

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,)	
v.)	
)	
JOE BILLS REYNOLDS, M.D.)	CASE NO. 90-03-1036
Medical License No. 7938)	
)	
Defendant)	

EMERGENCY ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision en banc on March 17, 1990, at the Fifth Season Inn, 63rd and North Broadway, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and the Defendant, Joe Bills Reynolds, M.D., did not appear either in person or by representative.

The Oklahoma Board of Medical Licensure and Supervision en banc heard the testimony and reviewed exhibits and statements of counsel and being fully advised in the premises, the Oklahoma Board of Medical Licensure and Supervision therefore FINDS AND ORDERS as follows:

FINDINGS OF FACT

1. That Joe Bills Reynolds, M.D., holds Oklahoma Medical License No. 7938.
2. That the Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.
3. That on the morning of March 17, 1990, staff members of the Oklahoma Board of Medical Licensure and Supervision did give actual notice to the Defendant's legal defense team of attorney Garvin A. Issacs, attorney Lester A. Klaus, and legal assistant Charlene Bradley, that emergency hearing in this matter would commence at 2:00 p.m. the afternoon of March 17, 1990, or as soon thereafter as the Board could begin the case. That copies of the Complaint and Citation in this cause were hand-delivered at that time to members of the Defendant's legal defense team.
4. That at an open meeting of the Oklahoma Board of Medical Licensure and Supervision on the morning of March 17, 1990, announcement was made in open hearing that the emergency matter would be taken up by the Board at 2:00 p.m. or as soon thereafter as the Board could convene the hearing.
5. That prior to beginning the emergency hearing, staff members of the Oklahoma Board of Medical Licensure and Supervision looked throughout the complex of the Fifth Season Inn for Defendant or any members of his legal defense team. The staff members of the Oklahoma Board of Medical Licensure and Supervision also telephoned the office number of defense attorney Garvin Issacs and left a message on the answering machine and

telephoned the residence of Garvin Issacs and did not receive an answer. Further, staff members checked to see if Dr. Reynolds, Mr. Issacs, Mr. Klaus or Charlene Bradley were registered guests at the Fifth Season Inn or had reserved a room or suite and the Fifth Season Inn had no record thereof.

6. That Fred B. Jordan, M.D., Chief Medical Examiner of Oklahoma, testified that he performed an autopsy on patient S.R. on or around September 8, 1989. That testimony from Dr. Jordan and exhibits in the form of color slides indicated that patient S.R. was the subject of a surgical procedure by the Defendant on or around September 7, 1989, and developed problems during that surgery and was rushed by Amcare to the emergency room at South Community Hospital and was pronounced dead after resuscitation efforts failed. That the deceased was bruised over 20 percent of the area of her body and was the recipient of a large incision almost completely around the circumference of her abdomen that was partially closed with staples and gaping open. The autopsy was almost totally bloodless and indicated that the deceased had expired caused by the effects of liposuction surgery performed by the Defendant outside of a hospital setting.

7. That Dr. Richard Threet, M.D., Tulsa, Oklahoma, testified that he was board certified in OB-GYN and also had undergone extensive additional training in liposuction. He reviewed records on patients S.R., B.A., and J.C.

8. Dr. Threet testified that Defendant's medical care of patient S.R. was unprofessional in that the procedure was too long and extensive for an office procedure and should have been done in a hospital setting, that fluid management was inappropriate for the patient, that blood loss was not recorded, that documents do not indicate anesthesia administered by any licensed or certified personnel, that the huge incision on the deceased for a tummy tuck was inappropriate for an office setting and that the patient was not intubated. Dr. Threet testified further that the Defendant's treatment of patient J.C. was unprofessional in that fluid management was inappropriate on surgical procedures by the Defendant on this patient done in January, 1988, April, 1988, and September, 1988. That Dr. Threet testified that the Defendant's care of patient B.A. was unprofessional because of inappropriate and insufficient fluid management and because of bowel perforation suffered by the patient that was not recognized by the Defendant and his staff as a major complication and was not treated in an appropriate fashion and within a reasonable time. Dr. Threet testified that protection of public health, safety or welfare required the Board to take emergency action.

