



435:10-4-11, this agreement shall not be considered by the Board to be a disciplinary action.

### *AGREEMENTS*

In consideration of the mutual promises stated herein, the Board shall issue Applicant a special training license to practice as a physician and surgeon subject to the following terms and conditions:

1. Applicant will conduct Applicant's practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Board. Any question of interpretation regarding the Act or this Agreement shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Applicant until clarification of interpretation is received by Applicant from the Board.

2. Applicant will submit for analysis biological fluid specimens, including but not limited to, blood and urine, upon request of the Board or its designee, and Applicant will pay the costs attendant thereto.

3. Applicant will not prescribe, administer or dispense any medications for personal use.

4. Applicant will take no medication except that which is authorized by a physician treating Applicant for a legitimate medical need. Applicant will have the affirmative duty to inform any and every doctor treating Applicant of this agreement prior to the commencement of, or continuation of presently ongoing, treatment.

5. Applicant will have the affirmative duty not to ingest any other substance which will cause a body fluid sample to test positive for prohibited substances.

6. Applicant will practice in a controlled environment approved by the Board or its designee and will limit his practice to the OB/GYN residency program at the University of Oklahoma Health Science Center in Tulsa, Oklahoma.

7. Applicant will keep the Board informed of his current address.

8. Applicant will execute releases of medical, counseling and psychiatric records for use by the Compliance Consultant or other agents of the Board and will authorize the Compliance Consultant or other agents of the Board to discuss Applicant's case with Applicant's treating physicians, counselors and/or other custodians of Applicant's records.

9. Applicant will notify the Board or its designee of any arrest or charge filed against him or of any conviction for driving under the influence or while intoxicated or

involving alcohol or any other prohibited substance, or for any criminal offense involving substance abuse.

10. Any violation of the terms, conditions and requirements of this agreement shall constitute conclusive evidence of unprofessional or dishonorable conduct, which may result in disciplinary action, including suspension or revocation after due notice and hearing.

11. The terms and conditions of this agreement shall be of a continuing nature until set aside or otherwise terminated by the Board either on the Board's own motion or upon motion of the Applicant.

12. Applicant will furnish a copy of this agreement to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.

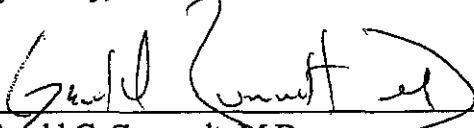
13. Applicant will keep current payment of all assessments by the Board for the investigation and monitoring of his case unless Applicant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.

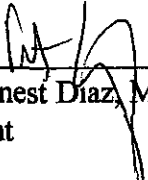
14. Until such time as all indebtedness to the Board has been satisfied, Applicant will reaffirm said indebtedness in any and all bankruptcy proceedings.

15. Applicant shall make himself available for one or more personal appearances before the Board or its designee upon request.

16. Applicant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or designee.

Executed and agreed to this 28 day of July, 2000.

  
\_\_\_\_\_  
Gerald C. Zumwalt, M.D.  
Secretary and Medical Advisor  
Oklahoma State Board of Medical  
Licensure and Supervision

  
\_\_\_\_\_  
Peter Ernest Diaz, M.D.  
Applicant

IN AND BEFORE THE OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE AND SUPERVISION  
STATE OF OKLAHOMA

**FILED**

STATE OF OKLAHOMA )  
EX REL. THE OKLAHOMA BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
PETER ERNEST DIAZ, M.D., )  
SPECIAL TRAINING LICENSE NO. 21926, )  
 )  
Defendant. )

DEC - 3 2001

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 01-09-2405

COMPLAINT

COMES NOW the Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Complaint against the Defendant, Peter Ernest Diaz, M.D., alleges and states as follows:

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.*
2. Defendant, Peter Ernest Diaz, M.D., holds Oklahoma special training license no. 21926.
3. From July 1, 2000 through June 30, 2001, Defendant was a second year resident in the Department of Obstetrics and Gynecology at the University of Oklahoma Health Sciences Center in Tulsa, Oklahoma.
4. On or about March 25, 2001, Defendant was placed on probation for failing to meet the performance standards of the training program. The probation was to continue until receipt of Defendant's in-service exam results, on which Defendant was required to obtain a score of 190 or greater to be taken off of probation. Defendant subsequently obtained a score of 159 on his in-service exams. Defendant was then notified on or about August 27, 2001 that his employment with the University of Oklahoma College of Medicine, Tulsa Department of Obstetrics and Gynecology Residency Program was terminated due to his failure to pass Step 3 of the USMLE by the end of his PGY-2 year.

