

Public

STATE OF NEW YORK DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

OF

ELIZABETH LOPEZ, M.D.  
CO-10-06-3878-A

COMMISSIONER'S  
SUMMARY  
ORDER

TO: ELIZABETH LOPEZ, M.D.  
REDACTED

The undersigned, Richard F. Daines, M.D., Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction, the State of Florida, Department of Health (hereinafter "Florida Board"), has made a finding substantially equivalent to a finding that the practice of medicine by **ELIZABETH LOPEZ, M.D.**, Respondent, New York license number 156161, in that jurisdiction, constitutes an imminent danger to the health of its people, as is more fully set forth in the Order of Emergency Suspension on License, dated February 18, 2010, attached, hereto, as Appendix "A," and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), that effective immediately, **ELIZABETH LOPEZ, M.D.**, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine.

ANY PRACTICE OF MEDICINE IN THE STATE OF NEW YORK IN VIOLATION OF THIS ORDER SHALL CONSTITUTE PROFESSIONAL MISCONDUCT WITHIN THE MEANING OF NEW YORK EDUCATION LAW §6530(29) AND MAY CONSTITUTE UNAUTHORIZED MEDICAL PRACTICE, A FELONY DEFINED BY NEW YORK EDUCATION LAW §6512.

This Order shall remain in effect until the final conclusion of a hearing which shall commence within thirty (30) days after the final conclusion of the disciplinary proceeding in Florida.

The hearing will be held pursuant to the provisions of New York Public Health Law §230, and New York State Administrative Procedure Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on a date and at a location to be set forth in a written Notice of Referral Proceeding to be provided to the Respondent after the final conclusion of the Florida proceeding. Said written Notice may be provided in person, by mail, or by other means. If Respondent wishes to be provided said written notice at an address other than that set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth in this Order, and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

RESPONDENT SHALL NOTIFY THE DIRECTOR OF THE OFFICE OF PROFESSIONAL MEDICAL CONDUCT, NEW YORK STATE DEPARTMENT OF HEALTH, 433 RIVER STREET, SUITE 303, TROY, NY 12180-2299, VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OF THE FINAL CONCLUSION OF THE PROCEEDING IMMEDIATELY UPON SUCH CONCLUSION.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW §230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATE: Albany, New York  
10/27/2010

REDACTED

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RICHARD F. DAINES, M.D.  
Commissioner of Health  
New York State Department of Health

Inquires should be directed to:

Joel E. Ablove  
Associate Counsel  
Bureau of Professional Medical Conduct  
Corning Tower – Room 2512  
Empire State Plaza  
Albany, New York 12237  
(518) 473-4282

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

Final Order No. DOH-10-0397-<sup>ESQ-MQA</sup>  
FILED DATE - 2/18/2010  
Department of Health  
REDACTED  
By: \_\_\_\_\_  
Deputy Agency Clerk

IN RE: The Emergency Suspension of the License of  
Elizabeth Lopez, M.D.  
License Number: ME 62775  
Case Numbers: 2008-18673

**ORDER OF EMERGENCY SUSPENSION OF LICENSE**

Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, ORDERS the Emergency Suspension of the license of Elizabeth Lopez, M.D. ("Dr. Lopez"). Dr. Lopez holds license number ME 62775. Her address of record is 1855 NE 8<sup>TH</sup> Street, Homestead, Florida 33033. The following Findings of Fact and Conclusions of Law support the Emergency Suspension of Dr. Lopez's license to practice as a physician in the State of Florida.

**FINDINGS OF FACT**

1. The Department of Health ("Department") is the state department charged with regulating the practice of medicine, pursuant to Chapters 20, 456, 458, and 465, Florida Statutes. Section 456.073(8), Florida Statutes (2009), empowers the State Surgeon General to summarily restrict Dr. Lopez' license to practice as a physician in the State of Florida in accordance with Section 120.60(6), Florida Statutes (2009).

2. At all times material to this Order, Dr. Lopez was practicing as a physician in the State of Florida, pursuant to Chapter 458, Florida Statutes and

between June 2008 and September 2009, Dr. Lopez was not board certified in Pain Management.

3. At all times material to this Order, on or between June 2008 and September 2009, Dr. Lopez was practicing medicine in the State of Florida.

4. At all times material to this order, on or between June 2008 and September 2009, Dr. Lopez treated twenty two (22) patients for chronic pain management.

5. These twenty-two (22) patients are referred to by their initials as DC, RC, DB, MB, KD, JF, MK, DL, TM, PM, GR, LR, BC, JC, JC2, WF, JH, TL, EM, WM, SR, and JT.

6. The Department commenced an investigation of Dr. Lopez from May 2009, through September 2009; the investigation arose partly as a result of a complaint in July 2008 from a Walgreen's pharmacist in Jupiter, Florida alleging that Dr. Lopez was prescribing suspicious amounts of controlled substances to patients with Florida addresses but with Kentucky telephone numbers and partly because of a June 2009 inspection of Dr. Lopez's medical office where it appeared that excessive and inappropriate amounts of controlled substances were being prescribed to patients in Ohio and Kentucky.

7. The types of controlled substances in question that were prescribed by Dr. Lopez are listed as follows:

Xanax (brand name for alprazolam, benzodiazepine, Schedule IV) is prescribed to treat anxiety. According to Section 893.03(4), Florida Statutes,

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(2009), alprazolam is a Schedule IV controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States and abuse of the substance may lead to limited physical or psychological dependence relative to the substances in Schedule III.

Hydromorphone (brand name Dilaudid, opioid, Schedule II, a metabolite of hydrocodone) is commonly prescribed to treat pain. According to Section 893.03(2), Florida Statutes, (2009), hydromorphone is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States, and abuse of hydromorphone may lead to severe psychological or physical dependence.

Oxycodone (opioid, Schedule II) is commonly prescribed to treat pain. According to Section 893.03(2), Florida Statutes, (2009), oxycodone is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States, and abuse of oxycodone may lead to severe psychological or physical dependence.

OxyContin is the brand name of a time-release formula of oxycodone referred to above.

Oxydose is the brand name for the liquid preparation of oxycodone referred to above.

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Roxicodone is the brand name of an instant or rapid release formula of oxycodone referred to above.

Percocet is the brand name for the formulation of oxycodone and acetaminophen (tylenol).

Soma (see carisoprodol, muscle relaxant, Schedule IV) is the brand name for carisoprodol, a muscle relaxant commonly prescribed to treat muscular pain. According to Section 893.03(4), Florida Statutes, (2009), carisoprodol is a Schedule IV controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States, and abuse of carisoprodol may lead to limited physical or psychological dependence relative to the substances in Schedule III.

Valium (class benzodiazepine, Schedule IV) is the brand name for diazepam and is prescribed to treat anxiety. According to Section 893.03(4), Florida Statutes, (2009), diazepam is a Schedule IV controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States, and abuse of diazepam may lead to limited physical or psychological dependence relative to the substances in Schedule III.

8. The investigation prompted a Departmental medical expert's review of the medical records for patients DC, RC, DB, MB, KD, JF, MK, DL, TM, PM, GR, LR, BC, JC, JC2, WF, JH, TL, EM, WM, SR, and JT. The medical expert is an

expert board certified in pain management. He provided his opinion to the Department on January 17, 2010.

9. The expert's medical opinion for each of these twenty-two patients confirmed the allegations of inappropriate prescribing of excessive and inappropriate quantities and combinations of controlled substances without medical records justifying these prescriptions.

**FACTS SPECIFIC TO PATIENT DC**

10. From on or about June 5, 2008 until on or about April 13, 2009, Patient DC presented to Dr. Lopez with complaints of lower back and leg pain with a diagnosis of lumbar radiculopathy.

11. Dr. Lopez's medical records show that she prescribed multiple simultaneous prescriptions for large amounts of Xanax 2 milligrams, Roxicodone 30 milligrams, Roxicodone 15 milligrams, and Soma 350 milligrams for DC on the dates and in the quantities described in the following table:

<b>Xanax (alprazolam)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>	<b>Soma</b>
6/5/2008 2 mg #60	6/5/2008 30 mg #90		6/5/08 350 mg #60
7/3/2008 2 mg #60	7/3/2008 30 mg #120		7/3/2008 350 mg #60
8/18/2008 2 mg #90	8/28/2008 30 mg #120		8/28/08 350 mg #60
9/25/2008 2 mg #90	9/25/2008 30 mg #150		

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<b>Xanax (alprazolam)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>	<b>Soma</b>
10/23/2008 2 mg #90	10/23/2008 30 mg #150		
11/19/2008 2 mg #90	11/19/2008 30 mg #150		
12/16/2008 2 mg #90	12/16/2008 30 mg #150	12/16/2008 15 mg #90	
1/19/2009 2 mg #90	1/19/2009 30 mg #45		
	1/19/2009 30 mg #150		
2/16/2009 2 mg #90	2/16/2009 30 mg #45		
	2/16/2009 30 mg #150		
3/16/2009 2 mg #90	3/16/2009 30 mg #150	3/16/09 15 mg #90	
4/13/2009 2 mg #90	4/13/09 30 mg #60	4/13/09 15 mg #90	
	4/13/09 30 mg #90		

12. In medicine, titration is the process of gradually adjusting the dose of a medication until the desired effect is achieved.

