

IN AND BEFORE THE OKLAHOMA 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

MANUEL JOSEPH RAMIREZ, M.D.        CASE NO. 87-8-531 (PV-1)  
Medical License No. 14479,

Defendant.

**FINAL ORDER**  
**ON COMPLAINT OF CONTEMPT**

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision en banc on the 3rd day of February, 1989, at the Holiday Inn, 3535 NW 39th 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 Manuel Joseph Ramirez, M.D., Defendant, appeared in person and by counsel, Michael D. Brown, Enid, Oklahoma.

The Board of Medical Licensure and Supervision en banc heard testimony and announcements of counsel and reviewed the 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, Manuel Joseph 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. That following notice and hearing held on or around May 14, 1988, the Oklahoma Board of Medical Licensure and Supervision did place the Defendant on a probation for a period of three years under certain specified terms and conditions. The Board Order provided in pertinent part as follows, to-wit:

"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.

- (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.
- (i) 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.

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."

4. That the Board Order of May 14, 1988, is still in force and effect and has not been amended, modified or set aside.

5. That the Defendant willfully and deliberately failed to submit monthly self-report forms to the Investigative Division of the Oklahoma Board of Medical Licensure and Supervision for the months of June, July, August, September, October, and November, of 1988.

6. That the Defendant willfully and deliberately failed to submit copies of duplicate, serially-numbered prescriptions to the Investigative Division of the Oklahoma State Board of Medical Licensure and Supervision covering the months of June, July, August, September, October, and November, of 1988.

7. That the Defendant willfully and deliberately failed to submit post-operation summary reports as required for all surgeries performed by the Defendant covering the months of June, July, August, September, October, and November, of 1988.

8. That the Defendant willfully and deliberately failed to pay monthly supervision fee for the months of June, July, and August, of 1988.

9. That the Defendant willfully and deliberately failed to pay for investigation and prosecution costs as ordered by the Board in the amount of \$1,834.77 in that the check the Defendant sent to the Board on or around September 6, 1988, was returned by the bank marked "insufficient funds" and the Defendant has not paid that account even after notification by the Board.

CONCLUSIONS OF LAW

1. That under the Oklahoma Medical Practice Act, 59 O.S. Supp. 1988, Sec. 481 et seq., the Board may enforce disobedience of its orders by a contempt proceeding.

ORDER

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

1. That the Defendant, Manuel Joseph Ramirez, M.D., Medical License No. 14479, should be and is hereby continued on probation for a period of three (3) years beginning on May 14, 1988, and that the period of probation is extended for an additional six (6) months under the following terms and conditions as amended and set forth herein, to-wit:

- (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 Investigation 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, to include but not be limited to monthly self-report forms, copies of duplicate, serially-numbered prescriptions of all controlled dangerous substances prescribed, administered or dispensed, post-operation summary reports and any other reports required by the Board.
- (h) The reports referred to above shall be submitted monthly to the Investigation Division of the Oklahoma State Board of Medical Licensure and Supervision and shall be reviewed by the Secretary every six months.

- (i) 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.
- (j) 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.

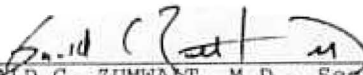
2. That the Board will hold in abeyance the charge made in paragraph 10 of the Complaint relating to action taken by the Board of Control of the Memorial Hospital, Guymon, Oklahoma, until such time as judicial review of that action is completed. When judicial review is completed, the Board staff will 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.

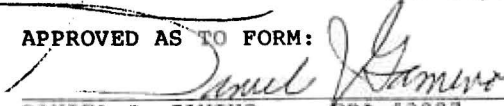
4. The Defendant further agrees that failure to meet any of the above terms of probation may constitute cause for the Board to initiate additional proceedings to suspend or revoke his Oklahoma Medical License, after additional due notice and hearing.

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 23rd day of February, 1989.

  
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 GERALD C. ZUMWALT, M.D., Secretary  
 State Board of Medical Licensure  
 and Supervision

APPROVED AS TO FORM:

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

ATTORNEY FOR PLAINTIFF

  
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 MICHAEL D. BROWN  
 Attorney at Law  
 P.O. Box 1731  
 Enid, OK 73702  
 (405) 242-0801  
 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 ~~February~~<sup>March</sup>, 1989, to:

MICHAEL D. BROWN  
Attorney at Law  
P.O. Box 1731  
Enid, OK 73702

Janet L. Owens