5. During the time Defendant was a second year resident, Defendant was the acting OB-Gyn on numerous procedures at which time patient care was jeopardized due to Defendant's acts of negligence or his inability to perform the required procedures with appropriate skill and knowledge.

6. Defendant is guilty of unprofessional conduct in that he:

A. Engaged in conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11).

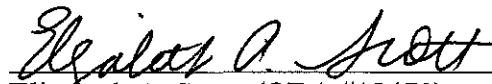
B. Engaged in gross or repeated negligence in the practice of medicine and surgery in violation of OAC 435:10-7-4(15).

C. Engaged in practice or other behavior which demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).

### *Conclusion*

WHEREFORE, the Plaintiff respectfully requests that the Board conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to Defendant's medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



Elizabeth A. Scott (OBA #12470)

Assistant Attorney General

State of Oklahoma

5104 N. Francis, Suite C

Oklahoma City, OK 73118

Attorney for the Plaintiff

IN AND BEFORE THE OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE AND SUPERVISION  
STATE OF OKLAHOMA

**FILED**

DEC - 3 2001

STATE OF OKLAHOMA )  
EX REL. THE OKLAHOMA BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )  
 )  
Plaintiff, )  
 )  
v. )  
PETER ERNEST DIAZ, M.D., )  
 )  
SPECIAL TRAINING LICENSE NO. 21926 )  
 )  
Defendant. )

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 01-09-2405

CITATION

YOU ARE HEREBY NOTIFIED that on the 3 day of December, 2001, a sworn Complaint was filed with the undersigned Secretary of the Oklahoma State Board of Medical Licensure and Supervision, State of Oklahoma, charging you with violations of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act at 59 O.S. §509 (9) and OAC 435:10-7-4(11), (15) and (18). A copy of the Complaint is attached hereto and made a part thereof.

On January 17-19, 2002, the Board will be in regular session at 9:00 o'clock a.m., at its offices located at 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, at which time your Complaint will be considered by the Board, and a hearing will be held pursuant to the Oklahoma Administrative Procedures Act, 75 Okla. Stat. §309, *et seq.*, as amended.

If the Board decides, after considering all the testimony and evidence, that you are guilty as charged, your license to practice as a physician within the State of Oklahoma may be suspended or revoked or other disciplinary action may be taken by the Board as authorized by law, including the assessment of costs and attorney's fees for this action as provided by law.

Under the laws of the State of Oklahoma, you are required to file your written Answer under oath with the Secretary of the Board within twenty (20) days after the Citation is served upon you. Unless your Answer is so filed, you will be considered in default, and the Board may accept the allegations set forth in the complaint as true at the hearing of the complaint. If the charges are deemed sufficient by the Board, your license to practice as a physician in the State of Oklahoma may be suspended or revoked.

THEREFORE, you are cited to appear at the hearing. If you are not present in person, you may be present through your attorney.

DATED this 3 day of December, 2001 at 2<sup>26</sup><sub>PM</sub> o'clock.



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

mk

IN AND BEFORE THE OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE AND SUPERVISION  
STATE OF OKLAHOMA

STATE OF OKLAHOMA )  
EX REL. THE OKLAHOMA BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )

Plaintiff )

v. )

PETER ERNEST DIAZ, M.D., )  
SPECIAL TRAINING LICENSE NO. 21926, )

Defendant. )

**FILED**

DEC 20 2001

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 01-09-2405

PLAINTIFF'S PRELIMINARY WITNESS  
AND EXHIBIT LIST

COMES NOW the plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision, and submits the following preliminary witness and exhibit list:

Plaintiff's Witnesses:

1. Peter Ernest Diaz, M.D. - Dr. Diaz will testify regarding all allegations contained in the Complaint.
2. Jim Birdsong, Investigator, OSBMLS-Mr. Birdsong will testify regarding his investigation of the Defendant and all allegations contained in the Complaint.
3. Howard A. Shaw, M.D.-Dr. Shaw will testify regarding Defendant's probation and the allegations in the Complaint.
4. James H. Beeson, M.D.-Dr. Beeson will testify regarding the allegations in the Complaint.
5. Tamara Medley, M.D.-Dr. Medley will testify regarding her dealings with Defendant and an incident on May 29, 2001 involving Defendant.