13. A reasonably prudent physician would not have concurrently prescribed two or more immediate release opioids, would not have immediately

prescribed such high doses of the above-described controlled substances without titrating the desired effect, and would not have done so without regularly ordering urine drug screen tests and would not have prescribed such high doses of benzodiazepines without making a diagnosis that the patient was suffering from an anxiety disorder and or without referring the patient to a board certified psychiatrist.

14. Dr. Lopez's medical records do not contain medical justification for the high frequency and simultaneous prescription of such large quantities of Roxicodone 30 milligrams together with Xanax 2 milligrams and Roxicodone 15 milligrams and/or Soma 350 milligrams from on or about June 5, 2008 to on or about April 13, 2009.

#### **FACTS SPECIFIC TO PATIENT RC**

15. From on or about June 6, 2005 until on or about July 29, 2008, Patient RC presented to Dr. Lopez with complaints of lower back pain from a fall with a diagnosis of lumbar radiculopathy.

16. Dr. Lopez's medical records show that she prescribed multiple simultaneous prescriptions for large amounts of Xanax 2 milligrams, Roxicodone 30 milligrams, and Soma 350 milligrams for RC on the dates and in the quantities described in the following table:

<b>Xanax (alprazolam)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Soma</b>
6/6/08 2 mg #60	6/6/2008 30 mg #120	6/6/2008 350 mg #60
7/3/2008 2 mg #60	7/3/2008 30 mg #150	7/3/2008 350 mg #60
7/29/2008 2 mg #60	7/29/2008 30 mg #150	7/29/2008 350 mg #60

17. A reasonably prudent physician would not have concurrently prescribed two or more immediate release opioids, would not have immediately prescribed such high doses of the above-described controlled substances without titrating the desired effect, would not have done so without regularly ordering urine drug screen tests and would not have prescribed such high doses of benzodiazepines without making a diagnosis that the patient was suffering from an anxiety disorder and or without referring the patient to a board certified psychiatrist.

18. Dr. Lopez's medical records do not contain medical justification for the high frequency simultaneous prescription of such large quantities of Roxicodone 30 milligrams together with Soma 350 milligrams and Xanax 2 milligrams from on or about June 6, 2005 to on or about July 29, 2008.

#### **FACTS SPECIFIC TO PATIENT DB**

19. From on or about February 12, 2008 until on or about April 24, 2009, Patient DB presented to Dr. Lopez with complaints of back problems from

a fall and neck pain from a motor vehicle accident with a diagnosis of lumbar radiculopathy.

20. Dr. Lopez's medical records show that she prescribed multiple simultaneous prescriptions for large amounts of Xanax 2 milligrams, Roxicodone 30 milligrams, Roxicodone 15 milligrams, and Percocet 10 milligrams for DB on the dates and in the quantities described in the following table:

<b>Xanax (alprazolam)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>	<b>Percocet (oxycodone) 10 mg</b>	<b>Soma</b>	<b>Valium</b>
2/12/2008 2 mg #60	2/12/2008 30 mg #240				
	6/23/2008 30 mg #240	6/23/2008 15 mg #60			6/23/2008 10 mg #60
11/7/2008 2 mg #60	11/7/2008 30 mg #240	11/7/2008 15 mg #60			
12/5/2008 2 mg #60	12/5/2008 30 mg #240		12/5/2008 10 mg #60		
			1/2/2009 10 mg #325	1/2/2009 350 mg #20	
1/30/2009 2 mg #60	1/30/2009 30 mg #?		1/30/2009 10 mg #60	1/30/2009 350 mg #20	
2/26/2009 2 mg #60	2/26/2009 30 mg #180	2/26/2009 15 mg #120	2/26/2009 10 mg #325		
3/27/2009 2 mg #60	3/27/2009 30 mg #40		3/27/2009 10 mg #60		
	3/27/2009 30 mg #200				

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<b>Xanax (alprazolam)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>	<b>Percocet (oxycodone) 10 mg</b>	<b>Soma</b>	<b>Vallum</b>
4/24/2009 2 mg #60	4/24/2009 30 mg #240		4/24/2009 10 mg #325		
4/24/2009 2 mg #325					

21. A reasonably prudent physician would not have concurrently prescribed two or more immediate release opioids, would not have immediately prescribed such high doses of the above-described controlled substances without titrating the desired effect, would not have done so without regularly ordering urine drug screen tests and would not have prescribed such high doses of benzodiazepines without making a diagnosis that the patient was suffering from an anxiety disorder and or without referring the patient to a board certified psychiatrist.

22. Dr. Lopez's medical records do not contain medical justification for the high frequency simultaneous prescription of such large quantities of Roxicodone 30 milligrams together with Xanax 2 milligrams and Roxicodone 15 milligrams and or Percocet 10 milligrams from on or about February 12, 2008 to on or about April 24, 2009.

#### **FACTS SPECIFIC TO PATIENT MB**

23. From on or about February 28, 2008 until on or about March 30, 2009, Patient MB presented to Dr. Lopez with complaints of repeated work

injuries causing neck and upper back pain with a diagnosis of cervical radiculopathy.

24. Dr. Lopez's medical records show that she prescribed multiple simultaneous prescriptions for large amounts of Xanax 2 milligrams, Roxicodone 30 milligrams, and Roxicodone 15 milligrams for MB on the dates and in the quantities described in the following table:

<b>Xanax (alprazolam)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>
2/28/2008 2 mg #60	2/28/2008 30 mg #210	2/28/2008 15 mg #120
3/27/2008 2 mg #60	3/27/2008 30 mg #270	
4/24/2008 2 mg #60	4/24/2008 30 mg #270	
5/28/2008 2 mg #60	5/28/2008 30 mg #270	
7/22/2008 2 mg #60	7/22/2008 30 mg #270	
11/10/2008 2 mg #60	11/10/2008 30 mg #270	
12/8/2008 2 mg #60	12/8/2008 30 mg #270	
1/5/2009 2 mg #60	1/5/2009 30 mg #270	
2/2/2009 2 mg #60	2/2/2009 30 mg #210	2/2/2009 15 mg #120

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<b>Xanax (alprazolam)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>
3/2/2009 2 mg #60	3/2/2009 30 mg #270	3/2/2009 15 mg #120
3/30/2009 2 mg #60	3/30/2009 30 mg #270	3/30/2009 15 mg #120

25. A reasonably prudent physician would not have concurrently prescribed two or more immediate release opioids, would not have immediately prescribed such high doses of the above-described controlled substances without titrating the desired effect, would not have done so without regularly ordering urine drug screen tests and would not have prescribed such high doses of benzodiazepines without making a diagnosis that the patient was suffering from an anxiety disorder and or without referring the patient to a board certified psychiatrist.

26. Dr. Lopez's medical records do not contain medical justification for the high frequency simultaneous prescription of such large quantities of Roxicodone 30 milligrams together with Roxicodone 15 milligrams and Xanax 2 milligrams from on or about February 28, 2008, to on or about March 30, 2009.

#### **FACTS SPECIFIC TO PATIENT KD**

27. From on or about March 27, 2008 until on or about August 24, 2009, Patient KD presented to Dr. Lopez with complaints of a previous hip

replacement and subsequent thoracic pain with a diagnosis of compression fracture and thoracic radiculopathy.

28. Dr. Lopez's medical records show that she prescribed multiple simultaneous prescriptions for large amounts of Xanax 2 milligrams, Oxydose 20 milligrams per cc, and Soma 350 milligrams for KD on the dates and in the quantities described in the following table:

<b>Xanax (alprazolam)</b>	<b>Dilaudid (hydromorphone)</b>	<b>Oxydose</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>oxycodone 10 mg</b>	<b>Soma</b>
3/27/2008 2 mg #60			3/27/2008 30 mg #180		3/27/2008 350 mg #90
4/24/2008 2 mg #60		4/24/2008 20 mg/cc 1 bottle	4/24/2008 30 mg #180		4/24/2008 350 mg #90
6/19/2008 2 mg #60		6/19/2008 20 mg/cc 2 bottles	6/19/2008 30 mg #180		6/19/2008 350 mg #90
11/10/2008 2 mg #60		11/10/2008 1 cc 3 bottles	11/10/2008 30 mg #200		11/10/2008 350 mg #90
12/8/2008 2 mg #60		12/8/2008 20 mg/cc 3 bottles	12/8/2008 30 mg #200		12/8/2008 350 mg #90
1/5/2009 2 mg #60		1/5/2009 20 mg/cc 3 bottles	1/5/2009 30 mg #?		1/5/2009 350 mg #90
2/2/2009 2 mg #60		2/2/2009 20 mg/cc 3 bottles	2/2/2009 30 mg #200		2/2/2009 350 mg #90
3/2/2009 2 mg #60	3/2/2009 4 mg #150	3/2/2009 20 mg/cc 3 bottles			3/2/2009 350 mg #90
6/2/2009 2 mg #60					

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<b>Xanax (alprazolam)</b>	<b>Dilaudid (hydromorphone)</b>	<b>Oxydose</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>oxycodone 10 mg</b>	<b>Soma</b>
6/29/2009 2 mg #60			6/29/2009 30 mg #240		
8/24/2009 2 mg #60			8/24/2009 30 mg #240	8/24/2009 10 mg #120	

29. A reasonably prudent physician would not have concurrently prescribed two or more immediate release opioids, would not have immediately prescribed such high doses of the above-described controlled substances without titrating the desired effect, would not have done so without regularly ordering urine drug screen tests and would not have prescribed such high doses of benzodiazepines without making a diagnosis that the patient was suffering from an anxiety disorder and or without referring the patient to a board certified psychiatrist.