9. Dr. Frederick Robley, M.D., emergency room physician, South Community Hospital, testified concerning emergency room treatment of patient S.R. performed under his supervision on or around September 7, 1989. Dr. Robley testified that the patient S.R. arrived in full arrest with a huge incision around her abdomen and numerous other incisions on her body. All attempts to re-establish patient's pulse, respirations and blood pressure failed. Dr. Robley pronounced the patient deceased at approximately 6:42 p.m. and contacted the office of the Oklahoma State Medical Examiner. Dr. Robley testified that he was "astounded" by (1) the extent of surgery on this patient done in an out-patient setting without the safety factors available in a hospital setting; (2) that the patient was not intubated and her airway was not protected during the lengthy surgical procedure in an out-patient setting; and (3) there were not persons trained to deal with full arrest. Dr. Robley testified that actions of the Defendant in attempting an extensive surgical procedure of this nature in an out-patient setting with an untrained staff was "bizarre" and unprofessional. Dr. Robley testified that public health, safety and welfare imperatively require the Board to take emergency action.

10. The actions of the Defendant on the patients S.R., B.A., and J.C., constitutes clear and immediate danger to public health, safety and welfare and said evidence imperatively requires emergency action from the Board until such time as a full hearing is held on the merits of the case.

11. That the Defendant's Oklahoma Medical License No. 7938 should be suspended until full hearing is held on the merits of the case as scheduled at 9:00 a.m. on June 8, 1990, the next regularly scheduled meeting of the Board.

CONCLUSION OF LAW

1. That actions of the Defendant in performing surgical procedures on patients S.R., B.A. and J.C. were in an unprofessional manner and in an unprofessional setting and such actions form the basis for the Board to exercise emergency action under the Oklahoma Administrative Procedures Act, 75 O.S. 1981, Sec. 309, et seq., and the Oklahoma Medical Practice Act, 59 O.S. Supp. 1989, Sec. 481, et seq.

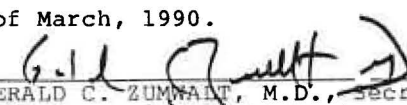
ORDER

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

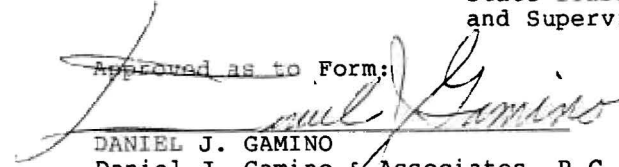
1. That Oklahoma Medical Licensure No. 7938 of the Defendant, Joe Bills Reynolds, M.D., should be and is hereby SUSPENDED until hearing of the merits of this matter scheduled for 9:00 a.m. on June 8, 1990, at 5104 N. Francis, Suite C, Oklahoma City, Oklahoma.

2. That the Board's staff should serve a copy of this Emergency Order on the Defendant promptly, either in person, to the Defendant's representatives, the Defendant's office, and/or by publication.

DATED this 22^d day of March, 1990.


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

Approved as to Form:


DANIEL J. GAMINO
Daniel J. Gamino & Associates, P.C.
3315 NW 63
Oklahoma City, OK 73116
(405) 840-3741
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF HAND-DELIVERY

I hereby certify that a true and correct copy of the above and foregoing instrument was hand-delivered this 28 day of March, 1990, to:

JOE BILLS REYNOLDS, M.D.
c/o Office Staff
4720 S. Western
Oklahoma City, Oklahoma

GARVIN ISSACS
Attorney at Law
1400 First National Center, West
Oklahoma City, OK 73102



RETURN OF SERVICE BY AGENT

Received the attached and foregoing Emergency Order in the investigation of De Willie Reynolds, LP at Oklahoma City, Oklahoma, on the 26 day of March, 1990, and on the 17 day of April, 1990, at 2:55 o'clock P.M. served it on the within named De Willie Reynolds, LP by delivering a copy to him/her at:

OKLA County, OKLA. Court House - 8th Floor
OKLA CITY, OKLA

J. G. Lindbeck

Subscribed and sworn to before me on this 17 day of April, 1990.

Janet L Owens
Notary Public

My commission expires:
12-17-92