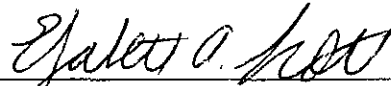


6. Mark Harmon, M.D.-Dr. Harmon will testify regarding the allegations in the Complaint.
7. Jenine Smith, P.A.-Ms. Smith will testify regarding the allegations in the Complaint and an incident on April 30, 2001 involving Defendant.
8. Dr. Street, M.D.-Dr. Street will testify regarding the allegations in the Complaint.
9. Dr. Marsha Nahra, M.D.-Dr. Nahra will testify regarding the allegations in the Complaint.
10. Dr. Jeng, M.D.- Dr. Jeng will testify regarding the allegations in the Complaint.
11. Dr. Chadwick, M.D.-Dr. Chadwick will testify regarding the allegations in the Complaint.
12. All witnesses listed by the Defendant.

**Plaintiff's Exhibits:**

1. All exhibits listed by Defendant.
2. Residency evaluations of Defendant.
3. Defendant's complete residency file from the University of Oklahoma Health Sciences Center, Department of Gynecology and Obstetrics, Tulsa Campus.
4. Defendant's complete public file at the Oklahoma State Board of Medical Licensure and Supervision.

Respectfully submitted,



Elizabeth A. Scott (OBA #12470)  
Assistant Attorney General  
State of Oklahoma  
5104 N. Francis, Suite C  
Oklahoma City, OK 73118

Attorney for the Plaintiff

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AK

**IN AND BEFORE THE OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE AND SUPERVISION  
STATE OF OKLAHOMA**

**THE STATE OF OKLAHOMA, ex. rel.,  
THE OKLAHOMA BOARD OF  
MEDICAL LICENSURE AND  
SUPERVISION,  
Plaintiff,**

**vs.**

**Case No. 01-09-2405**

**PETER ERNEST DIAZ, M.D.  
SPECIAL TRAINING LICENSE NO. 21926  
Defendant.**

---

**ANSWER**

**COMES NOW** the Defendant, Dr. Diaz, by and through his undersigned attorney, and in response to the Board's allegations of December 3, 2001, states as follows:

1. The Defendant admits the allegations in ¶ 1;
2. The Defendant admits the allegations in ¶ 2;
3. The Defendant admits allegations in ¶ 3;
4. Regarding ¶ 4, the Defendant admits he was placed upon probation by his teaching hospital. Defendant denies he "subsequently obtained a score of 159 on his in-service exams." In fact, after the probation the Defendant scored 193, a passing score, on this exam;
5. The Defendant denies the allegations in ¶ 5 and demands strict proof thereof;
6. The Defendant denies the allegations in ¶ 6 in there entirety because these multiple conclusions do not present Dr. Diaz with any facts to which he can respond.

**WHEREFORE** the Defendant prays that the allegations be deemed unfounded and that he be awarded attorney fees and costs.

Respectfully submitted to the Board and delivered to:

Elizabeth Scott  
Attorney for the Board  
*Oklahoma Board of Medical Licensure and Supervision*  
5104 North Francis, ste C.  
P.O. Box 18256  
Oklahoma City, OK 73154-0256

As December 26, 2001, by



Richard O'Carroll, OBA # 11947  
*O'Carroll & O'Carroll*  
2171 N. Vancouver  
Tulsa, OK 74127  
(918) 584-4192  
(918) 599-7997 facsimile

ATTORNEY FOR PETER DIAZ, M.D.