30. Dr. Lopez's medical records do not contain medical justification for the high frequency simultaneous prescription of such large quantities of Roxicodone 30 milligrams together with Oxydose 20 milligrams per cc, Soma 350 milligrams and Xanax 2 milligrams from on or about March 27, 2008 to on or about August 24, 2009.

**FACTS SPECIFIC TO PATIENT JF**

31. From on or about October 1, 2007, until on or about August 20, 2009, Patient JF presented to Dr. Lopez with complaints of back pain following a fall in 2005 with a diagnosis of lumbar radiculopathy.

32. Dr. Lopez's medical records show that she prescribed multiple simultaneous prescriptions for large amounts of Xanax 2 milligrams, Roxicodone 30 milligrams, and Roxicodone 15 milligrams for JF on the dates and in the quantities described in the following table:

<b>Xanax (alprazolam)</b>	<b>Roxicodone (oxycodone) 30 MG</b>	<b>Roxicodone (oxycodone) 15 MG</b>	<b>oxycodone 10 MG</b>
10/1/2007 2 mg #60			
		10/16/2007 15 mg #90	
		10/16/2007 15 mg #30	
		10/16/2007 15 mg #120	
11/13/2007 2 mg #60			11/13/2007 10 mg #90
12/11/2007 2 mg #60		12/11/2007 15 mg #90	
1/5/2008 2 mg #60		1/5/2008 15 mg #60	

<b>Xanax (alprazolam)</b>	<b>Roxicodone (oxycodone) 30 MG</b>	<b>Roxicodone (oxycodone) 15 MG</b>	<b>oxycodone 10 MG</b>
2/8/2008 2 mg #60	2/8/2008 30 mg #150	2/8/2008 15 mg #90	
3/4/2008 2 mg #60	3/4/2008 30 mg #150	3/4/2008 15 mg #90	
4/11/2008 2 mg #60	4/11/2008 30 mg #195		
4/29/2008 2 mg #60		4/29/2008 15 mg #90	
	4/29/2008 30 mg #180		
5/27/2008 2 mg #60	5/27/2008 30 mg #225		
6/24/2008 2 mg #60	6/24/2008 30 mg #225		
7/22/2008 2 mg #60	7/22/2008 30 mg #225		
8/19/2008 2 mg #60	8/19/2008 30 mg #240		
12/8/2008 2 mg #60	12/8/2008 30 mg #240		
	1/5/2009 30 mg #240		
2/2/2009 2 mg #60		2/2/2009 15 mg #60	
3/3/2009 2 mg #60	3/3/2009 30 mg #240	3/3/2009 15 mg #60	

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<b>Xanax (alprazolam)</b>	<b>Roxicodone (oxycodone) 30 MG</b>	<b>Roxicodone (oxycodone) 15 MG</b>	<b>oxycodone 10 MG</b>
3/31/2009 2 mg #60	3/31/2009 30 mg #50	3/31/2009 15 mg #60	
	3/31/2009 30 mg #190		
4/28/2009 2 mg #60	4/28/2009 30 mg #240	4/28/2009 15 mg #60	
5/26/2009 2 mg #60	5/26/2009 30 mg #240	5/26/2009 15 mg #60	
6/23/2009 2 mg #60	6/23/2009 30 mg #240	6/23/2009 15 mg #60	
7/21/2009 2 mg #60	7/21/2009 30 mg #240	7/21/2009 15 mg #60	
8/20/2009 2 mg #60	8/20/2009 30 mg #240	8/20/2009 15 mg #120	

33. A reasonably prudent physician would not have concurrently prescribed two or more immediate release opioids, would not have immediately prescribed such high doses of the above-described controlled substances without titrating the desired effect, would not have done so without regularly ordering urine drug screen tests and would not have prescribed such high doses of benzodiazepines without making a diagnosis that the patient was suffering from an anxiety disorder and or without referring the patient to a board certified psychiatrist.

34. Dr. Lopez's medical records do not contain medical justification for the high frequency simultaneous prescription of such large quantities of Roxicodone 30 milligrams together with Roxicodone 15 milligrams and Xanax 2 milligrams from on or about October 1, 2007, to on or about August 20, 2009.

**FACTS SPECIFIC TO PATIENT MK**

35. From on or about November 10, 2008, until on or about June 22, 2009, Patient MK presented to Dr. Lopez with complaints of construction work-related lower back and thoracic disc pain with a diagnosis of lumbar and cervical radiculopathy.

36. Dr. Lopez's medical records show that she prescribed multiple simultaneous prescriptions for large amounts of Xanax 2 milligrams, Dilaudid 4 milligrams, Roxicodone 30 milligrams, Roxicodone 15 milligrams, and Soma 350 milligrams for MK on the dates and in the quantities described in the following table:

<b>Xanax (alprazolam)</b>	<b>Dilaudid (hydrocodone)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>	<b>Percocet (oxycodone) 10 mg</b>	<b>Soma</b>
11/10/2008 2 mg #60		11/10/2008 30 mg #240		11/10/2008 10 mg #60	11/10/2008 350 mg #90
12/8/2008 2 mg #60		12/8/2008 30 mg #240	12/8/2008 15 mg #60		12/8/2008 350 mg #120
1/5/2009 2 mg #60		1/5/2009 30 mg #240			1/5/2009 350 mg #120

Xanax (alprazolam)	Dilaudid (hydrocodone)	Roxicodone (oxycodone) 30 mg	Roxicodone (oxycodone) 15 mg	Percocet (oxycodone) 10 mg	Soma
		1/5/2009 30 mg #30			
2/2/2009 2 mg #60		2/2/2009 30 mg #240	2/2/2009 15 mg #60		2/2/2009 350 mg #120
3/2/2009 2 mg #60	3/2/2009 4 mg #200		3/2/2009 15 mg #60		3/2/2009 350 mg #120
3/30/2009 2 mg #60	3/30/2009 4 mg #60		3/30/2009 15 mg #60		3/30/2009 350 mg #120
4/27/2009 2 mg #60	4/27/2009 4 mg #240		4/27/2009 15 mg #60		4/27/2009 350 mg #120
			6/22/2009 15 mg #90		6/22/2009 350 mg #120

37. A reasonably prudent physician would not have concurrently prescribed two or more immediate release opioids, would not have immediately prescribed such high doses of the above-described controlled substances without titrating the desired effect, would not have done so without regularly ordering urine drug screen tests and would not have prescribed such high doses of benzodiazepines without making a diagnosis that the patient was suffering from an anxiety disorder and or without referring the patient to a board certified psychiatrist.

38. Dr. Lopez's medical records do not contain medical justification for the high frequency simultaneous prescription of such large quantities of

Roxicodone 30 milligrams together with Roxicodone 15 milligrams, Xanax 2 milligrams, Soma 350 milligrams and or Dilaudid 4 milligrams from on or about November 10, 2008, to on or about June 22, 2009.

**FACTS SPECIFIC TO PATIENT DL**

39. From on or about November 14, 2007, until on or about February 27, 2009, Patient DL presented to Dr. Lopez with complaints of lower back pain with a diagnosis of lumbar radiculopathy.

40. Dr. Lopez's medical records show that she prescribed multiple simultaneous prescriptions for large amounts of Xanax 2 milligrams, Oxydose 20 milligrams per cc, Roxicodone 30 milligrams, Roxicodone 14 milligrams, and Soma 350 milligrams for DL on the dates and in the quantities described in the following table:

Xanax (alprazolam)	Oxydose	Roxicodone (oxycodone) 30 mg	Roxicodone (oxycodone) 15 mg	Soma	Vallum
11/14/2007 2 mg #60					
6/4/2008 2 mg #60		6/4/2008 30 mg #180			
7/1/2008 2 mg #60		7/1/2008 30 mg #240			
9/19/2008 2 mg #60		9/19/2008 30 mg #240	9/19/2008 15 mg #60		
		10/17/2008 30 mg #240		10/17/2008 350 mg #60	10/17/2008 10 mg #60

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Xanax (alprazolam)	Oxydose	Roxicodone (oxycodone) 30 mg	Roxicodone (oxycodone) 15 mg	Soma	Valium
		11/14/2008 30 mg #240	11/14/2008 15 mg #60	11/14/2008 350 mg #60	
12/12/2008 2 mg #60	12/12/2008 20 m 1 bottle	12/12/2008 30 mg #240	12/12/2008 15 mg #60		
				12/28/2008 350 mg #60	
1/6/2009 2 mg #60	1/6/2009 20 m 2 bottles		1/6/2009 15 mg #60	1/6/2009 350 mg #60	
2/2/2009 2 mg #60	2/2/2009 20 m 2 bottles		2/2/2009 15 mg #60	2/2/2009 350 mg #60	
2/27/2009 2 mg #60	2/27/2009 2 bottles	2/27/2009 30 mg #240	2/27/2009 15 mg #60	2/27/2009 350 mg #60	

41. A reasonably prudent physician would not have concurrently prescribed two or more immediate release opioids, would not have immediately prescribed such high doses of the above-described controlled substances without titrating the desired effect, would not have done so without regularly ordering urine drug screen tests and would not have prescribed such high doses of benzodiazepines without making a diagnosis that the patient was suffering from an anxiety disorder and or without referring the patient to a board certified psychiatrist.

