

**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,**

Plaintiff

v.

**AMBROSIO A. SOLANO, M.D.,
LICENSE NO. 11827,**

Defendant.

JUN - 5 2003

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 02-09-2555

VOLUNTARY SUBMITTAL TO JURISDICTION

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 for the State of Oklahoma and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Ambrosio A. Solano, M.D., Oklahoma license no. 11827, who appears in person and through counsel, Tim Bomhoff, offer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on November 27, 2002 as set forth below, and further acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

Defendant, Ambrosio A. Solano, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with him and his legal counsel.

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.*

2. Defendant, Ambrosio A. Solano, M.D., holds Oklahoma license no. 11827.

3. Beginning in or around December 2001 and continuing through August 2002, Defendant engaged in physical conduct with Patient A which was sexual in nature. Specifically, during this time, he engaged in sexual intercourse with her. Defendant engaged in these sexual acts at the same time that he was maintaining a doctor-patient relationship and prescribing controlled dangerous substances to this patient.

4. Defendant is guilty of unprofessional conduct in that he:

- A. Engaged in physical conduct with a patient which is sexual in nature, or in any verbal behavior which is seductive or sexually demeaning to a patient in violation of 59 O.S. §509 (18).
- B. Committed an act of sexual abuse, misconduct or exploitation related or unrelated to the licensee's practice of medicine and surgery in violation of OAC 435:10-7-4 (23).
- C. Abused the physician's position of trust by coercion, manipulation or fraudulent representation in the doctor-patient relationship in violation of OAC 435:10-7-4(44).

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. Based on the foregoing facts, Defendant, Ambrosio A. Solano, Oklahoma license 11827, is guilty of the unprofessional conduct set forth below:

- A. Engaged in physical conduct with a patient which is sexual in nature, or in any verbal behavior which is seductive or sexually demeaning to a patient in violation of 59 O.S. §509 (18).
- B. Committed an act of sexual abuse, misconduct or exploitation related or unrelated to the licensee's practice of medicine and surgery in violation of OAC 435:10-7-4 (23).
- C. Abused the physician's position of trust by coercion, manipulation or fraudulent representation in the doctor-patient relationship in violation of OAC 435:10-7-4(44).

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 license of Defendant, Ambrosio A. Solano, M.D., Oklahoma license no. 11827, is hereby **SUSPENDED INDEFINITELY** beginning January 30, 2003. Beginning on or after May 8, 2003, Defendant shall attend ninety (90) 12-Step meetings in ninety (90) days, specifically, Sex Addicts Anonymous, Sex and Love Addicts Anonymous, Sexaholics Anonymous or other similar 12-Step meetings. In the event Defendant is unable to find such daily meetings, he may attend Alcoholics Anonymous meetings or Physicians' Recovery Program meetings in their place. Defendant shall attend weekly therapy with a therapist approved in advance by the Board Secretary. Defendant shall additionally obtain weekly treatment for his sexual misconduct with a board certified or board eligible psychiatrist not currently under probation with the Board with experience dealing with professionals and sexual misconduct. After Defendant has completed the ninety (90) 12-Step meetings in ninety (90) days and the weekly therapy as set forth above, he may seek reinstatement of his license. If the Board Secretary finds satisfactory proof that Defendant has complied with these requirements, he should reinstate Defendant's license under the terms of probation set forth below. If the Board Secretary finds that Defendant has not satisfactorily complied with these requirements, the reinstatement application will be set to be heard at the next full Board meeting.

3. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, Defendant shall be placed on **PROBATION** for a period of five (5) years following his suspension under the following terms and conditions:

A. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Board. Any question of interpretation regarding the Act or this order shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Board or its designee.

B. Defendant will furnish a copy of this order to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.

C. Defendant will continue psychotherapy with a therapist to be approved in advance by the Board Secretary. Defendant shall submit monthly reports of his treatment from his therapist to the Board Secretary or his designee for his review until he is discharged by said therapist and the Board. Defendant's treatment shall consist of not less than one (1) visit per week. Defendant shall continue with said counseling until both the counselor and the Board approve discontinuance of counseling. Defendant shall authorize in writing the release of any and all records of this treatment to the Board or its designee.

D. Defendant will notify the Board or its designee of any entry or re-entry into an inpatient rehabilitation, assessment, or evaluation program and shall provide to the Board or its designee written authorization for any and all records associated with said treatment, assessment or evaluation. Defendant acknowledges and agrees that the Board may use such information against Defendant in any future disciplinary proceedings.

E. Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.

F. Defendant will abide by all recommendations of Del Amo Hospital.

G. Defendant shall enter and continue treatment for sexual misconduct with a board certified or board eligible psychiatrist not currently under probation with experience dealing with professionals and sexual misconduct. The psychiatrist shall be approved in advance in writing by the Board Secretary. Defendant's treatment shall consist of not less than one (1) visit per week. Defendant shall continue with said counseling until both the psychiatrist and the Board approve discontinuance of counseling. Defendant shall submit monthly reports from his psychiatrist reporting his progress to the Board Secretary for his review until he is discharged by said psychiatrist and the Board. Defendant shall authorize in writing the release of any and all records of this treatment to the Board or its designee.

H. Defendant will not supervise allied health professionals for whom a formal supervisory arrangement is required under Oklahoma law, e.g., physician assistants or advanced registered nurse practitioners.

I. Defendant will attend weekly meetings of the Physicians' Recovery Program and will obtain a sponsor as designated by the program.

J. Defendant will execute and comply with the Impaired Physician Contract with Hillcrest Medical Center.

K. Upon the request of the Board Secretary, Defendant will request all hospitals, clinics and other facilities in which he practices to furnish to the Board a written statement monitoring his practice.

L. Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for sexual misconduct.

M. Defendant will keep the Board informed of his current address.

N. Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his case, including but not limited to a \$100.00 per month monitoring fee.

O. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

P. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.


Q. Defendant shall submit any required reports and forms on a timely basis to the Compliance Coordinator or designee.

R. Applicant shall have a female chaperone, who shall be a licensed health care provider, with him in the room at all times that he is examining or performing services on a female patient.

S. Failure to meet any of the terms of your Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify your license after due notice and hearing.

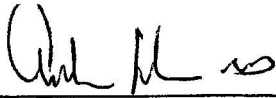
4. Defendant's suspension will be lifted, and his license will be reinstated only upon payment in full of all costs and expenses incurred by the State of Oklahoma prior to May 9, 2003.

Dated this 29 day of May, 2003.

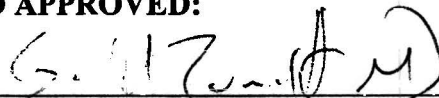


James Gormley, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

AGREED AND APPROVED:



Ambrosio A. Solano, M.D.
License No. 11827

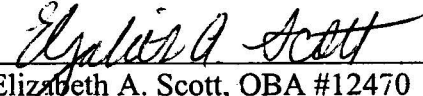


Gerald C. Zumwalt, M.D.
Secretary & Medical Advisor
Oklahoma State Board of
Medical Licensure and Supervision



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Attorney for the Defendant



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405/848-6841

Attorney for the Oklahoma State Board
of Medical Licensure and Supervision

CERTIFICATE OF SERVICE

I certify that on the 5th day of June, 2003, I mailed, via first class mail postage prepaid a true and correct copy of this Order of Voluntary Sumittal to Jurisdiction to Tim Bomhoff, 900 Robinson Renaissance 119 N. Robinson, Oklahoma City, Ok 73102 and Amrosio A. Solano, MD, 1245 S. Utica Ave, Tulsa, OK 74104.



Janet Swindle, Secretary