

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

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)
)
Plaintiff,)
v.)
)
JOSE CRUZ FERMO, M.D.) CASE NO. 90-03-1027
Medical License No. 11069,)
)
Defendant.)

ORDER ON PROBATION APPEARANCE

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on February 28, 1992, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and Michael C. Turpen, of law firm Chapel, Riggs, Abney, Neal & Turpen, Oklahoma City, Oklahoma, appeared for the Defendant.

The Board of Medical Licensure and Supervision en banc took sworn testimony, reviewed exhibits and being fully advised in the premises, the Oklahoma Board of Medical Licensure and Supervision finds as follows:

FINDINGS OF FACT

1. That Defendant, Jose Cruz Fermo, M.D., holds Oklahoma Medical License No. 11069.
2. That the Oklahoma Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.
3. That following notice and hearing on June 8, 1990, Defendant was placed on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of four (4) years and nine (9) months beginning on June 8, 1990, under certain enumerated terms and conditions.
4. That Defendant is in general compliance with those terms and conditions.
5. That the Board found no evidence to support any change of terms and conditions of probation.
6. That Defendant contracted with Western State Hospital to practice at that institution and after Defendant moved to Western State, the practice was shut down and he and his spouse are now in consultation with legal counsel concerning their contract rights against the Oklahoma Department of Mental Health.

CONCLUSIONS OF LAW

1. That the Board has lawful jurisdiction over the Defendant pursuant to the Oklahoma Medical Practice Act, 59 O.S. Supp. 1990, Sec. 481 et seq.

ORDER

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

1. That the Defendant, Jose Cruz Fermo, M.D., holding Oklahoma Medical License No. 11069, should be continued on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of four (4) years and nine (9) months beginning on June 8, 1990, under the following terms and conditions:


- (a) During the period of probation Defendant shall comply with all terms and conditions of the deferred sentence entered on February 23, 1990, in Oklahoma County District Court Case No. CF-90-1052, and shall provide evidence of successful completion and compliance with all terms to the investigation and probation division of the Oklahoma Board of Medical Licensure and Supervision.
- (b) That the Defendant shall create and keep in place an in-house, billing system that will prevent all inappropriate future charges to patients or third party payers.
- (c) That the Defendant shall provide the Board with notice of any application for reinstatement of her provider status with Medicare in advance of such filing.
- (d) During the period of probation Defendant shall notify any hospital where he holds staff privileges, or clinic, or group where he practices, of the terms and conditions of this Board Order and supply a copy thereof.
- (e) During the period of probation Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.
- (f) That Defendant shall appear before the Board or a designated member thereof whenever requested to do so.
- (g) During the period of probation Defendant will submit to the Investigation Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.
- (h) Pursuant to Title 59 O.S. Sec. 506, Defendant shall promptly pay upon receipt of invoice from the Board the costs of investigation, prosecution and probation of this case, unless the Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- (i) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.

2. That the jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical

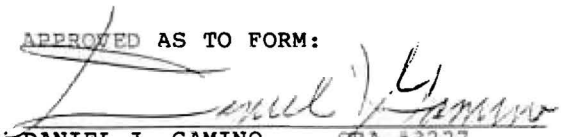
Licensure and Supervision on their own motion or on the motion of the Defendant.

3. That failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma Medical License, after additional due notice and hearing.

DATED this 5 day of March, 1992.


GERALD C. ZUMWALT, M.D., Secretary
State Board of Medical Licensure
and Supervision

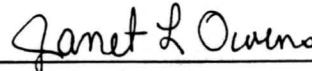
APPROVED AS TO FORM:


DANIEL J. GAMINO OBA #3227
Daniel J. Gamino & Associates, P.C.
3315 NW 63
Oklahoma City, OK 73116
(405) 840-3741
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 9 day of March, 1992, to:

MICHAEL C. TURPEN
Chapel, Riggs, Abney, Neal & Turpen
5801 N. Broadway, Suite 101
Oklahoma City, OK 73118



Janet L. Owens

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 22 day of June, 1990, to:

MICHAEL C. TURPEN
Chapel, Riggs, Abney, Neal & Turpen
5801 N. Broadway, Suite 101
Oklahoma City, OK 73118

Janet K. Turpen