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,

) CASE NO. 90-06-1071

CORAZON BANEZ-GUZMAN, M.D. Medical License No. 8904,

v.

Defendant.

FINAL ORDER

)

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on February 2, 1991, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, 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 Linda G. Scoggins and Susan Moebius Henderson, Spradling, Alpern, Friot & Gum, Attorneys at Law, Oklahoma City, Oklahoma, appeared for the Defendant, and Defendant appeared in person.

The Board of Medical Licensure and Supervision en banc heard the oral argument of counsel, reviewed exhibits, and being fully advised in the premises, the Board of Medical Licensure and Supervision finds as follows:

FINDINGS OF FACT

- 1. That Defendant, Corazon Banez-Guzman, M.D., holds Oklahoma Medical License No. 8904.
- 2. That the Oklahoma 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 February 1, 1991, defense counsel appeared and orally urged their Motion for Continuance of Hearing Date and their Supplement to Motion for Continuance of Hearing Date or, in the Alternative, Motion in Limine. The Board found that neither those pleadings, nor counsel's argument, constituted grounds to continue the hearing scheduled for February 2, 1991, and therefore the defense motions were denied.
- 4. That on or around October 15, 1990, Defendant voluntarily entered a plea of guilty to the charges of filing false Medicaid claims and devising a scheme to defraud the Oklahoma Medicaid Program in violation of 42 U.S.C. Section 1320a-7b, and 18 U.S.C. Section 1341. The plea of guilty was entered in Case No. CR-90-193 in the United States District Court for the Western District of Oklahoma. Formal sentencing on the Defendant's plea of guilty is pending awaiting completion of a pre-sentencing investigation.
- 5. That on or around April 26, 1990, Defendant was excluded from participating in the Medicaid Program and all other medical assistance programs administered by the Oklahoma

Department of Human Services. That exclusion was effective for services provided on or after October 8, 1989, and will remain effective for a period of five years.

CONCLUSIONS OF LAW

- That Corazon Banez-Guzman, M.D., holding Oklahoma Medical License No. 8904, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 509, Paragraph 10, to-wit:
 - "10. The commission of any act which is a violation of the criminal laws of Oklahoma when such act is connected with the physician's practice of medicine. complaint, indictment or confession of a criminal violation shall not be necessary for the enforcement of this provision. Proof of the commission of the act while in the practice of medicine or under the guise of the practice of medicine shall be unprofessional conduct."

ORDER

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

- That the Defendant, Corazon Banez-Guzman, M.D., holding Oklahoma Medical License No. 8904, should be and is hereby placed on suspension from the practice of medicine and surgery for a period of three (3) years beginning at 8:00 a.m. on February 18, 1991.
- That until 8:00 a.m. on February 18, 1991, Defendant shall only practice medicine and surgery to transfer care of pediatric patients to other health care providers and shall provide the names of each patient, the dates of transfer and the receiving physician to the office of the Oklahoma Board of Medical Licensure and Supervision instanter.

DATED this At day of February, 1991.

C. ZUMWALT, GERALD' State Board of Medical Licensur

and Supervision

anuno

TO FORM:

DANIEL J. GAMINO OBA #3227

Daniel J. Gamino & Associates, P.C. 3315 NW 63

Oklahoma City, OK 73116

(405) 840-3741

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this \(\frac{13}{2} \) day of February, 1991, to:

LINDA G. SCOGGINS SUSAN MOEBIUS HENDERSON Spradling, Alpern, Friot & Gum 101 Park Ave., Suite 700 Oklahoma City, OK 73102

Janet & Omens