42. Dr. Lopez's medical records do not contain medical justification for the high frequency simultaneous prescription of such large quantities of



Roxicodone 30 milligrams together with Roxicodone 15 milligrams, Xanax 2 milligrams, Oxydose 20 milligrams per cc and Soma 350 milligrams from on or about November 14, 2007 to on or about February 27, 2009.

**FACTS SPECIFIC TO PATIENT TM**

43. From on or about January 31, 2008, until on or about June 24, 2009, Patient TM presented to Dr. Lopez with complaints of lower back pain from two motorcycle accidents with a diagnosis of lumbar radiculopathy.

44. Dr. Lopez's medical records show that she prescribed multiple simultaneous prescriptions for large amounts of Xanax 2 milligrams, Roxicodone 30 milligrams, Roxicodone 15 milligrams, and Percocet 10 milligrams for TM on the dates and in the quantities described in the following table:

<b>Xanax (alprazolam)</b>	<b>Dilaudid (hydro- morphine)</b>	<b>Oxycontin</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>	<b>Percocet (oxycodone) 10 mg</b>
1/31/2008 2 mg #60			1/31/2008 30 mg #90		
3/5/2008 2 mg #60			3/5/2008 30 mg #120		
5/28/2008 2 mg #60			5/28/2008 30 mg #180		
			9/17/2008 30 mg #210		9/17/2008 10 mg #30
			11/12/2008 30 mg #210		11/12/2008 10 mg #30

Xanax (alprazolam)	Dilaudid (hydro- morphine)	Oxycontin	Roxicodone (oxycodone) 30 mg	Roxicodone (oxycodone) 15 mg	Percocet (oxycodone) 10 mg
			12/10/2008 30 mg #210		12/10/2008 10 mg #30
			1/7/2009 30 mg #240		
				2/4/2009 15 mg #120	
	3/4/2009 4 mg #240				3/4/2009 10 mg #120
		4/1/2009 40 mg #60			4/1/2009 10 mg #120
			4/29/2009 30 mg #240		
			5/27/2009 30 mg #240		
			6/24/2009 30 mg #240	6/24/2009 15 mg #120	

45. A reasonably prudent physician would not have concurrently prescribed two or more immediate release opioids, would not have immediately prescribed such high doses of the above-described controlled substances without titrating the desired effect, would not have done so without regularly ordering urine drug screen tests and would not have prescribed such high doses of benzodiazepines without making a diagnosis that the patient was suffering from

an anxiety disorder and or without referring the patient to a board certified psychiatrist.

46. Dr. Lopez's medical records do not contain medical justification for the high frequency simultaneous prescription of such large quantities of Roxicodone 30 milligrams together with Roxicodone 15 milligrams and Xanax 2 milligrams and or Percocet 10 milligrams from on or about January 31, 2008, to on or about June 24, 2009.

**FACTS SPECIFIC TO PATIENT PM**

47. From on or about October 27, 2008, on or about until April 16, 2009, Patient PM presented to Dr. Lopez with complaints of knee pain with a diagnosis of lumbar radiculopathy.

48. Dr. Lopez's medical records show that she prescribed multiple simultaneous prescriptions for large amounts of Xanax 2 milligrams, Roxicodone 30 milligrams, and Roxicodone 15 milligrams for PM on the dates and in the quantities described in the following table:

<b>Xanax (alprazolam)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>
10/27/2008 2 mg #30	10/27/2008 30 mg #150	10/27/2008 15 mg #60
11/13/2008 2 mg #45	11/13/2008 30 mg #225	11/13/2008 15 mg #90
1/2/2009 2 mg #30	1/2/2009 30 mg #150	1/2/2009 15 mg #60

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<b>Xanax (alprazolam)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>
1/28/2009 2 mg #60	1/28/2009 30 mg #300	1/28/2009 15 mg #120
3/20/2009 2 mg #60	3/20/2009 30 mg #150	3/20/2009 15 mg #120
4/16/2009 2 mg #60	4/16/2009 30 mg #90	4/16/2009 15 mg #120
	4/16/2009 30 mg #60	

49. A reasonably prudent physician would not have concurrently prescribed two or more immediate release opioids, would not have immediately prescribed such high doses of the above-described controlled substances without titrating the desired effect, would not have done so without regularly ordering urine drug screen tests and would not have prescribed such high doses of benzodiazepines without making a diagnosis that the patient was suffering from an anxiety disorder and or without referring the patient to a board certified psychiatrist.

50. Dr. Lopez's medical records do not contain medical justification for the high frequency simultaneous prescription of such large quantities of Roxicodone 30 milligrams together with Roxicodone 15 milligrams and Xanax 2 milligrams from on or about October 27, 2008, to on or about April 16, 2009.

**FACTS SPECIFIC TO PATIENT GR**

51. From on or about February 19, 2007, until on or about August 12, 2009, Patient GR presented to Dr. Lopez with complaints of disc problems and a diagnosis of lumbar radiculopathy.

52. Dr. Lopez's medical records show that she prescribed multiple simultaneous prescriptions for large amounts of Xanax 2 milligrams, Roxicodone 30 milligrams, and Roxicodone 15 milligrams for GR on the dates and in the quantities described in the following table:

<b>Xanax (alprazolam)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>
2/19/2007 2 mg #90		
6/14/2007 2 mg #90	6/14/2007 30 mg #240	
7/19/2007 2 mg #90	7/19/2007 30 mg #240	
8/16/2007 2 mg #90	8/16/2007 30 mg #240	
9/13/2007 2 mg #90	9/13/2007 30 mg #240	
10/11/2007 2 mg #90	10/11/2007 30 mg #240	
11/26/2007 2 mg #90	11/26/2007 30 mg #240	

<b>Xanax (alprazolam)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>
	12/19/2007 30 mg #240	
1/16/2008 2 mg #90	1/16/2008 30 mg #240	
2/14/2008 2 mg #90		
	2/18/2008 30 mg #240	
3/13/2008 2 mg #90	3/13/2008 30 mg #240	
4/10/2008 2 mg #90	4/10/2008 30 mg #240	
5/8/2008 2 mg #90	5/8/2008 30 mg #240	
	6/5/2008 30 mg #240	
7/17/2008 2 mg #90	7/17/2008 30 mg #240	
8/14/2008 2 mg #90	8/14/2008 30 mg #240	
9/11/2008 2 mg #90	9/11/2008 30 mg #240	
10/19/2008 2 mg #90	10/19/2008 30 mg #240	

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<b>Xanax (alprazolam)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>
11/6/2008 2 mg #90	11/6/2008 30 mg #240	
12/2/2008 2 mg #90		
	12/8/2008 30 mg #240	
1/5/2009 2 mg #90	1/5/2009 30 mg #240	1/5/2009 15 mg #60
1/28/2009 2 mg #90	1/28/2009 30 mg #240	1/28/2009 15 mg #60
2/25/2009 2 mg #90	2/25/2009 30 mg #240	2/25/2009 15 mg #60
3/25/2009 2 mg #90	3/25/2009 30 mg #240	3/25/2009 15 mg #60
4/22/2009 2 mg #90	4/22/2009 30 mg #240	
5/20/2009 2 mg #90	5/20/2009 30 mg #240	5/20/2009 15 mg #60
		5/22/2009 15 mg #60
6/17/2009 2 mg #90	6/17/2009 30 mg #240	6/17/2009 15 mg #60
7/14/2009 2 mg #90	7/14/2009 30 mg #240	7/14/2009 15 mg #30

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<b>Xanax (alprazolam)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>
8/12/2009 2 mg #90	8/12/2009 30 mg #240	8/12/2009 15 mg #60

53. A reasonably prudent physician would not have concurrently prescribed two or more immediate release opioids, would not have immediately prescribed such high doses of the above-described controlled substances without titrating the desired effect, would not have done so without regularly ordering urine drug screen tests and would not have prescribed such high doses of benzodiazepines without making a diagnosis that the patient was suffering from an anxiety disorder and or without referring the patient to a board certified psychiatrist.

54. Dr. Lopez's medical records do not contain medical justification for the high frequency simultaneous prescription of such large quantities of Roxicodone 30 milligrams together with Roxicodone 15 milligrams and Xanax 2 milligrams from on or about February 19, 2007, to on or about August 12, 2009.

#### **FACTS SPECIFIC TO PATIENT LR**

55. From on or about March 11, 2008, until on or about February 10, 2009, Patient LR presented to Dr. Lopez with complaints of low back pain from a construction accident 10 years prior with a diagnosis of lumbar radiculopathy.

