

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 J. RAMIREZ, M.D. CASE NO. 87-8-531 (PV2)
Medical License No. 14479,)
Defendant.)

COMPLAINT AND
SECOND COMPLAINT OF CONTEMPT

COMES NOW Michael Fairless, Director of Investigation for
the Oklahoma State Board of Medical Licensure and Supervision
being first duly sworn upon oath and states:

That Manuel J. Ramirez, M.D., holding Oklahoma Medical
License No. 14479, is in violation of the Oklahoma Medical
Practice Act, 59 O.S. 1981, Sec. 509, Paragraphs 1, 13, and 17,
to-wit:

- "1. Procuring, aiding or abetting a criminal operation."
- "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 Manuel J. Ramirez, M.D., is in violation of the
Rules and Regulations promulgated by this Board, specifically
Section X, Rules 1A, 1B, and 1F, to-wit:

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

"Rule 1B: Prescribing, dispensing or administering of controlled or narcotic drugs in excess of the amount considered good medical practice."

"Rule 1F: Dispensing, prescribing or administering a controlled substance or narcotic drug without medical need."

3 That on or around July 12, 1989, Oklahoma Bureau of Narcotics and Dangerous Drug Agent Dea Cornell, posing as patient "Danni Davis," met with the Defendant in his office and requested a prescription for Didrex, a Schedule III controlled dangerous substance. Without sufficient examination or establishing a valid physician-patient relationship and without any medical need, Defendant did agree to prescribe Didrex 50mg., 20 dosage units, and telephoned in that prescription for the aforesaid patient to the United Discount Drug, Guymon, Oklahoma.

4. That also on or around July 12, 1989, Oklahoma Bureau of Narcotics and Dangerous Drug Agent L.C., posing as patient "Larry Reagan," met with Defendant in his office. The agent/patient explained he was a weekend cocaine user and needed Valium to "take the edge off" of his cocaine high. Without establishing a valid physician-patient relationship, without sufficient examination, and without medical need, Defendant did agree to prescribe BuSpar 10mg., 15 dosage units, (a legend drug) and telephoned in that prescription to the United Discount Drug, Guymon, Oklahoma

5. That also on or around July 12, 1989, Oklahoma Bureau of Narcotics and Dangerous Drug Agent Kathryn Mays, posing as patient "Kathryn Mitchell," met with Defendant in his office. Without establishing a valid physician-patient relationship, without any medical need, and without sufficient examination, the Defendant did agree to prescribe Tylenol #3 with Codeine, 25 dosage units, a Schedule III controlled dangerous substance, to the patient and telephoned in that prescription to the United Discount Drug, Guymon, Oklahoma.

6. On July 25, 1989, Oklahoma Bureau of Narcotics and Dangerous Drug Agent L.J., posing as patient "Larry Reagan," met with Defendant in the physician's office. The agent/patient requested a prescription for Valium 10mg., a controlled dangerous

substance. Without sufficient examination, the establishment of a valid physician-patient relationship, or with demonstrated medical need, Defendant did prescribe 20 dosage units of Valium 10mg. by telephone to the United Discount Drug, Guymon, Oklahoma.

7. On August 15, 1989, Oklahoma Bureau of Narcotics and Dangerous Drug Agent D.C., posing as patient "Danni Davis," met with Defendant in the physician's office. The agent/patient requested a prescription for controlled dangerous substances, but did not demonstrate any medical need. Defendant did not undertake sufficient examination or the establishment of a valid physician-patient relationship, but did prescribe Didrex 50mg., 20 dosage units, and Xanax 0.5mg., 20 dosage units, both controlled dangerous substances, by telephone to the United Discount Drug, Guymon, Oklahoma.

SECOND COMPLAINT OF CONTEMPT

8. That all of the facts heretofore pled above are incorporated by reference as if fully set out herein.

9. That following notice and hearing held on or around February 3, 1989, the Oklahoma Board of Medical Licensure and Supervision did continue the Defendant's status on a probation period of three (3) years under certain specified terms and conditions. The Board Order provided in pertinent part as follows, to-wit

"1. That the Defendant, Manuel Joseph Ramirez, M.D., holding Oklahoma 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.
- (j) That violation of any of the terms and conditions of probation may be grounds for additional charges to be presented to the Board after notice to 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.

10. That the Board's Order following hearing on February 3, 1989, is still in force and effect and has not been amended, modified or set aside.

1. That the Defendant willfully and deliberately violated provisions of the Board's Order in the above actions with agents/patients of the Oklahoma Bureau of Narcotics and Dangerous Drugs on July 12, 1989, July 25, 1989, and August 15, 1989.

WHEREFORE, Complainant prays this Board to conduct a hearing and upon proof of the allegations contained herein that such disciplinary action be taken by the Board as is authorized by law.



MICHAEL FAIRLESS,
of Investigations
State Board of Medical Licensure
and Supervision

Subscribed and sworn to before me this 14 day of
September, 1989.

Janet L Owens
Notary Public

My Commission expires
12-17-92