IN AND BEFORE THE OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE AND SUPERVISION  
STATE OF OKLAHOMA

**FILED**

JAN 4 2002

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA )  
EX REL. THE OKLAHOMA BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )  
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Plaintiff, )  
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v. )  
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PETER ERNEST DIAZ, M.D., )  
SPECIAL TRAINING LICENSE NO. 21926 )  
 )  
 )  
Defendant. )

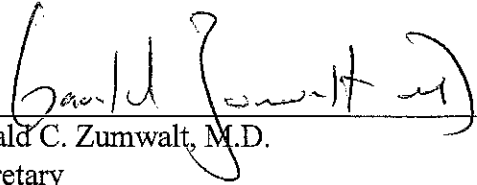
Case No. 01-09-2405

ORDER OF CONTINUANCE

The undersigned Secretary for the Oklahoma State Board of Medical Licensure and Supervision, in consideration of the Defendant's request for a continuance, enters the following findings of fact, conclusions of law and orders:

1. Defendant's hearing on the Complaint and Citation pending in this case was initially set for January 17-19, 2002.
2. The Defendant's counsel requests a continuance based upon the fact that he is scheduled to be in trial on another matter at the time of the hearing.
3. The Plaintiff has no objection to the requested extension.
4. For good cause shown, Defendant's request for continuance is hereby granted and Defendant's hearing is rescheduled before the Oklahoma State Board of Medical Licensure and Supervision *en banc* at its next regularly scheduled meeting March 14-16, 2002.

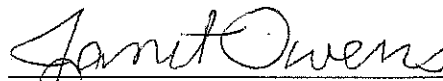
Entered this 4 day of January, 2002.



Gerald C. Zumwalt, M.D.  
Secretary  
Oklahoma State Board of Medical  
Licensure and Supervision

CERTIFICATE OF SERVICE

I certify that on the 7 day of January, 2002, I mailed, via first class mail, postage pre-paid, a true and correct copy of this pleading to Richard O'Carroll, 2171 N. Vancouver, Tulsa, OK 74127.



Janet Owens

IN AND BEFORE THE OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE AND SUPERVISION  
STATE OF OKLAHOMA

FILED

JAN 30 2002

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

THE STATE OF OKLAHOMA, ex. rel.,  
THE OKLAHOMA BOARD OF  
MEDICAL LICENSURE AND  
SUPERVISION,  
Plaintiff,

vs.

Case No. 01-09-2405

PETER ERNEST DIAZ, M.D.  
SPECIAL TRAINING LICENSE NO. 21926  
Defendant.

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MOTION TO CONTINUE HEARING DATE

COMES NOW the Defendant, Dr. Diaz, by and through his undersigned attorney, and hereby applies to the Board for a continuance of the above styled and numbered cause for the following reasons:


1. **THAT** counsel for the Defendant, Richard O'Carroll, has a jury trial set on the hearing date, January 14, 2002, specifically *State v. Hindman*, in Nowata Co. CF-2000-73. This case should take at least one (1) week to try;
2. **THAT** the undersigned has discussed this matter with counsel for the executive, Ms. Libby Scott, prior to his appearing in this case and she indicated she did not believe there would be a problem in gaining a continuance;
3. **THAT**, after discovery, the Defendant may be amenable to discuss a settlement of these accusations;

**WHEREFORE** the Defendant prays that his hearing be continued until the next term of the Board.

Respectfully submitted to the Board and delivered to:

Elizabeth Scott  
Attorney for the Board  
*Oklahoma Board of Medical Licensure and Supervision*  
5104 North Francis, ste C.  
P.O. Box 18256  
Oklahoma City, OK 73154-0256

As December 26, 2001, by



---

Richard O'Carroll, OBA # 11947  
*O'Carroll & O'Carroll*  
2171 N. Vancouver  
Tulsa, OK 74127  
(918) 584-4192  
(918) 599-7997 facsimile

ATTORNEY FOR PETER DIAZ, M.D.

IN AND BEFORE THE OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE AND SUPERVISION  
STATE OF OKLAHOMA

**FILED**

JAN 30 2002

THE STATE OF OKLAHOMA, ex. rel.,  
THE OKLAHOMA BOARD OF  
MEDICAL LICENSURE AND  
SUPERVISION,  
Plaintiff,

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

vs.

Case No. 01-09-2405

PETER ERNEST DIAZ, M.D.  
SPECIAL TRAINING LICENSE NO. 21926  
Defendant.

