

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

**FILED**

FEB 05 2004

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

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

Plaintiff, )

v. )

Case No. 03-04-2649

RALPH WALTER RICHTER, M.D., )  
MEDICAL LICENSE NO. 10461, )

Defendant. )

**COMPLAINT**

COMES NOW the Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Complaint against the Defendant, Ralph Walter Richter, M.D., alleges and states as follows:

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. Defendant, Ralph Walter Richter, M.D, holds Oklahoma medical license no. 10461

3. On or about May 25, 2000, Defendant was issued a Letter of Concern by the Board Secretary regarding his practice of allegedly allowing his physician assistant to practice prior to obtaining a license to practice as a physician assistant.

4. On or about August 8, 2000, Patient CFW was examined by Defendant. At that time, Defendant dictated a progress note. On or about September 17, 2000, Patient CFW was admitted to St. John's Medical Center on a complaint of patient neglect. Upon Patient CFW's admission to the hospital, Defendant removed the original progress note from the chart and directed his staff to throw it away. He then prepared a new, more detailed progress note and signed and dated it August 8, 2000.

5. In mid-2002, Defendant was involved in a clinical study through Johnson & Johnson Pharmaceutical Company and the FDA, Study Protocol RIS-USA-232, entitled "Efficacy and safety of a flexible dose of risperidone versus placebo in the treatment of psychosis of Alzheimer's Disease."

6. According to patient records signed by Defendant, Patient ABW was allegedly examined by Defendant on July 25, 2002 and August 1, 2002 as part of his clinical study. Patient ABW's chart contains detailed signed handwritten and dictated notes of Defendant's personal examinations of Patient ABW on these dates. According to FDA records, Patient ABW's chart additionally contains an ECG report allegedly reviewed, initialed and dated by Defendant on August 2, 2002. However, a review of Defendant's office records reveals that he was out of the office on vacation from July 24, 2002 until August 2, 2002.

7. According to patient records signed by Defendant, Patient MBW was allegedly examined by Defendant on July 25, 2002 and August 1, 2002 as part of his clinical study. Patient MBW's chart contains detailed signed handwritten and dictated notes of Defendant's personal examinations of Patient MBW on these dates. According to FDA records, Patient MBW's chart additionally contains an ECG report allegedly reviewed, initialed and dated by Defendant on August 1, 2002. However, a review of Defendant's office records reveals that he was out of the office on vacation from July 24, 2002 until August 2, 2002.

8. According to patient records signed by Defendant, Patient LBW was allegedly examined by Defendant on August 1, 2002 as part of his clinical study. Patient LBW's chart contains detailed signed handwritten and dictated notes of Defendant's personal examination of Patient LBW on this date. However, a review of Defendant's office records reveals that he was out of the office on vacation from July 24, 2002 until August 2, 2002.

9. According to dictation records, Defendant dictated notes on July 21, 2002 for visits which were to occur four (4) days later, on July 25, 2002, for Patients ABW and MBW. Defendant later signed the dictated notes dated July 25, 2002. However, a review of Defendant's office records reveals that he was out of the office on vacation from July 24, 2002 until August 2, 2002.

10. According to patient records signed by Defendant, Patient CTW was allegedly physically examined by Defendant on July 30, 2002 as part of a different clinical study. Patient CTW's chart contains Defendant's signature and is dated July 30, 2002, reflecting that Defendant actually physically examined Patient CTW on this date. However, a review of Defendant's office records reveals that he was out of the office on vacation from July 24, 2002 until August 2, 2002.

11. 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

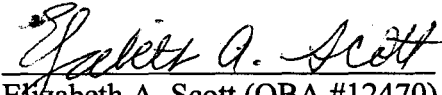
Supervision Act, and the rules and regulations of the Board, either as a principal, accessory or accomplice in violation of 59 Okla. Stat. §509(14) and OAC 435:10-7-4(39).

- B. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).
- 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).

WHEREFORE, plaintiff requests that the Board conduct a hearing, and upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a physician and surgeon in the State of Oklahoma.

Dated this 5<sup>th</sup> day of February, 2004 at 1:00 p.m.

Respectfully submitted,

  
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Attorney for State ex rel.  
Oklahoma State Board of Medical Licensure  
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