

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

FILED

NOV - 5 2004

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

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 04-03-2777

PAUL LOPEZ RODRIGUEZ, M.D.,)
LICENSE NO. 10166)

Defendant.)

FINAL ORDER OF SUSPENSION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on November 4, 2004, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and through counsel R. Brown Wallace.

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

Findings of Fact

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.*

2. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.

3. Defendant, Paul Lopez Rodriguez, M.D, holds Oklahoma medical license no. 10166 and is a practicing radiologist in Elk City, Oklahoma.

4. Beginning in mid-2003 and continuing through January 30, 2004, Defendant allowed Randy Jones, an unlicensed individual, to operate a laser owned by Defendant and treat patients in Tulsa, Oklahoma at a business known as Natural Images. Defendant admits that he was never present during any of the laser procedures, nor did he ever review any charts or records or perform physical examinations of patients receiving laser treatments prior to the procedures.

5. According to his agreement with Mr. Jones, Defendant was to be paid a percentage of the revenues from the use of the laser. Mr. Jones represented himself as a physician assistant, but in fact, was not licensed as a physician assistant in the State of Oklahoma.

6. During the time that Defendant allowed Mr. Jones to treat patients with his laser in Tulsa, Oklahoma, Defendant wrote or authorized at least thirty-three (33) prescriptions for both non-controlled and controlled drugs in the name of Natural Images. The controlled drugs included at least seven (7) prescriptions for liquid Diazepam. Pharmacy records reflect that on at least three (3) occasions, the pharmacist in Tulsa contacted Defendant in Elk City for Defendant's authorization for the Diazepam, which was given by Defendant. The prescriptions were then picked up by Mr. Jones or another employee of Natural Images in Tulsa.

7. Based on the allegations stated above, Defendant is guilty of unprofessional conduct as follows:

- A. Violated, directly or indirectly, the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, and the rules and regulations of the Board, either as a principal, accessory or accomplice in violation of 59 Okla. Stat. §509(14) and OAC 435:10-7-4(39).
- B. Aided or abetted the practice of medicine and surgery by an unlicensed, incompetent, or impaired person in violation of OAC 435:10-7-4(21).
- C. Aided or abetted, directly or indirectly, the practice of medicine by any person not duly authorized under the laws of this state in violation of 59 O.S. §509(15).
- D. Engaged in conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11).
- E. Prescribed or administered a drug or treatment without sufficient examination and the establishment of a valid physician patient relationship in violation of 59 O.S. §509(13).

- F. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- G. Failed to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient in violation of 59 O.S. §509(19).
- H. Engaged in the indiscriminate or excessive prescribing, dispensing or administering of Controlled or Narcotic drugs in violation of OAC 435:10-7-4(1).
- I. Dispensed, prescribed or administered a Controlled substance or Narcotic drug without medical need in violation of OAC 435:10-7-4(6).
- J. Directly or indirectly gave or received any fee, commission, rebate, or other compensation for professional services not actually and personally rendered in violation of OAC 435:10-7-4(30).

Conclusions of Law

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

2 Defendant is guilty of unprofessional conduct in that he:

- A. Violated, directly or indirectly, the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, and the rules and regulations of the Board, either as a principal, accessory or accomplice in violation of 59 Okla. Stat. §509(14) and OAC 435:10-7-4(39).
- B. Aided or abetted the practice of medicine and surgery by an unlicensed, incompetent, or impaired person in violation of OAC 435:10-7-4(21).

- C. Aided or abetted, directly or indirectly, the practice of medicine by any person not duly authorized under the laws of this state in violation of 59 O.S. §509(15).
- D. Engaged in conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11).
- E. Prescribed or administered a drug or treatment without sufficient examination and the establishment of a valid physician patient relationship in violation of 59 O.S. §509(13).
- F. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- G. Failed to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient in violation of 59 O.S. §509(19).
- H. Engaged in the indiscriminate or excessive prescribing, dispensing or administering of Controlled or Narcotic drugs in violation of OAC 435:10-7-4(1).
- I. Dispensed, prescribed or administered a Controlled substance or Narcotic drug without medical need in violation of OAC 435:10-7-4(6).
- J. Directly or indirectly gave or received any fee, commission, rebate, or other compensation for professional services not actually and personally rendered in violation of OAC 435:10-7-4(30).

3. The Board further found that the Defendant's license should be suspended based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509(9), (13), (14), (15) and (19) and OAC 435: 10-7-4 (1), (6), (11), (21), (27), (30) and (39).

Order

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

1. The license of Defendant, Paul Lopez Rodriguez, M.D., Oklahoma license no. 10166, is hereby **SUSPENDED** as of the date of this hearing, November 4, 2004 for a period of six (6) months.


2. Upon reinstatement of his suspended license, Defendant's license shall be **RESTRICTED** in that he shall not be allowed to supervise physician assistants under 59 O.S. §519.1 et seq.

3. Defendant shall pay an **ADMINISTRATIVE FINE** in the amount of \$15,000.00, to be paid on or before February 4, 2005.

4. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

5. Defendant's suspended license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs.

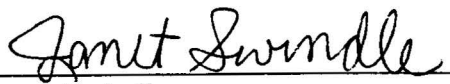
Dated this 5 day of November, 2004.



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

CERTIFICATE OF SERVICE

I certify that on the 5 day of November, 2004, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to R. Brown Wallace and to Eugene K. Bertman, 2837 N.W. 58th Street, Oklahoma City, OK 73112.



Janet Swindle