56. Dr. Lopez's medical records show that she prescribed multiple simultaneous prescriptions for large amounts of Xanax 2 milligrams and



Roxicodone 30 milligrams for LR on the dates and in the quantities described in the following table:

<b>Xanax (alprazolam)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>
3/11/2008 2 mg #90	3/11/2008 30 mg #120	3/11/2008 15 mg #90
5/6/2008 2 mg #90	5/6/2008 30 mg #165	
6/3/2008 2 mg #90	6/3/2008 30 mg #165	
7/1/2008 2 mg #90	7/1/2008 30 mg #195	
11/19/2008 2 mg #105	11/19/2008 30 mg #210	
1/2/2009 2 mg #105	1/2/2009 30 mg #240	
2/10/2009 2 mg #105	2/10/2009 30 mg #240	

57. A reasonably prudent physician would not have concurrently prescribed two or more immediate release opioids, would not have immediately prescribed such high doses of the above-described controlled substances without titrating the desired effect, and would not have done so without regularly ordering urine drug screen tests and would not have prescribed such high doses of benzodiazepines without making a diagnosis that the patient was suffering

from an anxiety disorder and or without referring the patient to a board certified psychiatrist.

58. Dr. Lopez's medical records do not contain medical justification for the high frequency simultaneous prescription of such large quantities of Roxicodone 30 milligrams together with Xanax 2 milligrams from on or about March 11, 2008, to on or about February 10, 2009.

**FACTS SPECIFIC TO PATIENT BC**

59. From on or about October 8, 2008, until on or about August 4, 2009, Patient BC presented to Dr. Lopez with complaints of back and leg pain with a diagnosis of lumbar radiculopathy.

60. Dr. Lopez's medical records show that she prescribed multiple simultaneous prescriptions for large amounts Xanax 2 milligrams, Roxicodone 30 milligrams and Percocet 10 milligrams for BC on the dates and in the quantities described in the following table:

<b>Xanax (alprazolam)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>	<b>Percocet (oxycodone) 10 mg</b>
10/8/2008 2 mg #60	10/8/2008 30 mg #90		
11/7/2008 2 mg #60	11/7/2008 30 mg #120		
12/9/2008 2 mg #60	12/9/2008 30 mg #120		12/9/2008 10 mg #90

Xanax (alprazolam)	Roxicodone (oxycodone) 30 mg	Roxicodone (oxycodone) 15 mg	Percocet (oxycodone) 10 mg
			1/9/2009 10 mg #90
2/6/2009 2 mg #60	2/6/2009 30 mg #120		2/6/2009 10 mg #90
3/10/2009 2 mg #60	3/10/2009 30 mg #150		3/10/2009 10 mg #120
4/9/2009 2 mg #60	4/9/2009 30 mg #150		4/9/2009 10 mg #120
5/7/2009 2 mg #60	5/7/2009 30 mg #150		5/7/2009 10 mg #120
6/16/2009 2 mg #60	6/16/2009 30 mg #180	6/16/2009 15 mg #120	
8/4/2009 2 mg #60	8/4/2009 30 mg #180	8/4/2009 15 mg #120	

61. A reasonably prudent physician would not have concurrently prescribed two or more immediate release opioids, would not have immediately prescribed such high doses of the above-described controlled substances without titrating the desired effect, and would not have done so without regularly ordering urine drug screen tests and would not have prescribed such high doses of benzodiazepines without making a diagnosis that the patient was suffering from an anxiety disorder and or without referring the patient to a board certified psychiatrist.

62. Dr. Lopez's medical records do not contain medical justification for the high frequency simultaneous prescription of such large quantities of Roxicodone 30 milligrams together with Xanax 2 milligrams and Roxicodone 15 milligrams and or Percocet 10 milligrams from on or about October 8, 2008, to on or about August 4, 2009.

**FACTS SPECIFIC TO PATIENT JC**

63. From on or about January 24, 2008, until on or about June 9, 2009, Patient JC presented to Dr. Lopez with complaints of lower back pain with a diagnosis of lumbar radiculopathy.

64. Dr. Lopez's medical records show that she prescribed multiple simultaneous prescriptions for large amounts Roxicodone 30 milligrams, Roxicodone 15 milligrams, and Valium 10 milligrams for JC on the dates and in the quantities described in the following table:

<b>Xanax (alprazolam)</b>	<b>Dilaudid (hydro- morphine)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>	<b>oxycodone 10 mg</b>	<b>Valium</b>
		1/24/2008 30 mg #180	1/24/2008 15 mg #60		1/24/2008 10 mg #60
		2/26/2008 30 mg #180	2/26/2008 15 mg #60		2/26/2008 10 mg #60
		3/25/2008 30 mg #240	3/25/2008 15 mg #60		3/25/2008 10 mg #60
		4/22/2008 30 mg #240	4/22/2008 15 mg #60		4/22/2008 10 mg #60

<b>Xanax (alprazolam)</b>	<b>Dilaudid (hydro- morphine)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>	<b>oxycodone 10 mg</b>	<b>Valium</b>
		11/3/2008 30 mg #240	11/3/2008 15 mg #60		11/3/2008 10 mg #60
12/1/2008 2 mg #60		12/1/2008 30 mg #240	12/1/2008 15 mg #60		
		1/5/2009 30 mg #240	1/5/2009 15 mg #60		1/5/2009 10 mg #60
		2/2/2009 30 mg #240	2/2/2009 15 mg #60		2/2/2009 10 mg #60
	3/2/2009 4 mg #190			3/2/2009 10 mg #60	3/2/2009 10 mg #60
	3/31/2009 4 mg #90		3/31/2009 15 mg #60		3/31/2009 10 mg #60
6/9/2009 2 mg #60					

65. A reasonably prudent physician would not have concurrently prescribed two or more immediate release opioids, would not have immediately prescribed such high doses of the above-described controlled substances without titrating the desired effect, and would not have done so without regularly ordering urine drug screen tests and would not have prescribed such high doses of benzodiazepines without making a diagnosis that the patient was suffering from an anxiety disorder and or without referring the patient to a board certified psychiatrist.

66. Dr. Lopez's medical records do not contain medical justification for the high frequency simultaneous prescription of such large quantities of Roxicodone 30 milligrams together with Roxicodone 15 milligrams and Valium 10 milligrams from on or about January 24, 2008 to on or about June 9, 2009.

**FACTS SPECIFIC TO PATIENT JC2**

67. From on or about September 9, 2008 until on or about June 17, 2009, Patient JC2 presented to Dr. Lopez with complaints of herniated discs, cervical, mid and low back pain with a diagnosis of cervical radiculopathy.

68. Dr. Lopez's medical records show that she prescribed multiple simultaneous prescriptions for large amounts of Xanax 2 milligrams, Roxicodone 30 milligrams and Roxicodone 15 milligrams for JC2 on the dates and in the quantities described in the following table:

<b>Xanax (alprazolam)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>	<b>Percocet (oxycodone) 10 mg</b>
9/9/2008 2 mg #60	9/9/2008 30 mg #150		
10/7/2008 2 mg #60		10/7/2008 15 mg #90	
11/4/2008 2 mg #60	11/4/2008 30 mg #150	11/4/2008 15 mg #90	
12/2/2008 2 mg #60	12/2/2008 30 mg #150		
12/30/2008 2 mg #60	12/28/2008 30 mg #120		

<b>Xanax (alprazolam)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>	<b>Percocet (oxycodone) 10 mg</b>
2/25/2009 2 mg #60	2/25/2009 30 mg #180	2/25/2009 15 mg #90	
3/25/2009 2 mg #60	3/25/2009 30 mg #180		3/25/2009 10 mg #120
	4/20/2009 30 mg #120		
	4/22/2009 30 mg #180	4/22/2009 15 mg #120	
	4/22/2009 30 mg #60		
5/20/2009 2 mg #60			
6/15/2009 2 mg #60			
6/17/2009 2 mg #60			

69. A reasonably prudent physician would not have concurrently prescribed two or more immediate release opioids, would not have immediately prescribed such high doses of the above-described controlled substances without titrating the desired effect, and would not have done so without regularly ordering urine drug screen tests and would not have prescribed such high doses of benzodiazepines without making a diagnosis that the patient was suffering

from an anxiety disorder and or without referring the patient to a board certified psychiatrist.

70. Dr. Lopez's medical records do not contain medical justification for the high frequency simultaneous prescription of such large quantities of Roxicodone 30 milligrams together with Roxicodone 15 milligrams and Xanax 2 milligrams from on or about September 9, 2008 to on or about June 17, 2009.

**FACTS SPECIFIC TO PATIENT WF**

71. From on or about February 7, 2008 until on or about June 10, 2009, Patient WF presented to Dr. Lopez with complaints of back and leg pain with a diagnosis of lumbar radiculopathy.

