IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

IN THE MATTER OF A WARRANT FOR	)
THE ARREST OF:	)
	)
Regan Ganoung Nichols	)
W/F, DOB: 05/26/1960	)
SSN: xxxx-xx-9565	)
3421 Glenvalley Drive	)
Midwest City, Oklahoma 73110	)
	)

STATE OF OKLAHOMA)
) SS
COUNTY OF OKLAHOMA)

AFFIDAVIT FOR ARREST WARRANT

I, William Diaz, upon my oath state that I am an Agent with the Oklahoma Bureau of Narcotics and Dangerous Drugs Control and that on or about the dates listed below the following crimes were feloniously committed in Oklahoma County, Midwest City, Oklahoma, by Regan G. Nichols, who knowingly prescribed controlled dangerous substances (CDS) without a legitimate medical need and in quantities and under circumstances which constitute unlawful distribution of controlled dangerous substances and whose actions resulted in the deaths of the individuals listed herein contrary to the provisions of Sections 701.7(B) and/or 701.8 of Title 21 and Section 2-101 Title 63 et seq. of the Oklahoma Statutes, or in the alternative, were perpetrated by acts imminently dangerous and which evince a depraved mind and a lack of regard for human life, and whose actions resulted in the deaths of the individuals listed herein contrary to the provisions of Sections 701.8 of Title 21 and Section 2-101 Title 63 et seq. of the Oklahoma Statutes.

Since approximately October 2014, I have been involved in the investigation of Regan G. Nichols, an osteopathic physician (D.O.) who on September 17, 2015, went before the Oklahoma State Board of Osteopathic Examiners ("the Board") for a Hearing based on complaints of six patient deaths. At the conclusion of this Hearing, Dr. Nichols was placed on five years' probation by the Board, during which time she cannot prescribe, administer or dispense controlled dangerous substances (CDS). Dr. Nichols voluntarily surrendered her Drug Enforcement Administration (DEA) registration on October 5, 2015 and her Oklahoma Bureau of Narcotics registration on October 19, 2015.

My investigation has been conducted jointly with Diversion Investigator Michele Sanders with the Drug Enforcement Administration (DEA). As is more fully detailed below, our investigation has revealed that during a period of approximately five years, Dr. Nichols prescribed extremely large quantities of controlled substances in suspect combinations,

including the most abused and sought after prescription drugs on the street, to numerous patients with very little medical examination or the establishment of a valid doctor-patient relationship and for no legitimate medical need. During this same time period, ten (10) patients have died from overdoses of the very same drugs she was prescribing in massive doses.

Michael E. Burton received a bachelor of science in pharmacy (cum laude) in 1975 from Southwestern Oklahoma State University and a doctor of pharmacy from the graduate colleges of The University of Texas at Austin/The University of Texas Health Sciences Center at San Antonio in 1980 with the award of a specialty residency in adult medicine. Burton is licensed to practice pharmacy in Oklahoma (D.Ph. #8818) and Texas (R.Ph. #22428). He served on the faculty of The University of Texas at Austin from 1980 through 1990 with promotion to Clinical Associate Professor in 1989. Dr. Burton was a clinical pharmacist at Methodist Medical Center (1980-82) and the Department of Veterans Affairs Medical Center (1982-90) in Dallas, TX. He joined the University of Oklahoma, College in Pharmacy in 1990 as an Associate Professor with tenure awarded in 1994, was promoted to Professor in 2001, was appointed as interim chair of the Department of Pharmacy Practice in 1997, and appointed chair from 1999 until 2012. Burton has a number of highly cited publications in the area of drug pharmacokinetics, and was the lead editor of Applied Pharmacokinetics & Pharmacodynamics: Principles of Therapeutic Drug Monitoring 4th Edition. He was actively involved in NIH funded General Clinical Research Center as a member and chair of the scientific review committee and three submissions of the campus Clinical and Translational Science Award to NIH. He was a voting member of the Pharmacy and Therapeutics Committee, credentialed as a clinical pharmacist at OU Medical Center, and practiced as an adult medicine clinical pharmacy specialist through September 1, 2014.

Burton's professional expertise is focused on the clinical pharmacokinetics and clinical pharmacodynamics of drugs in humans (the two areas of drug pharmacology). His teaching was in drug clinical pharmacokinetics, infectious diseases, and experiential education. He has expertise in modeling drug behavior in the human body. He also has expertise in consultation with physicians while rounding in hospitalized patients in the area of adult medicine and clinical pharmacokinetics. The common areas of consultation were cardiology, infectious diseases, gastroenterology, endocrinology, pain management, drug interactions, and adverse drug effects.

