

PARTIES' AGREEMENT AND STIPULATIONS

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

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.* 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.
2. Defendant, Joe C. Fermo, M.D., holds Oklahoma 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).

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, Joe C. Fermo, M.D., Oklahoma medical license 11069, is guilty of unprofessional conduct set forth below based on the foregoing facts:
 - 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).

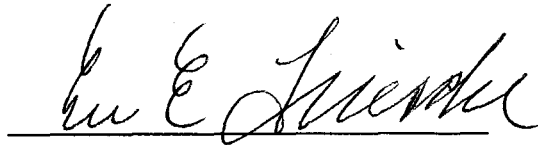
B. Engaged in practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).

Order

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

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.
2. The Defendant, Joe C. Fermo, M.D., Oklahoma license no. 11069, should be and is hereby **PUBLICLY REPRIMANDED** for the conduct set forth above.
3. Defendant shall attend a seminar approved in advance by the Board Secretary for a minimum of ten (10) hours on anger management within one (1) year. Defendant shall provide to the Board Secretary proof of completion of said seminar.
4. Defendant shall give a copy of this Voluntary Submittal to Jurisdiction and Order to all hospitals, nursing homes, treatment facilities, and other health care entities where Defendant has privileges, has applied for privileges or applies for privileges.
5. Defendant agrees to pay the costs, including attorney's fees, for the investigation and prosecution of this action.

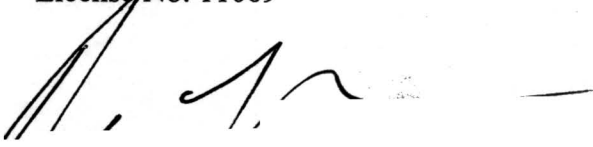
Dated this 11 day of ^{Sept}~~August~~, 2003

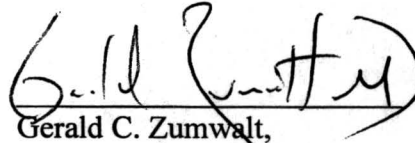


Eric Frische, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision


AGREED AND APPROVED

Joe C. Fermo, M.D.
License No. 11069



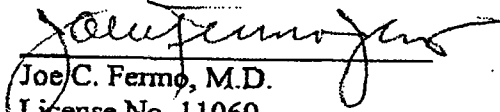

Gerald C. Zumwalt,
Secretary & Medical Advisor
Oklahoma State Board of
Licensure and Supervision

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Attorney for the Oklahoma
State Board of Medical
Licensure and Supervision

AGREED AND APPROVED



Joe C. Fermo, M.D.
License No. 11069

Gerald C. Zumwalt,
Secretary & Medical Advisor
Oklahoma State Board of
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Attorney for the Oklahoma
State Board of Medical
Licensure and Supervision

CERTIFICATE OF MAILING

I certify that on the 15th day of September, 2003, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Rex Thompson, Attorney, 502 West 6th Street, Tulsa, Ok 74119.



Janet Swindle, Secretary