

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,

FILED

MAY 27 1988

Plaintiff,)

v)

MANUEL J. RAMIREZ, M.D.
Medical License No. 14479,

Defendant)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

CASE NO. 87-8-531

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision en banc on the 14th day of May, 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 George W. Dahnke, Attorney, appeared for the Defendant, along with the Defendant in person.

The Board of Medical Licensure and Supervision en banc reviewed statements of counsel and of the Defendant and being fully advised in the premises, the Board of Medical Licensure and Supervision therefore finds as follows:

FINDINGS OF FACT

1. That Defendant, Manuel J. Ramirez, M.D., holds Oklahoma Medical License No. 14479.

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. Defendant was lawfully served with an Amended Complaint and Citation that alleged certain violations of the Oklahoma Medical Practice Act, 59 O.S. 1981, Section 509.

4. That for the purpose of effectuating a compromise settlement of the aforesaid claims, Defendant chose to consent to the jurisdiction of the State Board of Medical Licensure and Supervision insofar as it entails the activities and restrictions set forth below.

5. Neither the execution of any document herein nor the submittal to the Board jurisdiction is to be construed as an admission by the Defendant of the allegations of the Amended Complaint, and Defendant denies all material allegations therein.

6. Both parties agree that terms of this Final Order may be used solely in this proceeding or in subsequent proceedings, if any, between the State Board of Medical Licensure and Supervision and the Defendant, or in any proceedings involving the Defendant where the Board is made a party, but only to the extent that the Order is otherwise relevant and admissible under the applicable rules of evidence. Further, both parties agree that neither the allegations of the Complaint, Amended Complaint, nor this Final Order may be admitted into evidence or used for any other purpose in any other action or proceeding.

CONCLUSIONS OF LAW

1. The Board has lawful jurisdiction over this Defendant pursuant to the Oklahoma Medical Practice Act, 59 O.S. Supp. 1987, Section 481 et seq.

ORDER

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

1. That the Defendant, Manuel J. Ramirez, M.D., Oklahoma Medical License No. 14479, will be and is hereby placed on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of three (3) years, beginning on May 14, 1988, unless earlier modified by the Board, under the following terms and conditions:

- (a) During the period of probation Defendant may prescribe 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, with said records to include all dispensing records on controlled dangerous substances other than sample medication.
- (b) During the period of probation Defendant will substantially reduce the number of controlled dangerous substance prescriptions being written.
- (c) During the period of probation Defendant will significantly reduce the duration of time that patients are retained on controlled dangerous substances prescribed.
- (d) During the period of probation Defendant will substantially reduce the number of patients he sees on a daily basis.
- (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 describing his current professional activities.
- (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.

That violation of any the terms and conditions of probation may be grounds for additional charges to be presented to the Board after notice to the Defendant.


2. That the Board will hold in abeyance the charge made in paragraph 10 of the Complaint relating to action taken by the Board of Control of the Memorial Hospital, Guymon, Oklahoma, until such time as judicial review of that action is completed. When judicial review is completed, the Board staff will review the ruling of the Court, the evidence thereon, and any additional evidence which Defendant may desire to submit, and initiate such further action, if any, as is warranted thereby; provided, however, no such additional action will be taken without service of additional notice upon Defendant and the granting to Defendant of proper hearing with respect to such proposed action.

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

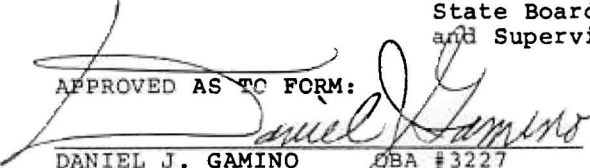
4. The Defendant further agrees that failure to meet any of the above terms of probation may constitute cause for the Board to initiate additional proceedings to suspend or revoke his Oklahoma Medical License, after additional due notice and hearing.


5. State Board acknowledges that paragraph 3 of the original Complaint filed in this action inadvertently overstated the number of dosage units prescribed by Defendant during the period covered by its prescription survey and an Amended Complaint was filed herein to more accurately reflect those figures.

DATED this 27th day of May, 1988.


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

APPROVED AS TO FORM:


DANIEL J. GAMINO DBA #3227
Daniel J. Gamino & Associates, P.C.
3315 NW 63
Oklahoma City, OK 73116
(405) 840-3741
ATTORNEY FOR PLAINTIFF


GEORGE W. DAHNKE
Hastie and Kirschner
First Oklahoma Tower, Suite 3000
210 W. Park Avenue
Oklahoma City, OK 73102
ATTORNEY FOR DEFENDANT

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 27 day of May, 1988, to:

GEORGE W. DAHNKE
Hastie and Kirschner
First Oklahoma Tower, Suite 3000
210 W. Park Avenue
Oklahoma City, OK 73102
Attorney for Defendant

