

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

FILED

SEP 24 2010

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

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

Plaintiff,)

v.)

Case No. 09-03-3705

LEONARDO HERMAN CLARAVALL, M.D.,)
LICENSE NO. 10412)

Defendant.)

VOLUNTARY SURRENDER OF LICENSE
IN LIEU OF PROSECUTION

State of Oklahoma)
)
OK County)

I, Leonardo Herman Claravall, M.D., being of lawful age and after first being duly sworn, depose and state as follows:

1. I hereby voluntarily surrender my Oklahoma medical license no. 10412.

2. The surrender of my license is freely and voluntarily made. I have not been subject to any coercion or duress, and I am fully aware of the consequences of the surrender of my license.

3. I am the subject of an investigation by the Oklahoma State Board of Medical Licensure and Supervision involving allegations that if proven, would constitute grounds for disciplinary action by the Board.

4. The allegations to which I have plead guilty are as follows:

A. Defendant, Leonardo Herman Claravall, M.D., holds Oklahoma license no. 15171.

PRIOR DISCIPLINARY ACTIONS

B. On or about January 23, 1998, the Board entered a Voluntary Submittal to Jurisdiction and Agreed Order whereby Defendant's license was **SUSPENDED** for a period of **SIXTY (60) DAYS**, to be followed by a **FIVE (5) YEAR** term of **PROBATION** due to a finding that he prescribed a drug without sufficient examination and the establishment of a valid physician/patient relationship, he aided or abetted the unlicensed practice of medicine, he engaged in gross or repeated negligence, he allowed another person to use his physician's license to practice medicine and that he failed to maintain effective controls against the diversion of controlled dangerous substances. Specifically, Defendant allowed his sisters, as well as his brother-in-law to examine patients, dispense controlled drugs to the patients, and to hold themselves out as licensed physicians when they were not in fact licensed in any state. These actions occurred primarily when Defendant was not on the premises. Defendant's probation ended March 23, 2003.

C. On or about September 17, 2009, the Board entered a Voluntary Submittal to Jurisdiction whereby Defendant's license was **SUSPENDED** for a period of **SIXTY (60) DAYS**, to be followed by a **FIVE (5) YEAR** term of **PROBATION** due to a finding that Defendant had prescribed controlled dangerous substances for almost five (5) years after his OBN permit had expired and for over one (1) year after his DEA permit had expired. Defendant had continued to prescribe controlled dangerous substances after being advised not to do so by OBN Agent Mark Stewart and by Board Investigator Steve Washbourne. Defendant additionally had prescribed controlled dangerous substances to numerous patients without documentation of a legitimate medical need for the medications.

CURRENT UNPROFESSIONAL CONDUCT ALLEGATIONS

VIOLATION OF DEA REGISTRATION LAWS AND BOARD ORDERED PROBATION

D. Defendant's September 17, 2009 Probation provides as follows:

A. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision...

N. Defendant will not prescribe, administer, dispense or possess any drugs in Schedules II through III.

O. Upon completion of the continuing medical education set forth in paragraphs D and E above, Defendant may come before the Board and request that his probation be modified to allow him to prescribe controlled dangerous substances in Schedules II and III.

E. The above provisions have not been modified and remain in full force and effect.

F. On or about December 2, 2009, Defendant surrendered his DEA permit to DEA authorities. Without a valid DEA permit, Defendant was unable to prescribe any controlled dangerous substances.

G. On or about February 1, 2010, Defendant met with Board Compliance Officer Gary Ricks and with Board Secretary, Gerald C. Zumwalt, M.D. Dr. Zumwalt advised Defendant that under his Board Order, he was allowed to prescribe Schedule IV and V medications. However, in order to prescribe Schedule II and III medications under his Board Order, he would need to appear before the Board and request that his probation be modified. Defendant advised Board staff that he was content to prescribe only Schedule IV and V medications. Defendant did not advise Board staff that he had surrendered his DEA permit and was not allowed to prescribe any controlled dangerous substances at that time.

