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

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel, OKLAHOMA STATE BOARD OF DEFENDING DEFEN

€,

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on July 15, 1995, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 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 Juan Bautista Florez, M.D., Defendant, did not appear in person or by legal representative, but only by way of his letter of July 11, 1995.

The Oklahoma Board of Medical Licensure and Supervision en banc reviewed pleadings and exhibits, and considered statements of legal counsel, and being fully advised in the premises, the Board of Medical Licensure and Supervision finds and orders as follows:

FINDINGS OF FACT

- 1. That Defendant, Juan Bautista Florez, M.D., holds Oklahoma Medical License No. 14204.
- 2. That the Oklahoma 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 on or around June 15, 1995, Complaint and Citation were served on Defendant Florez by certified mail, return receipt requested. That no answer or formal motion was ever filed by Defendant Florez subsequent to service of process.
- 4. That on or around July 13, 1995, the Board office did receive a two-page overnight letter from Defendant Florez wherein he was seeking postponement of hearing for a period of at least one year. That when considering Defendant Florez letter of July 11, 1995, as a motion for continuance, Defendant Florez failed to submit grounds to support continuance of the evidentiary hearing and his request for continuance was denied.
- 5. That on or around July 20, 1993, Defendant Florez entered into a Consent Agreement with the Arizona Board of Medical Examiners styled In the Matter of Juan Florez, M.D., Holder of License No. 15040 For the Practice of Medicine in the State of Arizona.
- That in that proceeding the Arizona Board did suspend Defendant Florez Arizona medical license until he passed the SPEX

examination with a score of 75 based, in part, on the following Finding of Fact, to-wit:

- In 1988 the Board received information that Doctor Florez prescribed and/or dispensed Xanax, controlled substance to his wife, T.R.F. The Board also received allegations of inappropriate treatment by Doctor Florez of two psychiatric patients, R.O. and H.L. The Board retained an independent consultant who rendered a report expressing concerns with Doctor Florez psychiatric treatment of R.O. and H.L., focusing on inadequate documentation and inappropriate psyco-pharmacological practices."
- 7. That Defendant Florez is perpetuating significant harm to public health, safety and welfare by continuing the acts and omissions set forth in the above allegations.

CONCLUSIONS OF LAW

- 1. That the letter of July 11, 1995, from Defendant Florez when considered as a motion for continuance failed to set forth grounds sufficient to support any continuance of the evidentiary hearing and same should be denied.
- 2. That Juan Bautista Florez, M.D., holding Oklahoma Medical License No. 14204, is in violation of the Oklahoma Medical Practice Act, 59 O.S. Supp. 1994, Sec. 509, Paragraphs 11 and 17, to-wit:
 - "11. Failure to keep complete and accurate records of purchase and disposal of controlled drugs or of narcotic drugs."
 - "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."
- 3. That Juan Bautista Florez, M.D., is also in violation of the Rules and Regulations promulgated by this Board, specifically Rule 435:10-7-4, which provides in pertinent part as follows, to-wit:

"The Board has the authority to revoke or take other disciplinary action against a licensee or certificate holder for unprofessional conduct. Pursuant to 59 O.S. 1991, Sec. 509, "Unprofessional Conduct" shall be considered to include:

- "(27) Violating any state or federal law or regulation relating to controlled substances."
- "(31) Disciplinary action of another state or jurisdiction against the licensee or other authorization to practice medicine and surgery based upon acts of conduct by the licensee similar to acts or conduct that would constitute grounds for action as defined in this Section, a certified copy of the record of the action taken by the other state or jurisdiction being conclusive evidence thereof."

"(34) Any adverse judgment, award, or settlement or award arising from a medical liability claim relating to acts or conduct similar to the acts or conduct that would constitute grounds for action as defined in this Section.

ORDER

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

- 1. That Juan Bautista Florez, M.D., holding Oklahoma Medical License No. 14204, letter of July 11, 1995, when considered as a motion for continuance failed to provide grounds to support continuance of the evidentiary hearing and same should be and is hereby denied.
- That the Oklahoma Medical License of Juan Bautista Florez, M.D., Medical License No. 14204, should be and is hereby REVOKED.

DATED this 3/2 day of July, 1995.

GEORGE M. FROWN, JR., M.D., Secritate Board of Medical Licensure

and Supervision

APPROXED AS TO FORM:

MANIEL J. GAMINO

Daniel J. Gamino & Associates, P.C.

3315 NW 63

Oklahoma City, OK

(405) 840-3741

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 2 day of July, 1995, to:

JUAN BAUTISTA FLOREZ 333 East Mc Work- OV Phorny Az 850 2

Janut 20 mens