

**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.)
GARY MICHAEL KRAMER, M.D.,)

LICENSE NO. 22848)

Defendant.)

JUL 28 2005
 OKLAHOMA STATE BOARD OF
 MEDICAL LICENSURE & SUPERVISION

Case No. 04-04-2800

APPLICATION TO DETERMINE EMERGENCY

Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision ("State"), seeks to have an emergency declared to enable the Secretary of the Board to conduct an emergency suspension hearing against Defendant, Gary Michael Kramer, M.D., Oklahoma medical license number 22848, as authorized under 59 Okla. Stat. §503.1 and 75 Okla. Stat. §314. In support of this application, the State submits the following:

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.* (the "Act"). Under Section 503.1 of the Act, the Secretary of the Board may determine that "an emergency exists for which the immediate suspension of a license is imperative for the public health, safety and welfare."
2. Defendant, Gary Michael Kramer, M.D., holds Oklahoma license no. 22848, and is authorized to practice as a physician and surgeon in the State of Oklahoma.
3. Beginning in April 1995 and continuing through March 2004, Defendant has been named as a defendant in the following malpractice lawsuits with the following payouts:

	<u>Date</u>	<u>Plaintiff</u>	<u>Payout</u>
1	1995	Williams	\$110,000.00

2.	1997	Nelson-Morrisroe	\$130,000.00
3.	1997	Vaughn	\$40,066.00
4.	2000	Dreiling	\$88,000.00
5.	2000	Romesburg	\$150,000.00
6.	2000	Robinson	none
7.	2001	14 yr. old girl	\$5,000.00
8.	2001	Fenton	\$75,000.00
9.	2001	Giesick	\$450,000.00
10.	2001	Glunt	pending
11.	2002	Anderson	\$200,000.00
12.	2003	Holum	pending
13.	2003	Borden	voluntarily dismissed
14.	2003	Phelps	pending
15.	2003	Berndt	pending
16.	2004	Kidd	transferred to another district
17.	2004	Stanton	pending

4. When Defendant initially applied for an Oklahoma medical license on April 1, 2002, he disclosed lawsuits no. 1, 2, 3 and 7 above. Defendant failed to disclose the remaining thirteen (13) lawsuits against him as set forth above on his initial application as well as on his subsequent renewal applications.

5. Total paid out claims against Defendant for the period April 1995 through December 2002 are \$1,248,066.00. Defendant has six (6) malpractice lawsuits pending at this time.

6. The State is basing its application for emergency upon number of malpractice claims made against Defendant during this time period, the magnitude of the payouts in his name, and the fact that he lied to the Board on his initial application as well as on subsequent renewal applications regarding these lawsuits.

7. The magnitude of payouts on his behalf, the number of malpractice claims made against him, and his failure to be truthful with the Board justify an emergency suspension hearing to protect the public health, safety and welfare.

WHEREFORE, the State respectfully requests that an emergency be declared, that an emergency suspension hearing be conducted by the Secretary and that the Secretary suspend Defendant's license until a hearing before the Board *en banc*.

Respectfully submitted,



Elizabeth A. Scott (OBA #12470)
Assistant Attorney General, State of Oklahoma
5014 N. Francis
P.O. Box 18256
Oklahoma City, OK 73154

ATTORNEY FOR THE STATE

OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

CERTIFICATE OF SERVICE

I certify that on the 28 day of July, 2005, I mailed, via first class mail, postage pre-paid, a true and correct copy of this pleading to Linda Scoggins, Scoggins & Cross, 3100 City Place Building, 204 N. Robinson, Oklahoma City, OK 73102.



Janet Swindle