

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)	
)	
vs.)	
)	
RICHARD RANI WAJSBORT, M.D.)	
Medical License Number 19240)	CASE NUMBER 94-12-1664
)	
Defendant)	

FINAL ORDER OF THE BOARD

ON THE 22nd day of March, 1996, this cause comes on before the OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION, upon the verified complaint of Tom Sosbee, Compliance and Education Coordinator for the Board of Medical Licensure and Supervision, pursuant to notice given as required by law and enumerated at 75 O.S. 1995 Supp. §309, 75 O.S., 1995 Supp. §314.1 and 59 O.S., 1995 Supp. §503.

The State of Oklahoma was represented by C. Merle Gile, Attorney at Law and the Defendant did not appear but was represented by Jonathan Burch, Attorney at Law.

The Board of Medical Licensure and Supervision heard statements by legal counsel, reviewed evidence submitted and heard testimony given. Being fully advised in the premises, the Board of Medical Licensure and Supervision finds and orders as follows:

FINDINGS OF FACT

1. That Defendant Richard Rani Wajsbort, M.D. holds Oklahoma Medical License Number 19240.
2. That the Oklahoma State Board of Medical Licensure and Supervision has

jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and rules of the Board.

3. That the Oklahoma State Board of Medical Licensure and Supervision accepted a Voluntary Submittal To Jurisdiction, signed by the Defendant on or around December 5, 1994 and the terms and conditions of said Voluntary Submittal To Jurisdiction have been unmodified and in full force and effect since that date.

4. That the Oklahoma State Board of Medical Licensure and Supervision finds clear and convincing evidence to support the complaint as written in paragraphs one through ten, as follows:

Paragraph 1 of the complaint: That Richard Rani Wajsbort, M.D., holding Oklahoma Medical Licensure No. 19240, is in violation of the Oklahoma Medical Practice Act, 59 O.S. Supp. 19994, Sec. 509, Paragraph 14, to-wit:

"14. The violation, or attempted violation, direct or indirect, of any of the provisions of this Act, either as a principal, accessory or accomplice."

Paragraph 2 of the complaint: That Defendant Wajsbort is also in violation of the rules and regulations promulgated by this Board, specifically Rule 435:10-7-4, Subsections 37 and 38, to-wit:

"(37) Failure to furnish the Board, its investigators or representatives, information lawfully requested by the Board."

"(38) Failure to cooperate with a lawful investigation conducted by the Board."

Paragraph 3 of the complaint: That on or around December 5, 1994, following notice and hearing, the Defendant did sign a Voluntary Submittal to Jurisdiction and Order wherein Defendant submitted to the jurisdiction of the Oklahoma Board of Medical Licensure and Supervision.

Paragraph 4 of the complaint: That the aforesaid Voluntary Submittal to Jurisdiction and Order was accepted and approved subsequently by the Oklahoma Board of Medical Licensure and Supervision en banc.

Paragraph 5 of the complaint: That said Order made Findings of Fact as follows, to-wit:

"(1) The applicant acknowledged in his application for licensure to previous abuse of drugs, to-wit: cocaine;

(2) The applicant subsequently completed a treatment program for such abuse.

(3) The Board, as the regulatory body for medical doctors in the State of Oklahoma, maintains a significant interest in ensuring the proper practice of medicine and surgery in this state;

(4) In that capacity, the Board may set terms and conditions of licensure consistent with its statutory authority."

Paragraph 6 of the complaint: That said Order provided and placed the Defendant on a period of probation of five (5) years beginning on December 5, 1994, and the conditions included the following, to-wit:

"3. During the period of probation, the applicant shall take no medication except as is specifically authorized by a physician treating him for a legitimate medical need. The applicant shall have the affirmative duty to inform the treating physician of the applicant's previous abuse of cocaine;

4. During the period of probation, the applicant shall not consume or use in any way any substance which would have an adverse affect on his ability to practice medicine with reasonable skill and safety;

5. During the period of probation, the applicant shall submit biological fluid specimens to include, but not limited to, blood and urine, for analysis upon request of any investigator or other agent of the Board, the costs of such analysis shall be paid by the applicant."

