

IN AND BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel)
STATE BOARD OF MEDICAL)
EXAMINERS,)
)
Plaintiff,)
)
v.)
)
JAMES W. WARREN, M.D.,)
Medical License No. 13512,)
)
Defendant.)

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MAY 29 1984
STATE BOARD
MEDICAL EXAMINERS

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Examiners en banc on May 19, 1984, at 5104 N. Francis, Suite C, 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 James W. Warren, M.D., did not appear either in person or by representative.

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

FINDINGS OF FACT

1. That James W. Warren, M.D., holds Oklahoma Medical License No. 13512.
2. That the Board of Medical Examiners 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 Defendant was personally served with the Complaint and Citation herein on April 19, 1984. That the exact date and time of the hearing at 11:00 a.m. on May 19, 1984, were also made clear to the Defendant by Inspector Phil McPherren at the time of service of process. That the Defendant telephoned Inspector McPherren on May 18, 1984, at approximately 3:00 p.m. to advise he could not appear for his hearing at 11:30 a.m. on May 18, 1984. The Defendant was again advised that his hearing was scheduled for 11:00 a.m. on May 19, 1984. Dr. Warren stated he did not have any money and could not get transportation so he would try to make some type of arrangements. He then stated that if the Board could hear the case without him present, he trusted their judgment to do the right thing. That a person identifying herself as Defendant's wife telephoned the Board offices around 10:15 a.m. on May 19, 1984, to advise that the Defendant left Tulsa around 9:45 a.m. to attend the hearing at 11:00 a.m. but was having car trouble. The Board took up all other matters on their agenda and did not call this case for hearing until after 1:00 p.m. on May 19, 1984. The Defendant was not present, nor had he made any personal contact with the staff of the Board of Medical Examiners or any representative thereof. The Defendant had also missed prior meetings with Inspector McPherren that were set up in Tulsa.
4. That following due notice and hearing the Oklahoma Board of Medical Examiners had previously issued a Final Order to Defendant and orally advised Defendant of their findings at the conclusion of the hearing on January 13, 1984, and that said

Final Order is still in full force and effect and has not been remanded or vacated in any part by the State Board of Medical Examiners.

5. That Defendant, James W. Warren, M.D., is in violation of certain portions of the aforesaid Order as set forth below, to-wit:

"1. That Medical License No. 13512 issued to the Defendant by the Oklahoma State Board of Medical Examiners is hereby suspended for a period of three months with the period of suspension to begin on January 13, 1984, and to continue for such period of three consecutive months or until such time as the Defendant is employed for the purpose of medical practice and the Secretary of the Board of Medical Examiners has reviewed the Defendant's employment situation and agrees that the period of suspension may be ended. During the above period of suspension Defendant is not allowed to practice medicine or surgery in the State of Oklahoma.

2. That at the conclusion of the period of suspension the Defendant will be placed on probation to the Oklahoma State Board of Medical Examiners for a period of five years with the following terms and conditions:

- a. Defendant will not prescribe, administer, dispense or possess any scheduled drugs.
- b. Defendant will surrender his registration for state and federal controlled dangerous substances to the proper authorities and will not apply for state and federal registration for controlled dangerous substances until the term of his probation has expired unless authorized to do so by the Oklahoma State Board of Medical Examiners."

6. That on April 13, 1984, Defendant prescribed Valium 10 mg., 60 tablets, for a patient called Carl Paul Cooper and accompanied Mr. Cooper to a pharmacy to have the aforesaid prescription filled.

7. That on April 13, 1984, Defendant exhibited a DEA registration card bearing No. AW1508970 in connection with getting the aforesaid prescription filled.

8. That Defendant at this time was not employed for the purpose of medical practice and had not appeared before the Secretary of the Board of Medical Examiners and said Secretary had not reviewed the Defendant's employment situation and agreed that the period of suspension may be ended. That the above actions took place during the period of suspension when the Defendant was not allowed to practice medicine or surgery in the State of Oklahoma.

CONCLUSIONS OF LAW


1. That James W. Warren, M.D., holding Oklahoma Medical License No. 13512 is in violation of the terms and conditions of the Final Order issued by the Oklahoma Board of Medical Examiners on January 13, 1984.

ORDER

IT IS THEREFORE ORDERED by the Board of Medical Examiners of Oklahoma as follows:

1. That Medical License No. 13512 issued to James W. Warren, M.D., by the Oklahoma State Board of Medical Examiners is hereby revoked as of May 19, 1984.

DATED this 29th day of May, 1984.


MARK R. JOHNSON, M.D., Secretary
State Board of Medical Examiners

Approved as to Form:



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