---

ANSWER

COMES NOW the Defendant, Dr. Diaz, by and through his undersigned attorney, and in response to the Board's allegations of December 3, 2001, states as follows:

1. The Defendant admits the allegations in ¶ 1;
2. The Defendant admits the allegations in ¶ 2;
3. The Defendant admits allegations in ¶ 3;
4. Regarding ¶ 4, the Defendant admits he was placed upon probation by his teaching hospital. Defendant denies he "subsequently obtained a score of 159 on his in-service exams." In fact, after the probation the Defendant scored 193, a passing score, on this exam;
5. The Defendant denies the allegations in ¶ 5 and demands strict proof thereof;
6. The Defendant denies the allegations in ¶ 6 in there entirety because these multiple conclusions do not present Dr. Diaz with any facts to which he can respond.

WHEREFORE the Defendant prays that the allegations be deemed unfounded and that he be awarded attorney fees and costs.

Respectfully submitted to the Board and delivered to:



Elizabeth Scott  
Attorney for the Board  
*Oklahoma Board of Medical Licensure and Supervision*  
5104 North Francis, ste C.  
P.O. Box 18256  
Oklahoma City, OK 73154-0256

As December 26, 2001, by

**ORIGINAL SIGNED BY  
RICHARD O'CARROLL**

---

Richard O'Carroll, OBA # 11947  
*O'Carroll & O'Carroll*  
2171 N. Vancouver  
Tulsa, OK 74127  
(918) 584-4192  
(918) 599-7997 facsimile

ATTORNEY FOR PETER DIAZ, M.D.

IN AND BEFORE THE OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE AND SUPERVISION  
STATE OF OKLAHOMA

**FILED**

JAN 30 2002

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

THE STATE OF OKLAHOMA, ex. rel.,  
THE OKLAHOMA BOARD OF  
MEDICAL LICENSURE AND  
SUPERVISION,  
Plaintiff,

vs.

Case No. 01-09-2405

PETER ERNEST DIAZ, M.D.  
SPECIAL TRAINING LICENSE NO. 21926  
Defendant.

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**DEFENDANT'S INTERROGATORIES AND REQUEST FOR PRODUCTION OF  
DOCUMENTS**

COMES NOW the Defendant, Dr. Diaz, by and through his undersigned attorney, and hereby submits the following discovery requests:

**INTERROGATORIES**

1. Please provide the name, address, phone numbers and proposed detailed testimony of any witness known to the Plaintiff which may testify in this matter;
2. Please provide specific facts which constitute the basis for the Plaintiff's allegation that during his second year residency Dr. Diaz supposedly jeopardized his patients due to negligence or inability to perform required procedures with appropriate skill and knowledge as alleged in ¶ 5 of the *Complaint*;
3. Please provide specific facts which constitute the basis for the Plaintiff's allegation Dr. Diaz "engaged in conduct likely to deceive, defraud or harm the public" as alleged in ¶ 6(A) of the *Complaint*;
4. Please provide specific facts which constitute the basis for the Plaintiff's allegation Dr. Diaz

engaged in "gross or repeated negligence" as alleged in ¶ 6(B) of the *Complaint*.

5. Please provide specific facts which constitute the basis for the Plaintiff's allegations Dr. Diaz engaged in "engaged in practice or other behavior which incapacity or incompetence as" as alleged in ¶ 6(C) of the *Complaint*.

### **REQUEST FOR PRODUCTION OF DOCUMENTS**

6. Please provide copies of all documents, papers, or things related to this case which the Plaintiff reviewed prior to making these allegations.

Respectfully submitted to the Board and delivered to:

Elizabeth Scott  
Attorney for the Board  
*Oklahoma Board of Medical Licensure and Supervision*  
5104 North Francis, ste C.  
P.O. Box 18256  
Oklahoma City, OK 73154-0256

As December 26, 2001, by

ORIGINAL SIGNED BY  
RICHARD O'CARROLL

Richard O'Carroll, OBA # 11947  
*O'Carroll & O'Carroll*  
2171 N. Vancouver  
Tulsa, OK 74127  
(918) 584-4192  
(918) 599-7997 facsimile

ATTORNEY FOR PETER DIAZ, M.D.