Benjamin Baker Fore received his bachelor of science in pre-medical in 1970 from Georgia Southern College, Statesboro, Georgia and his Medical degree in 1977 at the University of Health Sciences, Kansas City, Missouri (formerly Kansas City College of Osteopathic Medicine and Surgery). Fore received his medical internship experience of one year (general rotating) at the Orlando General Hospital, Orlando, FL., and at the DME: Malcolm MacDonald, D.O.

Fore received his Family Practice Board Certification AOBFP, May 1998, and Re-certified in 2006. He was certified by the American Academy of Pain Management in 2007. In 2011 Fore was certified as a Medical Review Officer by the American

Association of Medical Review Officers. From 9/1978 to 11/1980 in Eunice, New Mexico Fore was in general practice in a community of approximately 2,000. In 10/1978 he was one of two initial physicians who opened a 23-bed hospital (Community General Hospital) in Jal, New Mexico, 15 miles south of Eunice. Fore's responsibilities included hiring and training of staff, writing policies and procedures, meeting physical requirements required for hospital licensure, equipping the entire facility. Eunice, New Mexico plus New Mexico hospital Emergency Rooms and from 5/1980 to 11/1980 he continued the general practice and began part-time emergency room work. From 11/1980 to 6/1983 Fore began his full-time emergency medicine at various hospitals in New Mexico and continued his full-time emergency medicine from 7/1983 to 9/1984 at the Memorial Hospital of Southern Oklahoma in Ardmore, OK. From 7/1990 to 8/1995 Fore returned to Memorial Hospital of Southern Oklahoma as the Staff Emergency Physician and also served as the Medical Director of the Emergency Department at MHSO, from 6/1993 to 6/1994. Fore was the full-time emergency physician for the Gould Group, working various emergency departments in Oklahoma, from 8/1995 to 12/1999. Fore opened the Wellness Center of Southern Oklahoma, AM-PM walk-in clinic in Ardmore, OK, from March 4, 1996 to November 30, 2000. From 1997 to December 2004, Fore was the Medical Director and Treating Physician for the Ardmore Occupational Medical Center. Fore was the Plant Physician for the Michelin North America, Ardmore, OK, from 1998 to 2009. He was Medical Director for Carter County Home Health in Ardmore, OK, from 2002 to 2003. From 2002 to 2012 Fore was the Medical Director for Odyssey Physical Therapy in Ardmore, OK. From 12/2000 to 12/2004 he was the Medical Director and Physician for Integris Wellness Center of Southern Oklahoma. In December 2004 to July 2006, Fore was the Administrator of the Medical Services for Mercy Wellness Center of Southern Oklahoma. From December 2004 to December 2009, he was the Medical Director and treating Physician for the Mercy Occupational Medical Center. Fore was the Medical Director and treating Physician for Interdisciplinary Pain Center from 7/2006 to 06/30/2010. Fore has been the Medical Director at A Clean Environment since 7/2009 to present. He is also the Medical Director and treating Physician for the Wellness Center of Southern Oklahoma since 7/2010 to present.

The facts giving rise to these allegations and which I believe establish probable cause to believe these crimes have been committed are as follows:

COUNT 1 – On March 24, 2010, Debra Messner went to Dr. Nichols clinic, Sunshine Medical located at 2816 Parklawn Drive, Suite #2, Midwest City, Oklahoma County, Oklahoma 73110. Messner was prescribed Hydrocodone (Schedule III CDS on that date-currently Schedule II CDS), Alprazolam (Schedule IV CDS), and Carisoprodol by Dr. Nichols for a total of four hundred fifty (450) pills. According to the Oklahoma Medical Examiner's autopsy report Messner died on March 30, 2010, at age 47, of acute combined drug toxicity due to Hydrocodone, Carisoprodol and Alprazolam and the manner of death was stated as accidental. Dr. Burton reviewed Messner's patient file and concluded there was "no need for the quantity or combination" of controlled substances prescribed to Messner by Dr. Nichols, and that "it could have caused her death". Dr.

Fore also reviewed Messner's patient file and concluded that Messner was prescribed "the holy-trinity in the addict's terminology and the staple combination of drugs used by Dr. Nichols." Further, "No…analysis for patient's potential for abuse, addiction or diversion, and Debbie Messner is dead." I believe and based on both Dr. Burton and Dr. Fore's medical opinion-of a fair probability that Messners' passing was due to the above narcotics that were prescribed to her by Dr. Nichols.

