

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

STATE OF OKLAHOMA, ex rel.,)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)

Plaintiff,)

vs.)

Case No. 97-08-1915

LEONARDO H. CLARAVALL, M.D.,)
Medical License No. 10412,)

Defendant.)

VOLUNTARY SUBMITTAL TO JURISDICTION AND AGREED ORDER

This matter comes before the Board on this 23rd day of January, 1998, upon the agreement and consent of the Defendant, Leonardo H. Claravall, M.D., License No. 10412, to voluntarily submit to the jurisdiction of the Oklahoma State Board of Medical Licensure and Supervision (the "Board") regarding the Complaint on file in the above-styled action. The Plaintiff appears by and through its attorneys, Danny K. Shadid and Robert Trent Pipes. The Defendant appears in person and by and through his attorneys, Larry Derryberry and Douglas A. Rice.

The Defendant states that he is of sound mind and not under the influence of any medication or drug or impaired therefrom, and that he has reviewed this document with counsel. The Defendant is aware of his right to appear before the Board en banc for evidentiary hearing concerning the pending Complaint. The Defendant, of his own volition and decision, and with the advice of counsel, hereby waives and foregoes his right to appear before the Board for full evidentiary hearing, and does hereby voluntarily and of his

own volition consent to the jurisdiction of the Oklahoma State Board of Medical Licensure and Supervision regarding the Complaint on file in the above-styled action. The Defendant agrees that he will not, in the future, challenge the findings of fact set forth hereinbelow.

STIPULATION

The Defendant stipulates and admits as follows:

1. The Defendant, Leonardo H. Claravall, M.D., is a licensed physician in the State of Oklahoma holding Medical License No. 10412.

2. The Defendant is guilty of unprofessional conduct as defined in 59 O.S. 1991, §§ 509(9), (13) and (15), as follows:

§ 509(9): Dishonorable or immoral conduct which is likely to deceive or defraud the public; ...

§ 509(13): Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician/patient relationship; ...

§ 509(15): Aiding or abetting, directly or indirectly, a practice of medicine by any person not duly authorized under the laws of this State; ...

The Defendant is also guilty of unprofessional conduct as defined in the Rules and Regulations of the Board, codified as OAC 435:10-7-4(11), (15), (21), (22) and (27), as follows:

435:10-7-4(11): Conduct likely to deceive, defraud, or harm the public.

435:10-7-4(15): Gross or repeated negligence in the practice of medicine and surgery.

435:10-7-4(21): Aiding or abetting the practice of medicine and surgery by an unlicensed, incompetent, or impaired person.

435:10-7-4(22): Allowing another person or organization to use a physician's license to practice medicine and surgery.

435:10-7-4(27): Violating any state or federal law or regulation relating to controlled substances.

3. During 1994, 1995 and 1996, the Defendant operated and maintained a clinic known as Sooner Medical Clinic located at 5510 S.E. 15th Street, Del City, Oklahoma, primarily treating patients for weight loss. The Defendant's clinic regularly dispensed controlled drugs, including Phentermine, Pondimin and Phendimetrazine among others to patients.

4. During the aforesaid time, on occasion, the Defendant allowed his sisters, Gloria Valerio and Edna Lazaro, to hold themselves out to patients as being licensed medical doctors. On these occasions, Mr. Valerio and Ms. Lazaro would see patients, examine patients and dispense medication to patients. This was done primarily when the Defendant was not on the premises. Ms. Valerio and Ms. Lazaro are not licensed physicians in the State of Oklahoma, nor in any other state within the United States. Ms. Valerio and Ms. Lazaro charged patients for medical services rendered and for controlled and non-controlled drugs that were dispensed within the clinic by Ms. Valerio and Ms. Lazaro. At times, the Defendant further allowed Ms. Valerio's husband to also examine patients and dispense medication, representing himself to be a doctor, when in fact he was not licensed as a physician in the State of Oklahoma, or in any other state.

5. Although Defendant committed these acts during the aforesaid time, he ceased this manner of practice in August 1996 and, since that time, has operated his clinic in a legal and acceptable manner insofar as concerns the allegations set forth herein.

6. The Defendant is guilty of unprofessional conduct as set forth in 59 O.S. 1991, §§ 509(9), (13), and (15), for committing dishonorable conduct likely to deceive the

public, for prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician/patient relationship, and for aiding or abetting, directly or indirectly, the practice of medicine by persons not duly authorized under the laws of the State of Oklahoma.

7. The Defendant is further guilty of unprofessional conduct in violation of the above quoted rules of this Board as set forth in OAC 435:10-7-4(11), (15), (21) and (22), for conduct likely to deceive, defraud, or harm the public, for gross or repeated negligence in the practice of medicine, for aiding or abetting the practice of medicine by an unlicensed person, and for allowing another person to use the Defendant's physician's license to practice medicine.

8. The Defendant is further guilty of unprofessional conduct in violation of the above quoted rules of this Board as set forth in OAC 435:10-7-4(27) for violating state law relating to controlled substances. In this regard, the Defendant failed to maintain effective controls against the diversion of controlled dangerous substances to unauthorized persons or entities in violation of 63 O.S. 1991, § 2-304(4) by failing to maintain a secure drug cabinet. Further, the Defendant dispensed controlled dangerous substances without affixing the required label as required by 63 O.S. 1991, § 2-314(C).