IN AND BE FORE THE OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE AND SUPERVISION  
OF THE STATE OF OKLAHOMA

**FILED**

**FEB 13 2002**

STATE OF OKLAHOMA, ex rel., )  
OKLAHOMA STATE BOARD OF )  
MEDICAL LICENSURE AND )  
SUPERVISION, )

Plaintiff, )

vs )

PETER ERNEST DIAZ, M. D., )  
SPECIAL TRAINING LICENSE NO. 21926 )

Defendant )

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

CASE NO.01-09-2405

**RESPONSE TO DEFENDANT'S INTERROGATORIES AND**  
**REQUEST FOR PRODUCTION OF DOCUMENTS**

COMES NOW the State of Oklahoma, ex rel., the Oklahoma State Board of Medical License and Supervision, and for its Response to the Defendant's Interrogatories and Request for Production of Documents, submits the following:

**Request for Production No. 1:** Please provide copies of all documents, papers, or things related to this case which the Plaintiff reviewed prior to making these allegations.

**Response to Request for Production No. 1:** Plaintiff objects to the production of its investigative reports on the grounds that they are confidential and not subject to disclosure pursuant to 51 O.S.§24A.12. However, Plaintiff will produce all documents it intends to present as evidence at the hearing in this matter.

**INTERROGATORIES**

**Interrogatory No. 1:** Please provide the name, address, phone numbers and proposed detailed testimony of any witness known to the Plaintiff which may testify in this matter.

**Response to Interrogatory No. 1:** See Plaintiff's Preliminary Witness and Exhibit List.

Plaintiff reserves the right to call additional witnesses as revealed through discovery.

**Interrogatory No. 2:** Please provide specific facts which constitute the basis for the Plaintiff's allegation that during his second year of residency Dr. Diaz supposedly jeopardized his patients due to negligence or inability to perform required procedures with appropriate skill and knowledge as alleged in paragraph 5 of the Complaint.

**Response to Interrogatory No. 2:** See response to Request for Production of Documents. The facts include several incidents on May 29, 2001 involving Defendant and patients as reported by Tamara Medley, M.D., an incident on May 3, 2001 involving Defendant and a patient as reported by Jenine Smith, P.A., an incident on April 24, 2001 involving Defendant and a patient as reported by Dr. Shaw, Dr. Street, Dr. Nahra, Dr. Jeng and Dr. Christy, numerous incidents involving Defendant where he would refuse to go to the emergency room with the chief resident and would not second assist on gyn procedures because he did not have the knowledge or skills to perform the procedures, incidents involving Defendant as reported by Dr. Chadwick where Defendant failed to show up for surgeries assigned to him, and an incident on April 23, 2001 involving a patient with a repeat C-section involving Defendant as reported by Dr. Nahra, Dr. Santillan and Dr. Shaw where Defendant could not identify the bowel or the bladder, did not know what particular tissue planes were, could not get the placenta out, and appeared to have no knowledge of the particular procedure.

**Interrogatory No. 3:** Please provide specific facts which constitute the basis for the Plaintiff's allegation Dr. Diaz "engaged in conduct likely to deceive, defraud or harm the public" as alleged in paragraph 6 (A) of the Complaint.

**Response to Interrogatory No. 3** See Response to Interrogatory No. 2.

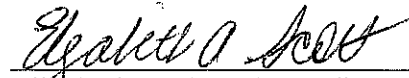
**Interrogatory No. 4:** Please provide specific facts which constitute the basis for the Plaintiff's allegation Dr. Diaz engaged in "gross or repeated negligence" as alleged in paragraph 6(B) of the Complaint.

**Response to Interrogatory No. 4:** See Response to Interrogatory No. 2.

**Interrogatory No. 5:** Please provide specific facts which constitute the basis for the Plaintiff's allegations Dr. Diaz engaged in "practice or other behavior which incapacity or incompetence" as alleged in paragraph 6(C) of the Complaint.

