

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, )

**FILED**

SEP 18 2008

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

v. )  
 )  
MIGUEL LUIS RODRIGUEZ, M.D., )  
LICENSE NO. 24730, )  
 )  
Defendant. )

Case No. 07-07-3342

**ORDER ACCEPTING  
VOLUNTARY SUBMITTAL TO JURISDICTION**

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 for the State of Oklahoma, and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Miguel Luis Rodriguez, M.D., Oklahoma license no. 24730, who appears in person and pro se, proffer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

***AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT***

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on June 23, 2008 and acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

Defendant, Miguel Luis Rodriguez, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant further acknowledges that he is entitled to have his interests represented by legal counsel and that he has elected to proceed

without legal representation, thereby waiving his right to an attorney. Defendant acknowledges that he has read and understands the terms and conditions stated herein.

### ***PARTIES' AGREEMENT AND STIPULATIONS***

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

#### ***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.* 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.

2. Defendant, Miguel Luis Rodriguez, M.D., holds Oklahoma license no. 24730 and practiced internal medicine in Guymon, Oklahoma.

3. In or around 1992, Defendant was treated for alcohol abuse at Sierra Tucson. Defendant completed a 28-day residential program, then he began monitoring by the Arizona Medical Board.

4. In or around 1998, Defendant moved to New Mexico to practice. While in New Mexico, he entered into a contract for monitoring with the New Mexico physician's health program.

5. In or around 2006, Defendant moved to Guymon, Oklahoma and he obtained a full unrestricted Oklahoma medical license.

6. On or about July 17, 2007, Defendant was found passed out in his car at a railroad crossing. When police arrived, the car was still running but was stopped because his foot was on the brake. When the police officer woke him up, Defendant admitted that he had been drinking alcohol. Defendant subsequently admitted that he had consumed 8-10 mixed drinks that evening.

7. Defendant was transported to the jail, at which time he repeatedly refused to cooperate with the police officer. When the police officer administered the Breathalyzer test, he refused to blow into the device but instead blew to the side. He nevertheless registered a .24 level on the test. Additionally, when the police officer searched him, he found three (3) pills in his pants pocket. He advised the officer that the pills were his antibiotics. Police officers later determined that the drugs were 10 mg. Methadone pills.

8. Board investigators subsequently determined that Defendant did not possess a valid prescription for Methadone.

9. On or about July 18, 2007, Defendant was charged with Possession of a Controlled Substance-Methadone, a Felony, Bringing Contraband into Jail/Penal Institution, a Felony, and Driving a Motor Vehicle While under the Influence of Alcohol, a Misdemeanor, which was subsequently amended to Actual Physical Control of a Vehicle While Intoxicated, a Misdemeanor.

10. On or about May 1, 2008, Defendant plead guilty to Actual Physical Control of Vehicle While Intoxicated, a Misdemeanor, at which time he was sentenced to a term of eighteen (18) days in jail and ordered to pay a fine, as well as costs and fees.

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

A. Is habitually intemperate or habitually uses habit-forming drugs in violation 59 O.S. §509(4) and OAC 435:10-7-4(3).

B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).

C. 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).

D. Is unable 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 physician condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).

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

### ***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, Miguel Luis Rodriguez, M.D., Oklahoma medical license 24730, is guilty of unprofessional conduct set forth below based on the foregoing facts:

A. Is habitually intemperate or habitually uses habit-forming drugs in violation 59 O.S. §509(4) and OAC 435:10-7-4(3).

B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).

C. 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).

D. Is unable 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 physician condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).

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

### *Order*

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

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.

2. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, Defendant shall be placed on **PROBATION** 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 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.

F. 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.

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

H. 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.

I. 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.

J. Defendant will authorize in writing the release of any and

all information regarding his treatment at Bradford Health Services and any other records of his medical, emotional or psychiatric treatment to the Oklahoma State Board of Medical Licensure and Supervision.

K. Defendant will abide by the terms and recommendations of Bradford Health Services and Any Length Resources and with all terms of his postcare contract with the Health Professionals Recovery Program.

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

M. Defendant shall practice in a controlled environment approved in advance in writing by the Board Secretary.

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

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

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

Q. 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.

R. 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.

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

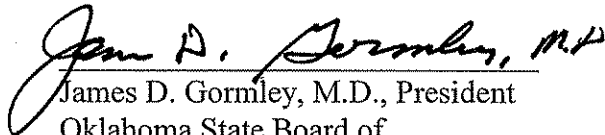
T. Defendant shall submit any required reports and forms on a timely, accurate and prompt basis to the Compliance Coordinator

or designee.

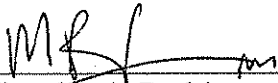
U. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

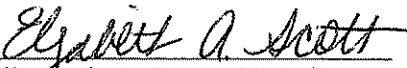
3. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

Dated this 18th day of September, 2008.

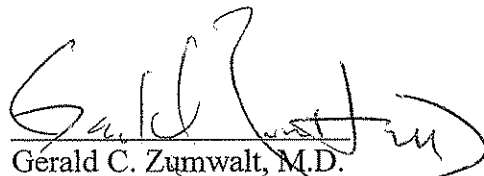
  
James D. Gormley, M.D., President  
Oklahoma State Board of  
Medical Licensure and Supervision

**AGREED AND APPROVED**

  
Miguel Luis Rodriguez, M.D.  
License No. 24730

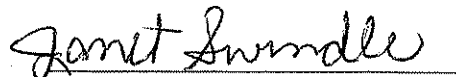
  
Elizabeth A. Scott, OBA #12470  
Assistant Attorney General  
State of Oklahoma  
5104 N. Francis, Suite C  
Oklahoma City, OK 73118

Attorney for the Oklahoma State  
Board of Medical Licensure and  
Supervision

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

**CERTIFICATE OF MAILING**

I certify that on the 19 day of September, 2008, I mailed a true and correct copy of the Order Accepting Voluntary Submittal to Jurisdiction to Miguel Luis Rodriguez, 6216 Park Lane, Guymon, OK 73942-5805.

  
Janet Swindle