COUNT 2 – On February 2, 2012, Lynette Nelson went to Dr. Nichols clinic, Sunshine Medical located at 2816 Parklawn Drive, Suite #2, Midwest City, Oklahoma County, Oklahoma 73110. Nelson was prescribed Oxycodone (Schedule II CDS) and Alprazolam (Schedule IV CDS) by Dr. Nichols for a total of two hundred forty (240) pills. The Oxycodone prescription was filled on February 18, 2012. The Alprazolam prescription was filled on February 25, 2012. According to the Oklahoma Medical Examiner's Autopsy report Nelson died on March 1, 2012, at age 46, of combined drug toxicity due to Hydrocodone, Oxycodone, and Alprazolam and the manner of death was stated as accidental. Dr. Fore reviewed Nelson's patient file and stated that her first visit on 12-18-08, in his opinion, was her only full evaluation during her entire course of treatment by Dr. Nichols. Conducting only one full medical evaluation on a patient in four years is not considered a valid doctor-patient relationship in which to establish whether or not a patient has a legitimate medical need for the types and quantities of CDS prescribed to them. Dr. Fore also comments after reading notes and levels of Norco prescribed by Dr. Nichols for Nelson's 11-29-10 visit, "Amazingly, this lady did not die until two years later." Norco is the brand name for Hydrocodone. After reading notes and prescriptions issued by Dr. Nichols for Nelson's 12-08-11 visit, "Evidently, at this point, the patient is on the holy-trinity of most addicts, Norco, Soma and Xanax." This investigation also revealed Nelson's mother was a patient of Dr. Nichols during the same time frame, and she received the same drug combination of Hydrocodone, Carisoprodol and Alprazalam.

COUNT 3 – On November 21, 2012, Sheila Bartels went to Dr. Nichols clinic, Sunshine Medical located at 2816 Parklawn Drive, Suite #2, Midwest City, Oklahoma County, Oklahoma 73110. Bartels was prescribed Hydrocodone (Schedule III CDS on that date-currently Schedule II CDS), Alprazolam (Schedule IV CDS), and Carisoprodol (Schedule IV CDS) by Dr. Nichols for a total of five hundred ten pills (510). The prescriptions were filled that same day. According to the Oklahoma Medical Examiner's Autopsy report Bartels died on the same day, November 21, 2012, at age 55, of multidrug toxicity and the manner of death was stated as accidental. Dr. Burton's assessment of Bartels' patient file was that the prescribed medications were an "irrational combination". Hydrocodone, Carisoprodol and Alprazolam are a highly sought after combination of CDS, the "holy-trinity" or "cocktail" for addicts. Dr. Fore also reviewed Bartels' patient file and commented that she was a patient of Dr. Nichols on and off over a period of four years but received the same drug combination of Hydrocodone, Alprazolam, and Carisoprodol from her first visit to her last visit. This investigation also revealed that Bartels' son was a patient of Dr. Nichols during the same time frame, and he received the same drug combination. Ms. Bartels' patient file indicates she lived in the same residence as her son.

COUNT 4 – According to data derived from the OBNDD Prescription Monitoring Program (PMP) Chealsy Dockery filled prescriptions on August 1, 2013, for Oxycodone (Schedule II CDS) and Carisoprodol (Schedule IV CDS) issued by Dr. Nichols on August 1 , 2013 for a total of three hundred sixty (360) pills. According to the Oklahoma Medical Examiner's Autopsy report, Dockery died on August 4, 2013, at age 21, of combined Oxycodone and Carisoprodol toxicity and the manner of death was stated as accidental. Dr. Burton reviewed Dockery's patient file and his assessment was that the medication prescribed for Dockery, a diabetic, by Dr. Nichols, could be fatal. According to Dockery's patient file, approximately one week before she died, Dr. Nichols discharged Dockery from the hospital after an incident in which Dockery tested positive for amphetamines with instructions to continue to take her regular prescriptions, Carisoprodol (Schedule IV CDS) and Roxicodone (Schedule II CDS) and further prescribed Dockery Hydrocodone (Schedule III CDS on that date-currently Schedule II CDS). Dr. Fore reviewed Dockery's patient file and concluded that in his expert opinion and based on Dr. Nichols' diagnoses which is bipolar and seizures, this 21-year-old should have never been released on her own but transferred to a psychiatric hospital or addiction unit.