Paragraph 7 of the complaint: That said portions of the aforesaid Voluntary Submittal to Jurisdiction and Order have remained in full force and effect and have not been modified or amended by the Oklahoma Board of Medical Licensure and Supervision.

Paragraph 8 of the complaint: That since the date of the Board's acceptance of the aforesaid Voluntary Submittal to Jurisdiction and Order, Defendant has deliberately and willfully failed and neglected to fulfill terms and conditions thereof in that the Defendant is being treated informally by a fellow pathologist and is taking Atenolol and Capoten as prescribed by that fellow pathologist and has not presented himself to a personal physician for detailed examination and treatment for a legitimate medical need, and that on or around August 22, 1995, Defendant failed and refused repeated requests to provide a urine specimen by Compliance and Education Coordinator Tom Sosbee, and failed and refused to immediately accompany Mr. Sosbee to a laboratory where a serum specimen could be drawn.

Paragraph 9 of the complaint: That the Defendant's failure to seek out a personal physician and the defendant's failure to provide a urine specimen upon repeated request of the Compliance Coordinator and refusal to accompany the Compliance Coordinator to a laboratory where a serum specimen could be drawn are directly contrary to the plain terms and conditions of the Order issued by the Board.

Paragraph 10 of the complaint: That the defendant is perpetuating significant harm to public health, safety and welfare by continuing the acts and omissions set forth in the above allegations.

5. That on February 14, 1996, an emergency hearing was held under pursuant to the Oklahoma Administrative Procedures Act 75 O.S. Supp 1995 §314.1 and the Oklahoma Medical Practice Act 59 O.S. Supp 1994 §503.1, wherein evidence was presented consisting of a urine drug screen positive for cocaine in January, 1996, the licensee's continuing absence from place of employment and failure to notify the Board of current legal address. A temporary suspension of the license was imposed on that date.

CONCLUSIONS OF LAW

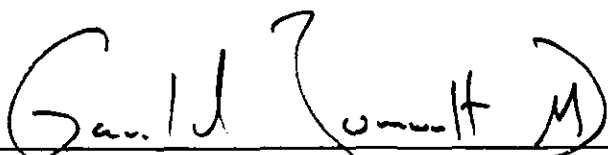
1. That the act of refusal to provide a urine specimen on request and the act of refusal to accompany the Compliance and Education Coordinator to a laboratory where a serum specimen could be obtained and defendant's subsequent positive test for cocaine in January, 1996, constitutes a violation of terms of probation in violation of a legally issued Board Order, and as such a violation of 59 O.S., 1995 Supp. §513 of the Oklahoma Medical Practice Act.

2. That the Board of Medical Licensure and Supervision has authority vested in it through 59 O.S., 1995 Supp. §509.1 to impose disciplinary actions.

ORDER

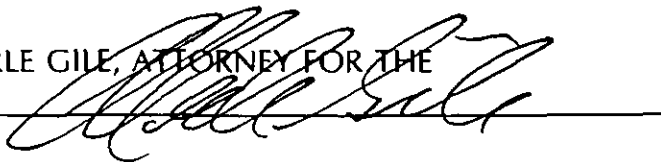
Therefore, it is the Order of the Oklahoma State Board of Medical Licensure and Supervision that the Oklahoma Medical License of Richard Rani Wajsbort, number 19240 be and is hereby REVOKED.

Dated this 18 day of April, 1996.

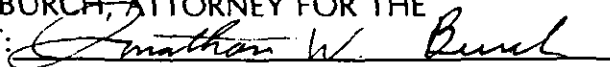

GERALD C. ZUMWALT, M.D., SECRETARY/MEDICAL DIRECTOR

APPROVED AS TO FORM:

C. MERLE GILE, ATTORNEY FOR THE STATE:



JONATHAN BURCH, ATTORNEY FOR THE 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 23 day of April, 1996, to:

RICHARD R. WAJSBORT, M.D.
3176 NW EXPRESSWAY #315
OKLAHOMA CITY, OK 73112

JONATHAN W. BURCH
ATTORNEY AT LAW
825 NW 58TH STREET
OKLAHOMA CITY, OK 73118