

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

FILED

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

SEP 29 2005

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 03-04-2649

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

Defendant.)

**SECOND CORRECTED FINAL ORDER ISSUING
PUBLIC LETTER OF CONCERN**

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on May 5, 2005, 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, Linda G. Scoggins.

On March 10, 2005, 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 was 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, Ralph Walter Richter, M.D, holds Oklahoma medical license no. 10461

4. 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.

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. An FDA audit found that Defendant did not adhere to Study Protocol RIS-USA-232 because of the deviation from documentation protocol. By letter dated May 8, 2003, the FDA acknowledged Defendant's implementation of acceptable corrective procedures and plans to ensure adherence to FDA regulations in conducting ongoing and future studies.

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

- A. 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).

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. 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).

3. The Board further found that a letter of concern should be placed in Defendant's private file based upon his violation of OAC 435:10-7-4(19).

Further Conclusions of Law


1. On May 5, 2005, the Board *en banc* ordered that a private letter of concern was not allowed in this case and further ordered that the letter of concern ordered at the March 10, 2005 Board meeting should instead be placed in Defendant's public file based upon his violation of OAC 435:10-7-4(19).

Order

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

1. Ralph Walter Richter, M.D., Oklahoma license no. 10461, is hereby issued a **PUBLIC LETTER OF CONCERN** to be placed in his public file based upon his violation of OAC 435:10-7-4(19).

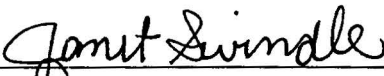
Dated this 29 day of September, 2005.



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

CERTIFICATE OF SERVICE

I certify that on the 29 day of September, 2005, I mailed, via first class mail, postage prepaid, a true and correct copy of this Second Corrected Order Issuing Public Letter of Concern to Linda Scoggins, Scoggins & Cross, 3100 City Place Building, 204 N. Robinson, Oklahoma City, OK 73102.



Janet Swindle