

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

FILED

NOV 26 2003

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

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 03-03-2628

BAO QUANG BUI, M.D.,)
LICENSE NO. 12439)

Defendant.)

FINAL ORDER OF SUSPENSION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on November 20, 2003, 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, Tim Heefner.

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 is 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, Bao Quang Bui, M.D., holds Oklahoma license no. 12439.

4. Defendant was the primary supervising physician for a physician assistant named David Fernandez, Oklahoma P.A. license no. 787, from July 2000 through March 2003.

5. During this period of time, Defendant failed to adequately supervise Mr. Fernandez in the performance of his duties as a physician assistant. As a result of Defendant's failure to supervise, Defendant's patients' care was jeopardized due to Mr. Fernandez's negligence and his inability to diagnose and treat Defendant's patients with appropriate skill and safety.

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

- A. Violated, directly or indirectly, the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, and the rules and regulations of the Board, either as a principal, accessory or accomplice in violation of 59 Okla. Stat. §509(14) and OAC 435:10-7-4(39).
- B. Failed to report Mr. Fernandez's unprofessional conduct to the Board as required by OAC 435:10-7-4(43).
- C. Engaged in 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).

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. Violated, directly or indirectly, the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, and the rules and regulations of the Board, either as a principal, accessory or accomplice in violation of 59 Okla. Stat. §509(14) and OAC 435:10-7-4(39).
- B. Failed to report Mr. Fernandez's unprofessional conduct to the Board as required by OAC 435:10-7-4(43).

- C. Engaged in 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).

3. The Board further found that the Defendant's license should be suspended based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509 (9) and (14), and OAC Title 435:10-7-4(11), (39) and (43).

Order

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


1. The license of Defendant, Bao Quang Bui, M.D., Oklahoma license no. 12439, is hereby **SUSPENDED** as of the date of this hearing, November 20, 2003 for a period of three (3) months.

2. Upon reinstatement of his suspended license, Defendant's license shall be **RESTRICTED** in that he shall not be allowed to supervise physician assistants.

3. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.


4. Defendant's suspended license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs and expenses incurred by the State of Oklahoma.

Dated this 26 day of November, 2003.


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

CERTIFICATE OF SERVICE

I certify that on the 26 day of November, 2003, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Tim Heefner, Goolsby, Olson & Proctor, P.C., 701 N. Broadway, Suite 400, Oklahoma City, OK 73102 and to Bao Quang Bui, M.D., 15507 Pinenut Bay Ct., Houston, TX 77059.


Janet Swindle