

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, )

APR 17 2003

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff )

v. )

Case No. 02-01-2459

JOE C. FERMO, JR., M.D., )  
OKLAHOMA MEDICAL LICENSE NO. 11069, )

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, Joe C. Fermo, Jr., M.D., Oklahoma medical license no. 11069, 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, Joe C. Fermo, Jr., M.D., holds Oklahoma medical license no. 11069.

3. On or about August 8, 2002, while working at Eastern State Hospital, Defendant was struck by a patient. Two (2) aides intervened and physically restrained the patient. While the patient was being restrained by the aides, Defendant hit the patient twice in the left jaw with a closed fist. The incident was witnessed by four (4) staff members. As a result of this incident, Defendant was terminated from Eastern State Hospital.

4. 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(9) and OAC 435:10-7-4(11).

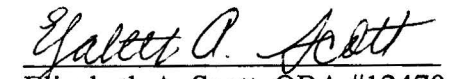
- B. Engaged in practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).

*Conclusion*

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 the revocation or suspension of the Defendant's license to practice as a physician and surgeon in the State of Oklahoma, 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 17<sup>th</sup> day of April, 2003 at 9:00 a.m.

Respectfully submitted,

  
Elizabeth A. Scott, OBA #12470  
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Attorney for the State of Oklahoma ex rel.  
Oklahoma State Board of Medical  
Licensure and Supervision