72. Dr. Lopez's medical records show that she prescribed multiple simultaneous prescriptions for large amounts of Xanax 2 milligrams, Roxicodone 30 milligrams and Roxicodone 15 milligrams for WF on the dates and in the quantities described in the following table:

<b>Xanax (alprazolam)</b>	<b>Dilaudid (hydro- morphine)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>	<b>Percocet (oxycodone) 10 mg</b>
2/7/2008 2 mg #90		2/7/2008 30 mg #210		2/7/2008 10 mg #90
3/6/2008 2 mg #90		3/6/2008 30 mg #210		3/6/2008 10 mg #90
6/4/2008 2 mg #90		6/4/2008 30 mg #210	6/4/2008 15 mg #90	
10/2/2008 2 mg #120		10/2/2008 30 mg #210	10/2/2008 15 mg #90	

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<b>Xanax (alprazolam)</b>	<b>Dilaudid (hydro- morphine)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>	<b>Percocet (oxycodone) 10 mg</b>
11/5/2008 2 mg #120		11/5/2008 30 mg #240	11/5/2008 15 mg #90	
12/5/2008 2 mg #120		12/5/2008 30 mg #240		
		12/5/2008 30 mg #45		
1/5/2009 2 mg #120		1/5/2009 30 mg #45		
		1/5/2009 30 mg #240		
2/3/2009 2 mg #120		2/3/2009 30 mg #240	2/3/2009 15 mg #90	
3/2/2009 2 mg #120	3/2/2009 4 mg #210			3/2/2009 10 mg #90
4/6/2009 2 mg #120		4/6/2009 30 mg #240	4/6/2009 15 mg #90	
6/10/2009 2 mg #120		6/10/2009 30 mg #240	6/10/2009 15 mg #90	

73. A reasonably prudent physician would not have concurrently prescribed two or more immediate release opioids, would not have immediately prescribed such high doses of the above-described controlled substances without titrating the desired effect, and would not have done so without regularly ordering urine drug screen tests and would not have prescribed such high doses

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of benzodiazepines without making a diagnosis that the patient was suffering from an anxiety disorder and or without referring the patient to a board certified psychiatrist.

74. Dr. Lopez's medical records do not contain medical justification for the high frequency simultaneous prescription of such large quantities of Roxicodone 30 milligrams together with Roxicodone 15 milligrams and Xanax 2 milligrams from on or about February 7, 2008 to on or about June 10, 2009.

**FACTS SPECIFIC TO PATIENT JH**

75. From on or about April 29, 2008 until on or about June 3, 2009, Patient JH presented to Dr. Lopez with complaints of back pain radiating into the lower extremities with a diagnosis of lumbar radiculopathy.

76. Dr. Lopez's medical records show that she prescribed multiple simultaneous prescriptions for large amounts of Xanax 2 milligrams, Roxicodone 30 milligrams and Roxicodone 15 milligrams for JH on the dates and in the quantities described in the following table:

<b>Xanax (alprazolam)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>
4/29/2008 2 mg #60	4/29/2008 30 mg #200	4/29/2008 15 mg #90
10/29/2008 2 mg #60	10/29/2008 30 mg #240	10/29/2008 15 mg #120
11/25/2008 2 mg #60	11/25/2008 30 mg #240	11/25/2008 15 mg #120

<b>Xanax (alprazolam)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>
12/29/2008 2 mg #60	12/29/2008 30 mg #240	12/29/2008 15 mg #120
1/27/2009 2 mg #60	1/27/2009 30 mg #60	
	1/27/2009 30 mg #240	
3/3/2009 2 mg #60	3/3/2009 30 mg #240	3/3/2009 15 mg #120
6/3/2009 2 mg #60	6/3/2009 30 mg #240	

77. A reasonably prudent physician would not have concurrently prescribed two or more immediate release opioids, would not have immediately prescribed such high doses of the above-described controlled substances without titrating the desired effect, and would not have done so without regularly ordering urine drug screen tests and would not have prescribed such high doses of benzodiazepines without making a diagnosis that the patient was suffering from an anxiety disorder and or without referring the patient to a board certified psychiatrist.

78. Dr. Lopez's medical records do not contain medical justification for the high frequency simultaneous prescription of such large quantities of

Roxicodone 30 milligrams together with Roxicodone 15 milligrams and Xanax 2 milligrams from on or about April 29, 2008 to on or about June 3, 2009.

**FACTS SPECIFIC TO PATIENT TL**

79. From on or about November 10, 2008 until on or about August 6, 2009, Patient TL presented to Dr. Lopez with complaints of chronic arthritis and deteriorated discs with a diagnosis of lumbar and cervical radiculopathy.

80. Dr. Lopez's medical records show that she prescribed multiple simultaneous prescriptions for large amounts of Xanax 2 milligrams, Roxicodone 30 milligrams, Roxicodone 15 milligrams and Oxydose 20 milligrams per cc for TL on the dates and in the quantities described in the following table:

<b>Xanax (alprazolam)</b>	<b>Oxydose</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>	<b>Percocet (oxycodone) 10 mg</b>
11/10/2008 2 mg #60		11/10/2008 30 mg #180	11/10/2008 15 mg #90	
12/16/2008 2 mg #60		12/16/2008 30 mg #180	12/16/2008 15 mg #120	
1/13/2009 2 mg #60		1/13/2009 30 mg #180	1/13/2009 15 mg #120	1/13/2009 10 mg #120
5/12/2009 2 mg #60	5/12/2009 20 mg 1 bottle	5/12/2009 30 mg #210	5/12/2009 15 mg #210	
6/10/2009 2 mg #60	6/10/2009 20 mg 1 bottle	6/10/2009 30 mg #210	6/10/2009 15 mg #120	
7/7/2009 2 mg #60	7/7/2009 20 mg 1 bottle	7/7/2009 30 mg #60	7/7/2009 15 mg #120	

Xanax (alprazolam)	Oxydose	Roxicodone (oxycodone) 30 mg	Roxicodone (oxycodone) 15 mg	Percocet (oxycodone) 10 mg
		7/7/2009 30 mg #210		
8/6/2009 2 mg #60	8/6/2009 20 mg 1 bottle	8/6/2009 30 mg #210	8/6/2009 15 mg #120	

81. A reasonably prudent physician would not have concurrently prescribed two or more immediate release opioids, would not have immediately prescribed such high doses of the above-described controlled substances without titrating the desired effect, and would not have done so without regularly ordering urine drug screen tests and would not have prescribed such high doses of benzodiazepines without making a diagnosis that the patient was suffering from an anxiety disorder and or without referring the patient to a board certified psychiatrist.

82. Dr. Lopez's medical records do not contain medical justification for the high frequency simultaneous prescription of such large quantities of Roxicodone 30 milligrams together with Roxicodone 15 milligrams, Oxydose 20 milligrams per cc and Xanax 2 milligrams from on or about November 10, 2008 to on or about August 6, 2009.

**FACTS SPECIFIC TO PATIENT EM**

83. From on or about November 11, 2008 until on or about July 20, 2009, Patient EM presented to Dr. Lopez with complaints of neck and arm pain with a diagnosis of cervical and lumbar radiculopathy.

84. Dr. Lopez's medical records show that she prescribed multiple simultaneous prescriptions for large amounts of Xanax 2 milligrams, Roxicodone 30 milligrams and Roxicodone 15 milligrams for EM on the dates and in the quantities described in the following table:

<b>Xanax (alprazolam)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>	<b>oxycodone 10 mg</b>
11/11/2008 2 mg #60	11/11/2008 30 mg #30		
	11/11/2008 30 mg #120		
12/8/2008 2 mg #60	12/8/2008 30 mg #120	12/8/2008 15 mg #120	
	1/5/2009 30 mg #120		
	1/5/2009 30 mg #60		
2/2/2009 2 mg #60	2/2/2009 30 mg #150	2/2/2009 15 mg #120	
3/9/2009 2 mg #60	3/9/2009 30 mg #180		3/9/2009 10 mg #120

<b>Xanax (alprazolam)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>	<b>oxycodone 10 mg</b>
	4/6/2009 30 mg #180	4/6/2009 15 mg #120	
5/4/2009 2 mg #60		5/4/2009 15 mg #120	
6/8/2009 2 mg #90	6/8/2009 30 mg #270	6/8/2009 15 mg #180	
7/20/2009 2 mg #90	7/20/2009 30 mg #270	7/20/2009 15 mg #180	
12/5/2009 2 mg #60			

85. A reasonably prudent physician would not have concurrently prescribed two or more immediate release opioids, would not have immediately prescribed such high doses of the above-described controlled substances without titrating the desired effect, and would not have done so without regularly ordering urine drug screen tests and would not have prescribed such high doses of benzodiazepines without making a diagnosis that the patient was suffering from an anxiety disorder and or without referring the patient to a board certified psychiatrist.

86. Dr. Lopez's medical records do not contain medical justification for the high frequency simultaneous prescription of such large quantities of Roxicodone 30 milligrams together with Roxicodone 15 milligrams and Xanax 2 milligrams from on or about November 11, 2008 to on or about July 20, 2009.

**FACTS SPECIFIC TO PATIENT WM**

87. From on or about December 2, 2008 until on or about June 16, 2009, Patient WM presented to Dr. Lopez with complaints of pinched nerves and lumbar pain with a diagnosis of lumbar radiculopathy.

