

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

FILED

IN THE MATTER OF THE)
APPLICATION OF)

NOV 05 2010

ROGELIO BOMBACH, M.D.,)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

FOR REINSTATEMENT OF OKLAHOMA)
MEDICAL LICENSE NO. 12832)

Case No. 09-11-3870

**ORDER GRANTING REINSTATEMENT OF
LICENSE UNDER TERMS OF PROBATION**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision on November 4, 2010, at the Board office, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73118, pursuant to notice given as required by law and rules of the Board.

Defendant, Rogelio Bombach, M.D., appeared in person and pro se.

Elizabeth A. Scott, Assistant Attorney General, appeared on behalf of the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision.

The Board *en banc* heard testimony, reviewed the exhibits presented, and being fully apprised of the premises, entered the following Findings of Fact, Conclusions of Law, and Orders:

Findings of Fact

1. The Board *en banc* has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the rules of the Board.

2. On May 20, 2010, after hearing before the Board *en banc*, the Board entered a Final Order of Suspension whereby it suspended Defendant's license for a minimum of three (3) months until Defendant completed a boundaries course approved in advance in writing by the Board Secretary. After Defendant completed the course, he would be allowed to appear before the Board to report on the course and to seek reinstatement of his license.

3. On September 16, 2010, Defendant appeared before the Board seeking reinstatement of his medical license. The Board denied Defendant's request.

4. Defendant is again seeking reinstatement of his Oklahoma medical license no. 12832.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to reinstate the license of a physician pursuant to 59 O.S. §508.1.

2. The Board may impose practice parameters and other restrictions as necessary to protect the health, safety and welfare of the public under 59 O.S. §480 *et seq.*

ORDER

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

1. Defendant's medical license shall be reinstated under the following terms and conditions of **PROBATION**, which shall continue **TWO (2) YEARS** from the date of reinstatement, 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 Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act 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 Oklahoma State Board of Medical Licensure and Supervision.

B. Upon request of the Board Secretary, Defendant will request all hospitals, clinics and other facilities in which he practices to furnish to the Board Secretary a written statement regarding monitoring of his practice while performing services in or to that hospital, clinic or facility.

C. Defendant will furnish to each and every state in which he holds licensure or applies for licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.

D. Defendant will not supervise allied health professionals that require surveillance of a licensed physician.

E. Defendant shall submit to polygraph examinations every six (6) months during the term of his probation, the first of which must occur prior to May 4, 2011. The polygraph examinations will be coordinated and arranged by Defendant. The polygraph examiner must be approved by the Board Secretary and must be experienced in boundary violations. The polygraph examinations shall include questions involving Defendant's maintenance of boundaries and his avoidance of dual relationships with patients and interested third parties. All evidence obtained by the Board during the investigation of this case must be given to the polygraph examiner prior to the first examination performed by the examiner. Reports of the polygraph examiner shall be provided to the Board Secretary for his review and Defendant shall authorize in writing the release of any and all records of the polygraph examinations to the Board or its designee.

F. During each year of his probation, Defendant shall attend a course in professional boundaries at a facility approved in advance in writing by the Board Secretary.

G. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of his current address.

H. 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 \$150.00 per month monitoring fee.

I. Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

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

K. Defendant shall submit any required reports and forms on a timely, accurate and prompt basis to the Compliance Coordinator or designee.

2. During the period of probation, failure to meet any of the terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's license, after due notice and hearing.

3. 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.

4. A copy of this written order shall be sent to Defendant as soon as it is processed.

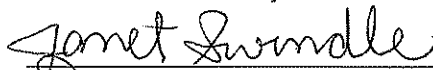
Dated this 5th day of November, 2010.



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

Certificate of Service

On the 9 day of November, 2010, a true and correct copy of this order was mailed, postage prepaid, to Rogelio Bombach, P.O. Box 636, Pauls Valley, OK 73075.



Janet Swindle