

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.

NARESHKUMAR PATEL, M.D.
Medical License No. 14640

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CASE NO. 87-7-514

Defendant.

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on June 9, 1990, 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 Nareshkumar Patel, Defendant, appeared in person and by counsel, Arnold Fagin, Attorney, Oklahoma City, Oklahoma.

The Board of Medical Licensure and Supervision en banc heard the oral argument of counsel, reviewed exhibits, and being fully advised in the premises, the Board of Medical Licensure and Supervision finds as follows:

FINDINGS OF FACT

1. That Defendant, Nareshkumar Patel, M.D., holds Oklahoma Medical License No. 14640.
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 10, 1989, Defendant did perform a surgical procedure on patient E.S.B., and said procedure was performed in an unprofessional manner and in an unprofessional setting.
4. That the Defendant did not comply with applicable state laws and regulations relating to the writing of prescriptions for controlled dangerous substances, in failing to maintain dispensing records for dangerous drugs, and in failing to keep complete and accurate records of the purchase and dispensing of controlled drugs or narcotic drugs.

CONCLUSIONS OF LAW

1. That Defendant failed to demonstrate that his Motion for Partial Continuance should be granted, and said motion was overruled.
2. That Defendant's Motion to Sequester Witnesses prior to the beginning of testimony was granted. However, that ruling did not include persons who were observing the proceedings and who may or may not have any interest in either side of the case.

3. That Defendant's Motion to Voir Dire Board Members on their personal and philosophical feelings toward the subject of abortion was without legal basis and was denied.

4. That Defendant's Motion to Dismiss the Complaint and Citation was without legal basis and was denied.

5. That Defendant, Nareshkumar Patel, M.D., holding Oklahoma Medical License No. 14640, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 509 and Sec. 509(11), for unprofessional conduct in his action on patient E.S.B. and for failure to keep complete and accurate records of the purchase and disposal of controlled drugs or narcotic drugs.

ORDER

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

1. That the Defendant, Nareshkumar Patel, M.D., holding Oklahoma Medical License No. 14640, should be and is hereby FORMALLY REPRIMANDED and said reprimand should be made a matter of record based on the above and foregoing facts.


2. That in addition to the aforesaid formal reprimand Defendant is hereby ordered to fulfill the following conditions to-wit:

(a) Meet with staff members of the Oklahoma Board of Medical Licensure and Supervision and implement a proper record-keeping system for controlled and narcotic drugs and appear before the Board within one (1) year from June 9, 1990, to demonstrate the record-keeping system put in place for controlled and narcotic drugs.

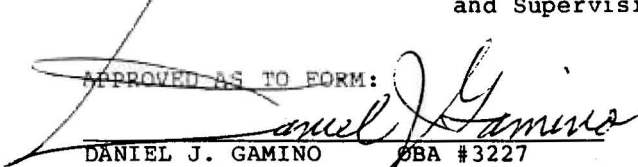
(b) Implement a formal, written, procedure manual to include qualifications of his professional and non-professional employees and job descriptions therefor, and to provide same to the Board staff within 60 days of June 9, 1990. Defendant may consult with the Board staff for assistance in preparing the formal procedures manual.

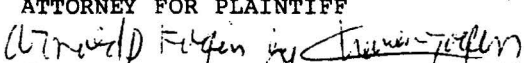
3. Exceptions granted to both parties on all rulings made herein.

DATED this 12 day of ^{July} ~~June~~, 1990.


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

APPROVED AS TO FORM:


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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 11th day of June, 1990, to:

ARNOLD D. FAGIN
Fagin & Fagin, P.C.
2650 First Oklahoma Tower
210 West Park Ave.
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Janet Dumas