of Dentistry for monitoring, investigation and testing costs not to exceed \$50.00 per month during the term of probation.
26. Until such time as all indebtedness to the Oklahoma State Board of Dentistry has been satisfied, Respondent shall reaffirm said indebtedness in any and all bankruptcy proceedings.
27. Respondent shall make himself available for one or more personal appearances before the Board or its designee upon request.
28. Failure to meet any terms of the Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Respondent's license after due notice and hearing.

The Board en banc, hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.



James A. Sparks, D.D.S., Board President,

OKLAHOMA STATE BOARD OF
DENTISTRY

Investigative Panel
Dr. Trent Yadon
Dr. Lisa Nowlin

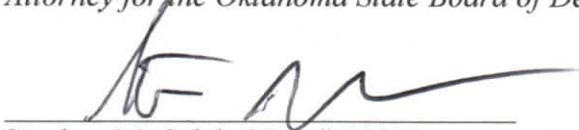
AGREED AND APPROVED:



Adam Pottorff, D.D.S.
Pro Se



Susan Rogers, OBA# 15497
Executive Director and General Counsel
Attorney for the Oklahoma State Board of Dentistry



Stephen McCaleb OBA # 15649
Judicial Counsel, State Board of Dentistry