

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.)

ANTHONY HECTOR RAMIREZ, M.D.,)
LICENSE NO. 24382)

Defendant.)

SEP 22 2006

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 06-04-3096

FINAL ORDER OF PROBATION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on September 21, 2006, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and through counsel, Todd Taylor.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

Findings of Fact

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. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.

3. Defendant, Anthony Hector Ramirez, M.D., holds Oklahoma license no. 24382 and was a resident in the Department of Anesthesiology at the University of Oklahoma Health Sciences Center at the time of the events in question.

4. Defendant attended medical school in Tennessee from 1997 until 2002. He then began an anesthesiology residency at the University of Tennessee in 2003, which continued until March 2005, at which time the residency program was discontinued. Defendant admits that he frequently smoked marijuana during medical school and during his residency in Tennessee, and that he illegally obtained and used Xanax on one occasion during this time. Defendant also admits that in or around February 2005, during his residency in Tennessee, he began diverting Versed from the hospital where he worked. Defendant admits that he reported that he wasted excess Versed when in fact he kept it for his personal use.

5. In April 2005, Defendant entered an anesthesiology residency at the University of Oklahoma Health Sciences Center. Defendant admits that he continued to divert Versed by taking it from the hospital and injecting it. Defendant additionally continued to use marijuana occasionally.

6. On or about August 16, 2005, Defendant diverted Versed and injected himself. He then proceeded to deliver anesthesia and fell asleep during the procedure. He submitted to a drug test, which subsequently tested positive for Versed.

7. On or about September 26, 2005, Defendant went to Talbott Recovery Campus for treatment for substance abuse. At the time of his admission, he tested positive for marijuana. Defendant remained in treatment until December 23, 2005, at which time he was discharged.

8. Upon returning from Talbott, Defendant continued in the anesthesiology residency program at the University of Oklahoma.

9. On or about April 21, 2006, Board staff was notified by Jane C. K. Fitch, M.D., Chairman of the anesthesiology residency program, that Defendant had been terminated for "unethical conduct", in that Defendant had falsified documents relating to the ACGME competency evaluations intended for completion by patients and faculty members. Specifically, Defendant filled out six (6) Patient Satisfaction Surveys to be filled out by the patients. The residency program claimed that Defendant filled out a Competency Evaluation which was to be filled out by Jose E. Santoro, M.D. Defendant claims that Dr. Santoro filled out the Competency Evaluation.

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

A. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).

B. Confessed to a crime involving violation of the antinarcotics laws and regulation of the federal government or the laws of this state in violation of 59 O.S. §509(7).

C. Committed any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine in violation of 59 O.S. §509(9).

D. Failed to keep complete and accurate records of the purchase and disposal of controlled drugs or narcotic drugs in violation of 59 O.S. §509(10).

E. Prescribed, sold, administered, distributed, ordered, or gave any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug to a family member or to himself in violation of OAC 435:10-7-4(26).

F. Violating any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

G. Used any false, fraudulent or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

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

A. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).

B. Confessed to a crime involving violation of the antinarcotics laws and regulation of the federal government or the laws of this state in violation of 59 O.S. §509(7).

C. Committed any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine in violation of 59 O.S. §509(9).

D. Failed to keep complete and accurate records of the purchase and disposal of controlled drugs or narcotic drugs in violation of 59 O.S. §509(10).

E. Prescribed, sold, administered, distributed, ordered, or gave any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug to a family member or to himself in violation of OAC 435:10-7-4(26).

F. Violating any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

G. Used any false, fraudulent or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).

3. The Board further found that the Defendant's license should be placed on **PROBATION** based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509 (7), (9), (10) and (13) and OAC 435: 10-7-4 (19), (26), (27) and (39).

Order

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

1. The license of Defendant, **ANTHONY HECTOR RAMIREZ, M.D.**, Oklahoma license no. 24382, is hereby placed on **PROBATION** beginning September 21, 2006 and continuing for a period of **FIVE (5) YEARS** under the following terms and conditions:

A. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act shall be submitted in writing to the Board and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Oklahoma State Board of Medical Licensure and Supervision.

B. Upon request of the Board Secretary, Defendant will

request all hospitals in which he anticipates practicing to furnish to the Board Secretary of the Oklahoma State Board of Medical Licensure and Supervision a written statement regarding monitoring of his practice while performing services in or to that hospital.

C. Defendant will furnish to each and every state in which he holds licensure or applies for licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.

D. Defendant will not supervise allied health professionals that require surveillance of a licensed physician.

E. Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of the Oklahoma State Board of Medical Licensure and Supervision or its designee, and Defendant will pay for the analysis thereof.

F. Defendant will not prescribe, administer or dispense any medications for personal use or for that of any family member.

G. Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating him of the Board Order immediately upon initiation, or continuation of treatment.

H. Defendant will have the affirmative duty not to ingest any substance, including but not limited to alcohol, which will cause a body fluid sample to test positive for prohibited substances.

I. Defendant will abide by the terms and recommendations of Talbott and with all terms of his postcare contracts with Talbott and the Health Professionals Recovery Program.

J. Defendant will attend four (4) meetings per week of a local 12-step program, to include the weekly Health Professionals Recovery Program meetings.

K. Defendant shall obtain a primary care physician for his primary care health needs.

L. Defendant shall not practice in excess of sixty (60) hours per week.

M. Defendant shall utilize Lanny Anderson, M.D. as his monitor and addictionologist.

N. Defendant shall obtain and utilize a 12-Step sponsor.

O. Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.

P. Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or physicians holding Defendant's records.

Q. Defendant will authorize in writing the release of any and all information regarding his treatment at Talbott and any other records of his medical, emotional or psychiatric treatment to the Oklahoma State Board of Medical Licensure and Supervision.

R. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse.

S. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of his current address.

T. Defendant will keep current payment of all assessments by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of his case, which shall include but is not limited to a one hundred dollar (\$100.00) per month fee during the term of probation, unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.

U. Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.


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

W. Defendant shall submit any required reports and forms on a timely, accurate and prompt basis to the Compliance Coordinator or designee.

X. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.


2. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

Dated this 22 day of September, 2006.


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

CERTIFICATE OF SERVICE

I certify that on the 22 day of September, 2006, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Todd Taylor, Crowe & Dunlevy, 20 N. Broadway, Suite 1800, Oklahoma City, OK 73102-8273 and to Anthony Ramirez, Tri City Family Clinic, 300 N.W. 32nd, Newcastle, OK 73065.


Janet Swindle