88. Dr. Lopez's medical records show that she prescribed multiple simultaneous prescriptions for large amounts of Xanax 2 milligrams, Roxicodone 30 milligrams and Roxicodone 15 milligrams for WM on the dates and in the quantities described in the following table:

<b>Xanax (alprazolam)</b>	<b>Dilaudid (hydro- morphine)</b>	<b>Roxicodone (oxycodone) (30 mg)</b>	<b>Roxicodone (oxycodone) (15 mg)</b>
12/2/2008 2 mg #60		12/2/2008 30 mg #240	12/2/2008 15 mg #60
12/30/2008 2 mg #60		12/30/2008 30 mg #240	12/30/2008 15 mg #60
1/27/2009 2 mg #60		1/27/2009 30 mg #30	
		1/27/2009 30 mg #240	
2/24/2009 2 mg #60	2/24/2009 4 mg #120	2/24/2009 30 mg #90	2/24/2009 15 mg #60
3/24/2009 2 mg #60		3/24/2009 30 mg #240	3/24/2009 15 mg #60



Xanax (alprazolam)	Dilaudid (hydro- morphine)	Roxicodone (oxycodone) (30 mg)	Roxicodone (oxycodone) (15 mg)
		3/24/2009 30 mg #200	3/24/2009 15 mg #140
4/21/2009 2 mg #60		4/21/2009 30 mg #240	4/21/2009 15 mg #60
5/19/2009 2 mg #60		5/19/2009 30 mg #240	
6/16/2009 2 mg #60		6/16/2009 30 mg #240	6/16/2009 15 mg #120

89. A reasonably prudent physician would not have concurrently prescribed two or more immediate release opioids, would not have immediately prescribed such high doses of the above-described controlled substances without titrating the desired effect, and would not have done so without regularly ordering urine drug screen tests and would not have prescribed such high doses of benzodiazepines without making a diagnosis that the patient was suffering from an anxiety disorder and or without referring the patient to a board certified psychiatrist.

90. Dr. Lopez's medical records do not contain medical justification for the high frequency simultaneous prescription of such large quantities of Roxicodone 30 milligrams together with Roxicodone 15 milligrams and Xanax 2 milligrams from on or about December 2, 2008 to on or about June 16, 2009.

**FACTS SPECIFIC TO PATIENT SR**

91. From on or about September 10, 2008 until on or about June 10, 2009, Patient SR presented to Dr. Lopez with complaints of lower back pain with a diagnosis of lumbar radiculopathy.

92. Dr. Lopez's medical records show that she prescribed multiple simultaneous prescriptions for large amounts of Xanax 2 milligrams, Roxicodone 30 milligrams, Roxicodone 15 milligrams and Soma 350 milligrams for SR on the dates and in the quantities described in the following table:

<b>Xanax (alprazolam)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>	<b>oxycodone 10 mg</b>	<b>Soma</b>
9/10/2008 2 mg #60	9/10/2008 30 mg #120			9/10/2008 350 mg #90
10/20/2008 2 mg #60	10/20/2008 30 mg #150	10/20/2008 15 mg #60		10/20/2008 350 mg #90
11/17/2008 2 mg #60	11/17/2008 30 mg #150	11/17/2008 15 mg #60		11/17/2008 350 mg #90
12/15/2008 2 mg #60	12/15/2008 30 mg #150	12/15/2008 15 mg #90		12/15/2008 350 mg #90
1/12/2009 2 mg #60	1/12/2009 30 mg #150	1/12/2009 15 mg #90		1/12/2009 350 mg #90
2/10/2009 2 mg #60	2/10/2009 30 mg #180	2/10/2009 15 mg #120		2/10/2009 350 mg #90
	2/11/2009 30 mg #60			

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<b>Xanax (alprazolam)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>	<b>oxycodone 10 mg</b>	<b>Soma</b>
3/10/2009 2 mg #60	3/10/2009 30 mg #180	3/10/2009 15 mg #120		3/10/2009 350 mg #90
4/13/2009 2 mg #90	4/13/2009 30 mg #180		4/13/2009 10 mg #120	4/13/2009 350 mg #90
6/10/2009 2 mg #90	6/10/2009 30 mg #240	6/10/2009 15 mg #120		6/10/2009 350 mg #90

93. A reasonably prudent physician would not have concurrently prescribed two or more immediate release opioids, would not have immediately prescribed such high doses of the above-described controlled substances without titrating the desired effect, and would not have done so without regularly ordering urine drug screen tests and would not have prescribed such high doses of benzodiazepines without making a diagnosis that the patient was suffering from an anxiety disorder and or without referring the patient to a board certified psychiatrist.

94. Dr. Lopez's medical records do not contain medical justification for the high frequency simultaneous prescription of such large quantities of Roxicodone 30 milligrams together with Roxicodone 15 milligrams, Soma 350 milligrams and Xanax 2 milligrams from on or about September 10, 2008 to on or about June 10, 2009.

**FACTS SPECIFIC TO PATIENT JT**

95. From on or about August 29, 2008 on or about until August 3, 2009, Patient JT presented to Dr. Lopez with complaints of herniated discs and a diagnosis of lumbar radiculopathy.

96. Dr. Lopez's medical records show that she prescribed multiple simultaneous prescriptions for large amounts of Xanax 2 milligrams, Roxicodone 30 milligrams, Roxicodone 15 milligrams and Valium 10 milligrams for JT on the dates and in the quantities described in the following table:

<b>Xanax (alprazolam)</b>	<b>Dilaudid (hydro- morphine)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>	<b>Valium</b>
8/29/2008 2 mg #60		8/29/2008 30 mg #180	8/29/2008 15 mg #90	
9/29/2008 2 mg #60		9/29/2008 30 mg #210	9/29/2008 15 mg #180	
10/23/2008 2 mg #60		10/23/2008 30 mg #240	10/23/2008 15 mg #180	
11/24/2008 2 mg #60		11/24/2008 30 mg #240	11/24/2008 15 mg #180	
12/22/2008 2 mg #60		12/22/2008 30 mg #240	12/22/2008 15 mg #180	

<b>Xanax (alprazolam)</b>	<b>Dilaudid (hydro- morphine)</b>	<b>Roxicodone (oxycodone) 30 mg</b>	<b>Roxicodone (oxycodone) 15 mg</b>	<b>Valium</b>
		1/21/2009 30 mg #240		1/21/2009 10 mg #60
		1/21/2009 30 mg #90		
	2/23/2009 4 mg #60	2/23/2009 30 mg #180		2/23/2009 10 mg #60
		2/23/2009 30 mg #240		
		2/23/2009 30 mg #60		
		3/3/2009 30 mg #120	3/3/2009 15 mg #120	
				4/3/2009 10 mg #60
		5/3/2009 30 mg #120	5/3/2009 15 mg #60	
		6/17/2009 30 mg #240	6/17/2009 15 mg #180	6/17/2009 10 mg #60
		7/17/2009 30 mg #240	7/17/2009 15 mg #180	7/17/2009 10 mg #60
		8/3/2009 30 mg #240		8/3/2009 10 mg #60

97. A reasonably prudent physician would not have concurrently prescribed two or more immediate release opioids, would not have immediately

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prescribed such high doses of the above-described controlled substances without titrating the desired effect, and would not have done so without regularly ordering urine drug screen tests and would not have prescribed such high doses of benzodiazepines without making a diagnosis that the patient was suffering from an anxiety disorder and or without referring the patient to a board certified psychiatrist.

98. Dr. Lopez's medical records do not contain medical justification for the high frequency simultaneous prescription of such large quantities of Roxicodone 30 milligrams together with Roxicodone 15 milligrams and Xanax 2 milligrams from on or about August 29, 2008 to on or about August 3, 2009.

99. A Department medical expert reviewed all of the medical records obtained from Dr. Lopez's office for the above-described patients and opined that the records demonstrate that Dr. Lopez routinely prescribed an excessive amount of highly divertible and abusable controlled substances and failed to develop treatment plans to manage pain that would decrease the amount of highly addictive opioids prescribed. In addition, the expert stated that Dr. Lopez's medical records "do not support justification for the opioids prescribed, especially considering the multiple doses of immediate release opioids." The Department's expert opined that "the predominant theme in this practice is the prescribing of high doses of Roxicodone and Xanax. There is no appropriate monitoring being provided. No urine screens are utilized. There appears to be inadequate knowledge of immediate release and sustained release opioids and the fact that

none of these patients are receiving anything other than the above medication is indicative of treatment below the standard of care. There is no mention of treatment modalities such as physical therapy, injection therapy, anti-inflammatories, muscle relaxers or neuropathic agents being utilized. There is no referral to psychiatry or other medications being utilized for a generalized anxiety disorder."

100. Section 458.331(1)(t), Florida Statutes (2007-2009), provides that committing medical malpractice constitutes grounds for disciplinary action by the Board of Medicine. Medical Malpractice is defined in Section 456.50, Florida Statutes (2007-2009), as the failure to practice medicine in accordance with the level of care, skill, and treatment recognized in general law related to health care licensure. For purposes of Section 458.331(1)(t), Florida Statutes (2007-2009), the Board shall give great weight to the provisions of Section 766.102, Florida Statutes (2007-2009), which provide that the prevailing professional standard of care for a given health care provider shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar health care providers.

