

IN AND BEFORE THE STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)

Plaintiff,)
)

v

RODRIGO I. RAMIREZ, M.D.)
Medical License No. 13383,)
)
Defendant)

FILED

JAN 27 1988

STATE BOARD OF
MEDICAL EXAMINERS

CASE NO. 87-3-489

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision en banc on the 22nd day of January, 1988, at the office of the Oklahoma State Medical Association, 601 NW Expressway, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff, and Rodrigo I. Ramirez, M.D., Defendant, appeared in person and by counsel, Howard Douglas Perkins, Jr.

The Board of Medical Licensure and Supervision en banc heard the testimony and reviewed exhibits and being fully advised in the premises, the Board of Medical Licensure and Supervision therefore finds as follows:

FINDINGS OF FACT

1. That Defendant, Rodrigo I. Ramirez, M.D., holds Oklahoma Medical License No. 13383.

2. That the Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.

3. That the Board finds that the allegations of the complaint as set forth below contain adequate evidence for disciplinary action against the Defendant.

4. That the Defendant is also guilty of unprofessional conduct from September 1, 1986, through January 15, 1987, by purporting to operate some form of Methadone maintenance program or by administering narcotic drugs to relieve acute withdrawal symptoms, and the Defendant failed to register as a treatment program with the Oklahoma Bureau of Narcotics and Dangerous Drugs as required by Oklahoma law.

5. That from September 1, 1986, through January 15, 1987, Dr. Ramirez wrote approximately 193 prescriptions for Schedule II drugs for a total of 5,388 dosage units and approximately 66 prescriptions for Schedule IV drugs in the amount of 672 dosage units for a total of 259 prescriptions totaling 6,260 dosage units.

6. That a prescription survey conducted in reference to certain schedule drugs reveals that patient J.S. received approximately 48 prescriptions for 1,066 dosage units of schedule drugs from September 26, 1986, through January 6, 1987, for an average of 10.35 dosage units per day.

7. That the survey reveals that patient R.V. received approximately 51 prescriptions for a total of 1,058 dosage units of schedule drugs from September 26, 1986, through January 6, 1987, for an average of 10.27 dosage units per day.

8. That the survey reveals that patient T.W. received approximately 41 prescriptions for a total of 930 dosage units of schedule drugs from October 14, 1986, through January 7, 1987, for an average of 10.81 dosage units per day.

9. That the survey reveals that patient J.B. received approximately 6 prescriptions for a total of 106 dosage units of schedule drugs from December 22, 1986, through January 3, 1987, for an average of 8.15 dosage units per day.

10. That the survey reveals that patient James B. received approximately 6 prescriptions for a total of 176 dosage units of schedule drugs from December 16, 1986, through January 3, 1987, for an average of 9.26 dosage units per day.

11. That the survey reveals that patient D.D. received approximately 7 prescriptions for a total of 200 dosage units of schedule drugs from December 15, 1986, through January 3, 1987, for an average of 10 dosage units per day.

12. That the survey reveals that patient G.F. received approximately 8 prescriptions for a total of 156 dosage units of schedule drugs from December 24, 1986, through January 2, 1987, for an average of 15.60 dosage units per day.

13. That the survey reveals that patient J.G. received approximately 20 prescriptions for a total of 578 dosage units of schedule drugs from November 1, 1986, through January 2, 1987, for an average of 9.03 dosage units per day.

14. That the survey reveals that patient R.G. received approximately 13 prescriptions for a total of 372 dosage units of schedule drugs from December 1, 1986, through January 3, 1987, for an average of 10.94 dosage units per day.

15. That the survey reveals that patient D.K. received approximately 10 prescriptions for a total of 233 dosage units of schedule drugs from December 8, 1986, through January 3, 1987, for an average of 8.63 dosage units per day.

16. That the survey reveals that patient J.K. received approximately 12 prescriptions for a total of 335 dosage units of schedule drugs from November 25, 1986, through January 3, 1987, for an average of 8.17 dosage units per day.

17. That the survey reveals that patient M.P. received approximately 12 prescriptions for a total of 336 dosage units of schedule drugs from November 22, 1986, through January 2, 1987, for an average of 7.81 dosage units per day.