**Response to Interrogatory No. 5:** See Response to Interrogatory No. 2.

Respectfully submitted,

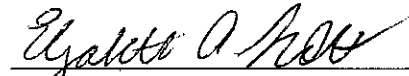


Elizabeth A. Scott (OBA #12470)  
Assistant Attorney General  
State of Oklahoma  
5104 N. Francis, Suite C  
Oklahoma City, OK 73118

Attorney for the Plaintiff

**CERTIFICATE OF MAILING**

I certify that on the 13<sup>th</sup> day of February, 2002, I mailed a true and correct copy of the Plaintiff's response to request for production of documents and interrogatories to Richard O'Carroll, O'Carroll & O'Carroll, 2171 N. Vancouver, Tulsa, OK 74127.



Elizabeth A. Scott

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IN AND BEFORE THE OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE AND SUPERVISION  
STATE OF OKLAHOMA

FILED

STATE OF OKLAHOMA )  
EX REL. THE OKLAHOMA BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )

MAR 11 2002

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )

v. )

Case No. 01-09-2405

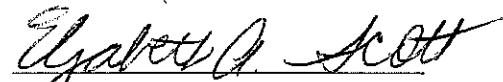
PETER ERNEST DIAZ, M.D. )  
SPECIAL TRAINING LICENSE NO. 21926 )

Defendant. )

DISMISSAL WITHOUT PREJUDICE

COMES NOW the plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision, and hereby dismisses its complaint against Defendant, Peter Ernest Diaz, Special Training License No. 21926, without prejudice to the refileing of the same.

Respectfully submitted,



Elizabeth A. Scott, OBA #12470  
Assistant Attorney General  
State of Oklahoma  
5104 N. Francis, Suite C  
Oklahoma City, OK 73118

Attorney for the Plaintiff

CERTIFICATE OF SERVICE

I certify that on the 11 day of March, 2002, I mailed, via first class mail, postage pre-paid, a true and correct copy of this pleading to Richard O'Carroll, O'Carroll & O'Carroll, 2171 N. Vancouver, Tulsa, OK 74127.

  
Janet Owens

**Excerpt from the May 9, 2002 Board meeting**  
**Peter E. Diaz, MD**

Diaz sworn.

Stout: The only thing that I have a question about is the other candidates that come before us under similar circumstances had assessments and they were deemed okay and they still got their license under terms of agreement. So, you know, to be consistent do we need to do the same thing? [unintelligible]

Alexander: Make that motion?

Stout: I will make that motion.

Gormley: Okay.

O'Carroll: Members of the Board, if I may?

Gormley: Yes.

O'Carroll: My client informs me that the agreement ends, I believe, expires in two years. I mean in two months. The two year will be fully completed at that time. So I don't know that . . . .

Zumwalt: No, it's reviewed at that time.

Scott: It's reviewed.

O'Carroll: It will be reviewed? Okay.

Zumwalt: The agreements are open ended. They are traditionally reviewed at the end of two years.

O'Carroll: I stand corrected and thank you, Doctor. But thus far he is in full compliance and he has received a favorable evaluation.

Rine: How much longer is school does he have? How much longer is his school?

Diaz: Eleven months. Or thirteen months. Sorry.

Stout: Mister President, in the application of Peter E. Diaz, number 21926, I move that his application for full medical license be approved under the terms of agreement as listed in the special license.

Alexander: Second.

All vote aye.



IN AND BEFORE THE OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE AND SUPERVISION  
STATE OF OKLAHOMA

FILED

JUN - 6 2002

IN THE MATTER OF THE )  
APPLICATION OF )  
)  
)  
PETER ERNEST DIAZ )  
)  
)  
FOR FULL MEDICAL LICENSE )  
UNDER TERMS OF AGREEMENT )  
)

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Application No. 21926

**FINAL ORDER GRANTING FULL MEDICAL LICENSE  
UNDER TERMS OF AGREEMENT**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision on May 9, 2002, at the Board office, 5104 North Francis, Suite C, Oklahoma City, Oklahoma 73118, pursuant to notice given as required by law and rules of the Board.

Peter Ernest Diaz, Applicant, appeared in person and through counsel, Richard O'Carroll.