101. Dr. Lopez failed to practice medicine with that level of care, skill and treatment in violation of Section 458.331(1)(t), Florida Statutes (2007-2009), which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances in the treatment of

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patients DC, RC, DB, MB, KD, JF, MK, DL, TM, PM, GR, LR, BC, JC, JC2, WF, JH, TL, EM, WM, SR, and JT in one or more of the following ways: by failing to show in the medical record the justification for prescribing benzodiazepines in such high doses; by prescribing excessive and or inappropriate amounts of opioids and benzodiazepines; by failing to note in the medical records in prescribing benzodiazepines that the patient was suffering from an anxiety disorder; by failing to order urine drug screening in view of the high dosages of opioids and benzodiazepines being prescribed; by failing to show in the medical record the justification for prescribing opioids in the dosages prescribed; by failing to show in the medical record the justification for prescribing a combination of two or more immediate release opioids; by prescribing concurrent prescriptions of immediate release opioids in combination and at the dosages prescribed; and by violating the standards for the use of controlled substances for pain control provided by the Board of Medicine in Rule 64B8-9.013(3), Florida Administrative Code.

102. Section 458.331(1)(q), Florida Statutes (2007-2009), subjects a licensee to discipline, including suspension, for prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice. For purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or

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Inappropriate quantities is not in the best interest of the patient and is not in the course of the physician's professional practice, without regard to his or her intent.

103. Dr. Lopez prescribed, dispensed, and/or administered inappropriately and/or prescribed controlled substances other than in the course of her professional practice by prescribing controlled substances in excessive or inappropriate quantities to patients DC, RC, DB, MB, KD, JF, MK, DL, TM, PM, GR, LR, BC, JC, JC2, WF, JH, TL, EM, WM, SR, and JT on or about the dates and in the quantities and combinations more particularly described above in the foregoing paragraphs that were not in their best interests.

104. Section 458.331(1)(nn), Florida Statutes (2007-2009), provides that violating any provision of chapters 456 or 458, Florida Statutes (2007-2009), or any rules adopted pursuant thereto, is grounds for discipline by the Board of Medicine.

105. Rule 64B8-9.013(3), Florida Administrative Code, provides as follows:

The Board has adopted the following standards for the use of controlled substances for pain control:

(a) Evaluation of the Patient. A complete medical history and physical examination must be conducted and documented in the medical record. The medical record should document the nature and intensity of the pain, current and past treatments for pain, underlying or coexisting diseases or conditions, the effect of the pain on physical and psychological function, and history of substance abuse. The medical record also should document the

presence of one or more recognized medical indications for the use of a controlled substance.

(b) Treatment Plan. The written treatment plan should state objectives that will be used to determine treatment success, such as pain relief and improved physical and psychosocial function, and should indicate if any further diagnostic evaluations or other treatments are planned. After treatment begins, the physician should adjust drug therapy to the individual medical needs of each patient. Other treatment modalities or a rehabilitation program may be necessary depending on the etiology of the pain and the extent to which the pain is associated with physical and psychosocial impairment.

106. On or about the dates set forth above, Dr. Lopez violated Rule 64B8-9.013(3), Florida Administrative Code, by prescribing one or more of the following controlled substances; Hydrocodone, Oxycodone, Oxydose, Percocet, Roxycodone and or Soma to patients DC, RC, DB, MB, KD, JF, MK, DL, TM, PM, GR, LR, BC, JC, JC2, WF, JH,TL, EM, WM, SR, and JT in the quantities and combinations particularly described therein, without conducting or documenting complete medical histories or physical examinations of DC, RC, DB, MB, KD, JF, MK, DL, TM, PM, GR, LR, BC, JC, JC2, WF, JH,TL, EM, WM, SR, and JT and without documenting one or more of the following: the nature and intensity of the patients' pain, current and past treatments for pain, underlying or coexisting diseases or conditions, the effect of the pain on physical and psychological function or history of substance abuse, the presence of one or more recognized medical indications for the use of a controlled substance and without documenting written treatment plans that state objectives that will be

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used to determine treatment success or indicate if any further diagnostic evaluations or other treatments are planned.

107. Section 458.331(1)(m), Florida Statutes (2007-2009), subjects a licensee to discipline for failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed physician or the physician extender and supervising physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

108. On or about the dates set forth above, Dr. Lopez violated Section 458.331(1)(m), Florida Statutes (2007-2009), by failing to keep medical records that justified the course of treatment of patients DC, RC, DB, MB, KD, JF, MK, DL, TM, PM, GR, LR, BC, JC, JC2, WF, JH, TL, EM, WM, SR, and JT.

109. Section 120.60(6), Florida Statutes, (2009), authorizes the Department to suspend a physician's license if the Department finds that the physician presents an immediate serious danger to the public health, safety, or welfare.

110. A physician licensed in the state of Florida is one of a small number of licensed professionals allowed to prescribe, administer, and dispense controlled substances in the state. The Legislature has vested a trust and

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confidence in these licensed professionals by permitting them to prescribe drugs with a high potential for abuse and harm. Inappropriate prescribing of highly addictive controlled substances to patients presents a danger to the public health, safety, or welfare, and does not correspond to that level of professional conduct expected of one licensed to practice medicine in this state.

111. Dr. Lopez has demonstrated, through her violation of 458.331(1)(t), (q), (nn), and (m), Florida Statutes, (2007-2009), a flagrant disregard for the duties and responsibilities imposed upon a physician practicing in the State of Florida and for the health and welfare of her patients and for the citizens of this state. Dr. Lopez's egregious and inappropriate prescribing of potentially addictive and dangerous drugs constitutes a breach of the trust and confidence that the Legislature placed in her by issuing her a license to practice medicine and to dispense medication, including controlled substances.

112. Dr. Lopez's actions demonstrate such a propensity to inappropriately prescribe dangerous and addictive drugs makes it clear that Dr. Lopez will continue to prescribe medications of the type listed above in violation of section 458.331(1)(t), (q), (nn) and (m) Florida Statutes (2007-2009), unless action is taken to prevent her from doing so. An emergency order of restriction is not sufficient to protect the public because the level of excessive and inappropriate prescribing Dr. Lopez has engaged in, demonstrates an inability to make decisions which are in the best interest of his patients. Nothing short of the suspension of Dr. Lopez's license will protect the public from this danger.

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## CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the State Surgeon General concludes as follows:

1. The State Surgeon General has jurisdiction over this matter pursuant to Sections 20.43 and 456.073(8), Florida Statutes, (2009), and Chapters 458 and 465, Florida Statutes, (2009).
2. Dr. Lopez violated Section 458.331(1)(t), Florida Statutes (2008-2009, by committing medical malpractice in treating Patients DC, RC, DB, MB, KD, JF, MK, DL, TM, PM, GR, LR, BC, JC, JC2, WF, JH,TL, EM, WM, SR, and JT. Medical malpractice is defined in Section 456.50, Florida Statutes, to mean the failure to practice medicine in accordance with the level of care, skill, and treatment recognized in general law related to health care licensure. For purposes of Section 458.331(1)(t)1, Florida Statutes, the Board shall give great weight to the provisions of Section 766.102, Florida Statutes, which provide that the prevailing professional standard of care for a given health care provider shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar health care providers.
3. Dr. Lopez violated Section 458.331(1)(q), Florida Statutes, (2007-2009), by inappropriately prescribing excessive and inappropriate quantities of controlled substances to patients DC, RC, DB, MB, KD, JF, MK, DL, TM, PM, GR, LR, BC, JC, JC2, WF, JH,TL, EM, WM, SR, and JT.

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4. Dr. Lopez violated Section 458.331(1)(nn), Florida Statutes, (2007-2009), by violating a rule adopted pursuant to Chapter 458 because she failed to document and adhere to the Florida Board of Medicine standards for the use of controlled substances for pain control contained within Rule 64B8-9.013(3), Florida Administrative Code, (2007-2009) in his treatment of DC, RC, DB, MB, KD, JF, MK, DL, TM, PM, GR, LR, BC, JC, JC2, WF, JH,TL, EM, WM, SR, and JT.

5. Dr. Lopez violated Section 458.331(1)(m), Florida Statutes, (2007-2009), by failing to maintain medical records that justify the course of treatment of patients DC, RC, DB, MB, KD, JF, MK, DL, TM, PM, GR, LR, BC, JC, JC2, WF, JH,TL, EM, WM, SR, and JT.

6. Dr. Lopez continued unrestricted practice as a physician constitutes an imminent and serious danger to the health, safety, or welfare of the public and this summary suspension procedure is fair under the circumstances to adequately protect the public.

In accordance with Section 120.60(6), Florida Statutes, (2009), it is **ORDERED THAT:**

1. The license of Elizabeth Lopez, M.D., license number ME 62775 is immediately suspended.

2. A proceeding seeking formal discipline of the license of Elizabeth Lopez, M.D., to practice as a physician will be promptly instituted and acted upon in compliance with Sections 120.569 and 120.60(6), Florida Statutes, (2009).

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DONE and ORDERED this 18 day of February, 2010.

~~REDACTED~~

Ana M. Viamonte Ros, M.D., M.P.H.,  
State Surgeon General  
Department of Health

Prepared by:  
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### **NOTICE OF RIGHT TO JUDICIAL REVIEW**

Pursuant to Sections 120.60(6), and 120.68, Florida Statutes, (2009), the Department's findings of immediate danger, necessity, and procedural fairness shall be judicially reviewable. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Petition for Review, in accordance with Florida Rule of Appellate Procedure 9.100, with the Department of Health and a second copy of the petition accompanied by a filing fee prescribed by law with the District Court of Appeal within thirty (30) days of the date this Order is filed.

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