FINDINGS OF FACT

1. All factual matters contained within the Stipulation set forth above are incorporated herein by reference and adopted as a part of these Findings of Fact, as if they had been specifically enumerated.

2. There exists clear and convincing evidence to support the existence of all factual matters set forth in the Stipulation, above, and to support all allegations of unprofessional conduct as alleged in the Complaint.

CONCLUSIONS OF LAW

The Defendant has engaged in unprofessional conduct in violation of 59 O.S. Supp. 1996, §§ 509(9), (13) and (15), together with the Oklahoma Administrative Code 435:10-7-4(11), (15), (21), (22), and (27) as specifically set forth in the above Stipulation.

STIPULATION AND TERMS OF PROBATION

1. The Defendant's medical license is hereby suspended for a period of sixty (60) days effective this 23rd day of January, 1998.

2. Upon completion of the aforesaid suspension, the Defendant will serve a five (5) year monitored probation. The terms and conditions of the Defendant's probation are as follows:

a) During the period of probation, the Defendant will submit to and make himself available for all types of monitoring deemed appropriate by the Board or its staff.

b) The Defendant must be physically present during the examination of patients. The Defendant must personally conduct the examination and evaluation of all patients. The Defendant will personally prescribe and devise all treatment plans for all patients.

c) The Defendant will insure that only healthcare professionals who are licensed in the State of Oklahoma will assist in the examination, care and treatment of patients.

d) No modifications in medications prescribed by the Defendant shall ever be made without the Defendant personally seeing and examining the patient, and personally modifying the treatment plans and/or prescriptions.

e) The Defendant will immediately divest himself of all quantities of weight-control medications now in his possession and/or control by delivering all such quantities to the federal Drug Enforcement Agency (DEA) or the Oklahoma Bureau of Narcotics and Dangerous Drugs (OBNDD).

f) The Defendant will not administer and/or dispense any controlled substances for weight control problems to any patients. Rather, the only method by which the Defendant will make controlled substances for weight control problems available to his patients is by means of written prescriptions or telephone call-in prescriptions, personally made by the Defendant, and will be recorded on numerically sequential prescription orders. All such prescriptions will be written in duplicate and the Defendant will maintain the duplicate copies of all such prescriptions in his office for review and inspection by the Board's staff.

g) The Defendant will, within ten (10) days of the date of this Order, submit a written statement to the DEA and the OBNDD confirming that, during the term of this suspension/probation, the Defendant will not directly administer and/or dispense controlled substances for weight control problems to his patients, but will rather, only make such controlled substances available to his patients by means of written prescriptions and/or telephone call-in prescriptions as set forth above.

h) The Defendant will make available for review by the Board's staff any and all patient records and all other documentation relating to the Defendant's patients as may be deemed necessary by the staff.

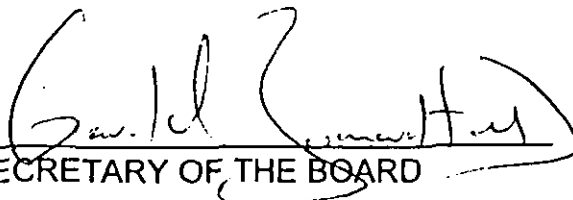
i) The Defendant will pay administrative fees for the cost of monitoring/probation in the amount of \$100.00 per month commencing in December, 1997, with like payments to be made throughout the term of the Defendant's probation, pursuant to 59 O.S. Supp. 1996, § 509.1(A).

j) The defendant will pay all costs of investigation and hearing, including the Plaintiff's legal fees, all pursuant to 59 O.S. Supp. 1996, § 509.1(A).

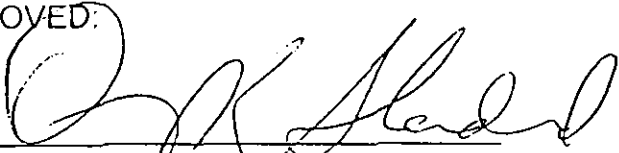
k) During the period of probation, the Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision the Defendant's current business and residential addresses; the Defendant will advise the Board in writing of all changes of business and/or residential addresses.

l) The Defendant shall appear before the Board or a designated member thereof whenever requested to do so.

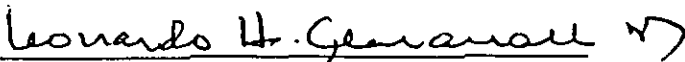
IT IS SO ORDERED.


SECRETARY OF THE BOARD

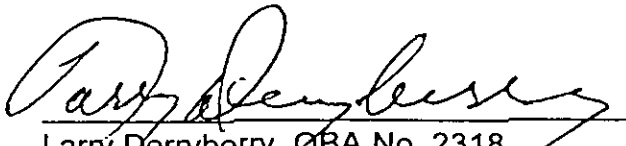
APPROVED:



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CERTIFICATE OF MAILING

This is to certify that on this 26th day of January 1998, a true and correct copy of this order was mailed, postage prepaid to:

Leonardo H. Claravall, M.D.
100 W. Ridgewood Drive
Midwest City, OK 73110

Larry Derryberry, Attorney
4800 North Lincoln Boulevard
Oklahoma City, OK 73105

Janet L Owens

Janet L. Owens, Secretary