

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,

MANUEL JOSEPH RAMIREZ, M.D. CASE NO. 87-8-531 (PV-2)
Medical License No. 14479,

Defendant.

FINAL ORDER
ON COMPLAINT AND SECOND COMPLAINT OF CONTEMPT

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision en banc on March 17, 1990, at the Fifth Season Inn, 63rd and N. Broadway, 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, George W. Dahnke, Hastie & Kirschner, Oklahoma City, Oklahoma.

The Board of Medical Licensure and Supervision en banc heard testimony 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 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 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.
5. 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.

6. 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.

7. 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 years under certain specified terms and conditions. The actions of Dr. Ramirez in following an office practice of telephoning prescriptions for controlled dangerous substances directly to the pharmacy in lieu of giving a prescription slip to the patient does not fulfill the terms of probation. However, any non compliance by the Defendant in that regard was not shown to be a willful and deliberate violation of any provision of the Board Order and not sufficient to support any finding of contempt.

8. The Board made suggestions to the Defendant that he discontinue the practice of telephoning prescriptions directly to the pharmacy, that he no longer preprint his OBNDD number on the prescription pads, but leave a blank and simply fill it in by hand when a prescription is issued, and further that the Defendant not abbreviate the names of any of the prescribed substances.

CONCLUSIONS OF LAW

1. 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, Paragraph 13, to-wit:

"13. Prescribe or administer a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship."

2. That Manuel J. Ramirez, M.D., is in violation of the Rules and Regulations promulgated by this Board, specifically Section X, Rules 1F, to-wit:

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

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 retained on probation for a period of three (3) years beginning on November 14, 1988.

2. That the terms and conditions of probation are modified, redrafted and republished as follows, to-wit:

- a) During the period of probation Defendant shall not prescribe, administer or dispense any controlled dangerous substances, Schedules II, III, IV and V, except to hospital in-patients and to emergency room patients receiving treatment in the emergency room and then only to prescribe, administer or dispense controlled dangerous substances at the time the treatment is received. That any controlled dangerous substances prescribed, administered or dispensed in these limited settings must be on serially-numbered, duplicate prescription pads and Defendant shall make copies thereof 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 medications.
- 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.
- (k) During the period of probation Defendant shall notify any hospital where he holds staff privileges or clinic or group where he practices of the terms and conditions of this Board Order and shall supply a copy thereof.

2. 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.

3. 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.

DATED this 22^d day of March, 1990.

Gerald C. Zumwalt

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

APPROVED AS TO FORM:

Daniel J. Gamino

 DANIEL J. GAMINO OBA #3227
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 Oklahoma City, OK 73116
 (405) 840-3741
 ATTORNEY FOR PLAINTIFF

APPROVED BY TELEPHONE 3-22-90 AS TO FORM ONLY
DJH

 GEORGE W. DAHNKE OBA #2131
 Hastie & Kirschner
 3000 First Oklahoma Tower
 210 West Park Avenue
 Oklahoma City, OK 73102
 (405) 239-6404
 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 22^d day of March, 1990, to:

GEORGE W. DAHNKE
 Hastie & Kirschner
 3000 First Oklahoma Tower
 210 West Park Avenue
 Oklahoma City, OK 73102

Steve C. Dambrow
