

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.)

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on January 20, 1998, 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, and appearance of attorney Susan Henderson, Spradling, Alpern, Friot & Gum, 101 Park Ave., Suite 700, Oklahoma City, OK 73102, representing Medical Center of Southeastern Oklahoma.

The Oklahoma Board of Medical Licensure and Supervision heard statements of legal counsel, reviewed the file and being fully advised in the premises, 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, presently under emergency suspension by the Board Secretary.
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 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.
4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

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

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."

ORDER

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

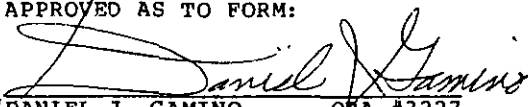
1. That Oklahoma Medical License No. 18393 of the Defendant, Jorge Antonio Saborio, M.D., should be and is hereby REVOKED.
2. That a copy of this Order should be forwarded to Defendant so his record is complete.

DATED this 25 day of January, 1996.



 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 26 day of January, 1996, to:

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

SUSAN HENDERSON
Spradling, Alpern, Friot & Gum
101 Park Ave., Suite 700
Oklahoma City, OK 73102

Janet L Owens