H. On or about June 7, 2010, Board investigators learned that Defendant had not only been prescribing Schedule IV controlled dangerous substances without a valid DEA permit, but that he also had been prescribing Schedule III controlled dangerous substances without having obtained a modification of his probation by the Board to allow him to prescribe Schedule III controlled dangerous substances and without a valid DEA permit. Board investigators, along with DEA representatives, met with Defendant, at which time he admitted that he had been prescribing Schedule III and Schedule IV controlled dangerous substances without a valid DEA permit.

I. Defendant's conduct in late 2009 and early 2010 where he prescribed controlled dangerous substances without being in possession of a valid DEA permit is the identical unprofessional conduct that previously occurred and resulted in his September 17, 2009 suspension and probation.

J. On or about June 10, 2010, Lyle R. Kelsey, Executive Director of the Oklahoma State Board of Medical Licensure and Supervision, **SUMMARILY SUSPENDED** Defendant's license under the authority of 59 O.S. §506(B) based upon Defendant's violation of his probation.

K. A review of pharmacy records reflects that from December 2, 2009, the day Defendant surrendered his DEA permit, until June 5, 2010, Defendant

prescribed or authorized four-hundred thirty-seven (437) prescriptions for Alprazolam, Ambien, Carisoprodol, Meridia, Phentermine and Propoxyphene, Schedule IV controlled dangerous substances, for **18,697 dosage units**, all without being in possession of a valid DEA permit.

L. A review of pharmacy records reflects that from December 2, 2009, the day Defendant surrendered his DEA permit, until June 5, 2010, Defendant prescribed or authorized four-hundred thirty-seven (437) prescriptions for Hydrocodone, Phendimetrazine, Bontril, Butalbital with Codeine and Acetaminophen with Codeine, Schedule III controlled dangerous substances, for **28,803 dosage units**, all without being in possession of a valid DEA permit and without having obtained a modification of his probation by the Board to allow him to prescribe Schedule III controlled dangerous substances.

M. Defendant is guilty of unprofessional conduct in that he:

A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. § 509 (8) and OAC 435:10-7-4 (11).

B. Engaged in practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).

C. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509 (13) and OAC 435:10-7-4(39).

D. Committed any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine in violation of 59 O.S. 509(9).

E. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

F. Is unable to practice medicine with reasonable skill and safety to patients by reason of age ... or any other type of material or as a result of any mental or physician condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).

G. Confessed to a crime involving the violation of the antinarcotic or prohibition laws and regulations of the federal government or the laws of this state in violation of 59 O.S. 509(7).

H. Is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).

5. I hereby submit my wallet card and wall certificate as evidence of my intent to surrender my license.

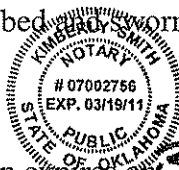
6. I hereby agree that I will not apply for reinstatement of my Oklahoma medical license for a minimum of one year from the entry of the Order Accepting Voluntary Surrender in Lieu of Prosecution, and that if the Board ever reinstates my Oklahoma medical license, it will be under terms of probation to be set by the Board at the time of reinstatement.

7. As a condition to accepting my surrender of license in lieu of prosecution, I acknowledge that the Board may require me to pay all costs expended by the Board for any legal fees and costs, and any investigation, probation and monitoring fees, including but not limited to staff time, salary and travel expense, witness fees and attorney fees.

DATED this 14th day of September 2010.

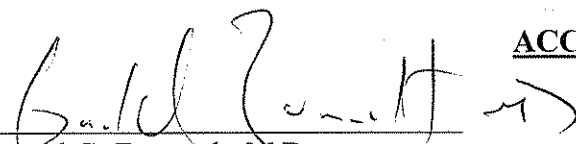

Leonardo Herman Claravall, M.D.

Subscribed and sworn before me this 14th day of September 2010.




Notary Public

My commission expires on 3/19/11.


Gerald C. Zumwalt, M.D.
Secretary

ACCEPTED:

Oklahoma State Board of Medical
Licensure and Supervision

Date: 9-24-10