

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.) CASE NO. 95-09-1760
)
JORGE ANTONIO SABORIO, M.D.)
Medical License No. 18393,)
)
Defendant.)

EMERGENCY ORDER
OF SUSPENSION

This cause came on for hearing before the Secretary of the Oklahoma Board of Medical Licensure and Supervision on December 15, 1995, 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 Jorge Antonio Saborio, M.D., Defendant, did not appear in person or by representative.

The Secretary of the Oklahoma Board of Medical Licensure and Supervision heard statements of legal counsel, reviewed the file and being fully advised in the premises, the Secretary of the Board of Medical Licensure and Supervision finds and orders as follows:

FINDINGS OF FACT

1. That Defendant, Jorge Antonio Saborio, M.D., holds Oklahoma Medical License No. 18393.
2. That the Secretary of 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 the Board staff did mail copies of the Complaint and Application for Emergency Suspension and the Citation to the Defendant at the address listed with the Oklahoma Medical Board. The Defendant was not present at that address, nor could the Defendant be found at a clinic address found by the Investigator in Ardmore. In addition to certified mail, Investigator for the Oklahoma Board of Medical Licensure and Supervision talked with the Defendant's girlfriend and the Defendant's brother, a physician in Miami, and the Defendant's legal counsel, Gene Stipe, who represented Defendant at hearings held by the Medical Center of Southeastern Oklahoma. All of the aforesaid were trying to get in touch with Defendant and were looking for the Defendant in Nicaragua.
4. That on or around August 24, 1994, Defendant's associate staff privileges at the Medical Center of Southeastern Oklahoma were extended for six months because of untimely record completion.

5. That on or around September 13, 1994, Defendant was advised to meet with the Medical Executive Committee concerning a lengthy, unexpected absence from the hospital and from his practice. That on September 20, 1994, Defendant did meet with the Committee and did address those issues. On September 28, 1994, the Committee met and recommended that Defendant be reminded timely record-keeping is mandated by the Medical Center By-Laws, close monitoring of incomplete records would be instituted, extended lengthy absences would not be tolerated, and Defendant should submit himself for evaluation by the Oklahoma Physician Impairment Program.

6. That on or around November 18, 1994, Defendant was reprimanded for abandoning a patient in the hospital without arranging for coverage during the Defendant's absence.

7. That on or around December 20, 1994, Defendant received automatic suspension from the medical staff for incomplete/delinquent medical records. On January 23, 1995, Defendant appeared before the Executive Committee to explain the reason for record completion difficulties since he had been suspended twice within a six-month period and the importance of timely record-keeping was again explained to Defendant and he stated he would complete his records in a timely fashion.

8. That in early September, 1995, Defendant's privileges as a staff member of the Medical Center of Southeastern Oklahoma were summarily suspended based on patient contact, including performance of surgical procedures, while in an impaired condition. Hearing before the Executive Committee was scheduled for September 11, 1995. At the time of the hearing, the medical staff Executive Committee heard testimony from Paul Roesler, CRNA, Tim Schmidt, RN, Kristy Owen, Scrub Tech, and from Jeanne Pirtle, RN, Director of Emergency Room, regarding Defendant's actions and omissions during surgical procedures including appearing intoxicated, exhibiting "disorderly thinking," having "mood swings," and taking an inordinate amount of time to perform a routine procedure. Defendant was also constantly late for surgery and had to be repeatedly called, smelled of alcohol, and kept changing direction to the staff and keeping them in chaos. The Board voted to keep the summary suspension in place until Defendant at his own expense obtained evaluation or counseling for substance use and psychological counseling was completed.

9. That on or around August 12, 1995, patient C.D.R. was examined by the Defendant and treated in an unprofessional manner in that options available to her were not explained and the patient's condition was not adequately explained to her.

10. That the Defendant's history of personal chemical dependency constitutes a direct threat to public health, safety and welfare to the citizens of Oklahoma.

11. That an emergency exists for which the immediate suspension of a license is imperative to protect public health, safety and welfare as set forth at 59 O.S. Supp. 1995, Sec. 503.1, in that absent licensure action by the Oklahoma Board of Medical Licensure and Supervision, nothing prevents the Defendant from leaving any chemical dependency treatment center or program against medical advice and without notice and immediately returning to Oklahoma and undertaking the practice of medicine and surgery under the legal authority of his existing Oklahoma medical license. Therefore, an emergency does exist and the Secretary of the Board should conduct an immediate hearing thereon.

CONCLUSIONS OF LAW

1. That Jorge Antonio Saborio, M.D., holding Oklahoma Medical License No. 18393, is in violation of the Oklahoma Medical Practice Act, 59 O.S. Supp. 1995, Sec. 509, Paragraphs 5 and 16, to-wit:

"5. Habitual intemperance or the habitual use of habit-forming drugs."

"16. The inability to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition."

2. That Defendant Saborio is in violation of the rules and regulations promulgated by this Board, specifically Rule 435:10-7-4, Paragraphs 3, 11, 15, 17, 18, 23, 35, 36, 40, and 42, to-wit:

"(3) The habitual or excessive use of any drug which impairs the ability to practice medicine with reasonable skill and safety to the patient."

"(11) Conduct likely to deceive, defraud, or harm the public."

"(15) Gross or repeated negligence in the practice of medicine and surgery."

"(17) Being physically or mentally unable to practice medicine and surgery with reasonable skill and safety."

"(18) Practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery."

"(23) Commission of any act of sexual abuse, misconduct, or exploitation related or unrelated to the licensee's practice of medicine and surgery."

"(35) Failure to transfer pertinent and necessary medical records to another physician in a timely fashion when legally requested to do so by the subject patient or by a legally designated representative of the subject patient."

"(36) Improper management of medical records."

"(40) The inability to practice medicine and surgery with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition."

"(42) Failure to inform the Board of a state of physical or mental health of the licensee or of any other health professional which constitutes or which the licensee suspects constitutes a threat to the public."

3. That the Secretary of the Board has legal authority to impose emergency suspension pursuant to the legal authority of the Oklahoma Medical Practice Act, 59 O.S. Supp. 1995, Sec. 503.1, and by the rules and regulations of the Board.

ORDER

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

1. That the Defendant, Jorge Antonio Saborio, M.D., Oklahoma Medical License No. 18393, should be and is hereby SUSPENDED on an emergency basis and shall remain suspended until further order of the Board and shall be set for hearing at the next meeting of the Board presently scheduled for January 19, 1996.

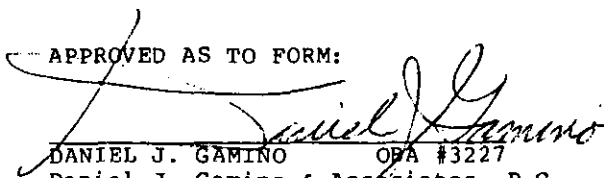
2. That a copy of this Order should be forwarded to Defendant so his record is complete.

DATED this 21 day of December, 1995.



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

APPROVED AS TO FORM:



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

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 day of December, 1995, to:

JORGE ANTONIO SABORIO, M.D.
1705 North Washington
Durant OK 74701