COUNT 5 – On October 8, 2013, Deborah Hutcheson went to Dr. Nichols clinic, Sunshine Medical located at 2816 Parklawn Drive, Suite #2, Midwest City, Oklahoma County, Oklahoma 73110. Hutcheson was prescribed Oxycodone (Schedule II CDS) and Diazepam (Schedule IV CDS) by Dr. Nichols for a total of two hundred seventy pills (270). The prescriptions were filled on October 8, 2013. According to the Oklahoma Medical Examiner's Autopsy report Hutcheson died, at age 52, on October 24, 2013, of acute multidrug toxicity. Michael Burton, D.Ph., reviewed Hutcheson's patient file from Sunshine Clinic and determined that the prescriptions, specifically for Oxycodone, written for Hutcheson by Dr. Nichols were "way, way out of line". Furthermore, Hutcheson had Hepatitis C and would not have metabolized the drug well. Burton characterized this patient care as "egregious". Dr. Fore also reviewed Hutcheson's patient file. Dr. Nichols' patient notes indicate Hutcheson falls asleep, so she prescribes Hutcheson stimulants to stay awake. Fore's expert opinion is Hutcheson was a high risk patient who presented many red flags and was "absolutely over medicated", which ultimately led to her death.

In addition to the above, according to data derived from the OBNDD Prescription Monitoring Program, from January 1, 2010, to October 7, 2014, Dr. Nichols prescribed in excess of 3 million dosage units of CDS in the State of Oklahoma. Law enforcement did not become aware of Dr. Nichols until May of 2014 via a concerned former patient. By May 2014, all ten of these victims were deceased. Four of the 2010 deaths took place within eight months; five more within 16 months in 2012 and 2013; and one in 2014.

During an interview conducted by your Affiant with Dr. Nichols in March 2015, Dr. Nichols admitted to writing, since 2005, prescriptions for highly abused Schedule II controlled dangerous substances before seeing the patient. Dr. Nichols also stated she would, via letter and copied to the patient's file, "fire" or dismiss as patients those who

did not comply with the office's drug screen policy, but then "unfire" them later or give them second and third chances if, for example, the abused drug was marijuana. In the case of victim Deborah Hutcheson, Dr. Nichols admitted she found out at some point Ms. Hutcheson had a drug problem, and fired her. When asked about a letter sent to Ms. Hutcheson, Dr. Nichols stated a letter was never sent to Ms. Hutcheson because they didn't have a current address. No such letter was found in Ms. Hutcheson's file or any indication by Dr. Nichols of the intent to fire Ms. Hutcheson as a patient. Dr. Nichols prescribed to her until her death on 10-24-13.

On September 17, 2015, during the Oklahoma State Board of Osteopathic Examiners for a hearing, Dr. Nichols admitted to the following during her hearing:

- When asked how many patients she saw a day she stated 15-30. Of those patients, how many did she think she prescribed a CDS to and Dr. Nichols responded half.
- When asked if she thought she overprescribed, Dr. Nichols responded she believed that the patients developed a tolerance.
- Dr. Nichols said patients didn't want to wait four to six months for a pain management specialist, and when asked what the patient wanted instead; Dr. Nichols said "I think they wanted ongoing narcotics."

On October 1, 2010, Dr. Fore gave a Chronic Pain Management presentation to Dr. Nichols at the Sunshine Medical Clinic. Dr. Fore stated that any presentation given by him on Chronic Pain always includes, at a minimum, information on SOAPP (Screener and Opioid Assessment for Patients with Pain) Screening, Urine Drug Testing, Informed Consent for Opioid Medications, and Physician/Patient Treatment Agreements. By October 1, 2010, Dr. Nichols had direct knowledge on, at least, the very basics of running a pain management practice, yet chose to ignore it.

Michael E. Burton, D.Ph., reviewed eight of the ten patient files for the victims referenced above and concluded, in all cases; Dr. Nichols either didn't know or didn't care what she was doing. Dr. Baker Fore, D.O., reviewed all ten (10) of the files and concluded, in all cases, Dr. Nichols' lack of the "use of the basic fundamental safe guards, patients suffer and very well may end up paying the ultimate price as all ten of these patients did."

Based upon information conveyed to your Affiant by DEA Investigator Michele Sanders, interviews, review of patient medical files, lack of medical justification for prescribing large quantities of extremely addictive controlled dangerous substance "cocktails" which include Hydrocodone, Oxycodone, Alprazolam and Carisoprodol, and the information related above, your Affiant would request this Honorable court make a finding that sufficient facts exist to support probable cause for each of the above-referenced violations of Oklahoma law and issue a warrant for the arrest of Regan Ganoung Nichols.

FURTHER YOUR AFFIANT SAYETH NOT.

WILLIAM DIAZ, AGENT
Oklahoma Bureau of Narcotics and Dangerous Drugs Control

Subscribed and sworn to before me a Notary Public in and for the STATE OF OKLAHOMA on this 13 day of June, 2017.

Notary Public

SEAL

MEGAN NORTHCUTT NOTARY PUBLIC # 16005100 EXP. 05/23/20 STATE OF OKLAHOMA

My Commission Expires: MAY 23, 2020