18. That Defendant was during the time September 1, 1986, through January 15, 1987, treating the above-named persons whom he knew were addicts and the Defendant did not perform physical examinations or lab work on these patients but merely dispensed controlled dangerous substances to the patients without the establishment of a valid physician/patient relationship.

19. That during the time September 1, 1986, through January 15, 1987, the Defendant failed to register as required by Oklahoma law with the Oklahoma Bureau of Narcotics and Dangerous Drugs in that although the Defendant was aware of requirements of registration, Defendant felt the registration process was too complicated and time-consuming to pursue.

20. That on or around December 20, 1986, the Defendant did issue prescription no. 405286 for 32 Dolophine HCl 10mg. and prescription no. 405287 for 21 Xanax lmg. to Buddy Sanders, 3324

South Yale Ave., Tulsa, Oklahoma 74135, and that Mr. Sanders died the following day, December 21, 1986, and the Office of the Chief Medical Examiner of Tulsa, Oklahoma, performed an autopsy and found as probable cause of death "combined toxic effects of Methadone and Alprazolam."

CONCLUSIONS OF LAW

1. That Rodrigo I. Ramirez, M.D., holding Oklahoma Medical License No. 13383, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 509, Paragraphs 13 and 17, to-wit:

13. Prescribe or administer a drug or treatment without sufficient examination and the establishment of a valid physician/patient relationship."

"17. Prescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice or prescribing, dispensing or administering controlled substances or narcotic drugs without medical need in accordance with published standards."

2. That Rodrigo I. Ramirez, M.D., is in violation of the Rules and Regulations promulgated by the this Board, specifically Section IX, Rules 1, 2 and 6, to-wit:

"Rule 1: Indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs."

"Rule 2: Prescribing, dispensing or administering of controlled or narcotic drugs in excess of the amount considered good medical practice."

Rule 6: Dispensing, prescribing or administering a controlled substance or narcotic drug without medical need."

ORDER

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

1. That the Defendant, Rodrigo I. Ramirez, M.D., Oklahoma Medical License No. 13383, will be and is hereby placed on a term of suspension of his license as a physician and surgeon for a period of sixty (60) days beginning December 28, 1987.

2. That the Defendant, Rodrigo I. Ramirez, M.D., Oklahoma Medical License No. 13383, will be and is hereby placed on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years beginning on February 25, 1988, under the following terms and conditions:

(a) Defendant will not prescribe, administer or dispense any Schedule II drug, substance or pharmaceutical agent.

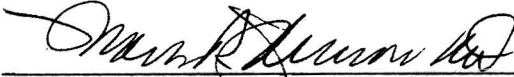
(b) During the period of probation Defendant may prescribe Schedules III, IV, and V controlled dangerous substances only on serially-numbered, duplicate prescription pads and shall make the copies available to Investigators of the Oklahoma State Board of Medical Licensure and Supervision at their request.

- (c) During the period of probation Defendant will substantially reduce the number of controlled dangerous substance prescriptions being written.
- (d) During the period of probation Defendant will significantly reduce the duration of time that patients are retained on controlled dangerous substances prescribed.
- (e) Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.
- (f) Defendant shall appear before the Board en banc or a designated member thereof whenever requested to do so.
- (g) During the period of probation Defendant will submit to the Investigative Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.
- (h) Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay upon receipt of invoice from the Investigative Division of the Board the costs of investigation, prosecution and probation of this case.
- (i) That violation of any the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.

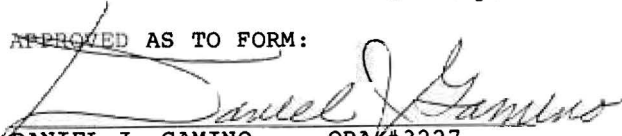
3. That the jurisdiction of the Board in this individual proceeding will continue in this matter until the terms and conditions of probation are modified or lifted by the Oklahoma State Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

4. The Board further orders that failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma Medical License, after additional due notice and hearing.

DATED this 27th day of JANUARY, 1988.


MARK R. JOHNSON, M.D., Secretary
State Board of Medical Licensure
and Supervision

APPROVED AS TO FORM:


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