The Board *en banc* heard testimony, reviewed the exhibits presented, and being fully apprised of the premises, entered the following Findings of Fact, Conclusions of Law, and Orders:

***Findings of Fact***

1. Applicant currently holds Oklahoma special training license no. 7261.
2. The Board *en banc* has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the rules of the Board.
3. On July 28, 2000, after due notice and hearing, the Board issued Applicant a special training license under terms of an Agreement for Licensure based upon a history of substance abuse.
4. The Applicant requests a full medical license under the same terms of agreement applicable to his special training license as set forth in the Agreement for Licensure entered into on July 28, 2000.
5. The Applicant presented sufficient evidence to support his application for full licensure under the same terms of agreement applicable to his special training license.

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NA

**CONCLUSIONS OF LAW**


1. The Board has jurisdiction to hear this matter pursuant to 59 O.S. §480 et seq.
2. Applicant has presented satisfactory evidence to justify issuing him a full medical license under the same terms of agreement applicable to his special training license as set forth in the Agreement for Licensure entered into on July 28, 2000.

**ORDER**

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

1. Applicant shall be **ISSUED A FULL MEDICAL LICENSE**.
2. Applicant's full medical license shall be issued under the same terms of agreement applicable to his special training license as set forth in the Agreement for Licensure entered into on July 28, 2000.
3. This Order shall be effective May 9, 2002.

Dated this 6 day of June, 2002.

  
\_\_\_\_\_  
Gerald C. Zumwalt, M.D., Secretary  
Oklahoma State Board of Medical  
Licensure and Supervision

**Certificate of Service**

On the 7 day of June, 2002, a true and correct copy of this order was mailed, postage prepaid, to the Applicant, Peter Ernest Diaz, 1000 S. Denver, #3201, Tulsa, OK 74119 and to Richard O'Carroll, O'Carroll & O'Carroll, 2171 N. Vancouver, Tulsa, OK 74127.

  
\_\_\_\_\_  
Janet Owens

IN AND BEFORE THE OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE AND SUPERVISION  
STATE OF OKLAHOMA

**FILED**

MAR 18 2003

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

IN THE MATTER OF THE  
APPLICATION OF

PETER ERNEST DIAZ

FOR FULL MEDICAL LICENSE  
UNDER TERMS OF AGREEMENT

Application No. 21926

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**PETITION TO REMOVE SPECIAL TERMS OF AGREEMENT**

COMES NOW the Petitioner, Peter Ernest Diaz, by and through counsel, and hereby applies to this Board for the removal of the special terms of his agreement with the Board.

In support of this application the Petitioner shows and informs the Board:

1. **THAT** on or about July 28, 2000, the Petitioner voluntarily agreed to a special training license No. 7261 which included the condition that the Petitioner submit to random substance abuse testing. The basis for this condition was a singular 1998 DWI allegation which was dismissed in December of 2000;
2. **THAT** the Petitioner's substance abuse evaluation indicated he was "unlikely to repeat the offense;"
3. **THAT** the while under this agreement the Petitioner abided in his conditions, has never been accused of any type of impairment, and has never failed or refused any substance abuse testing. In sum, the Petitioner has fully complied with his special conditions;
4. **THAT** subsequently on or about June 6, 2002, the Board granted the Petitioner a full medical license; however, the Board left the special condition;

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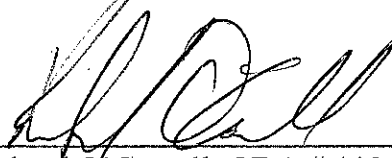
5. **THAT** since June 6, 2002, until the present the Petitioner has again fully complied with his special conditions;

**ACCORDINGLY**, the Petitioner prays the special condition be removed and that he be granted a full and unfettered license.

Respectfully submitted to the Board and delivered to:

Elizabeth Scott  
Attorney for the Board  
**Oklahoma Board of Medical Licensure and Supervision**  
5104 North Francis, ste C.  
P.O. Box 18256  
Oklahoma City, OK 73154-0256

As of March 15, 2003, by



Richard O'Carroll, OBA # 11947  
**O'Carroll & O'Carroll**  
2171 N. Vancouver  
Tulsa, OK 74127  
(918) 584-4192  
(918) 599-7997 facsimile

ATTORNEY FOR PETER ERNEST DIAZ, M.D.