State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

June 10, 2009

Jovencio L. Raneses, M.D.
1666 Garnet Avenue, #708
San Diego, CA 92109-0475

RE: 09-CRF-044

Dear Dr. Raneses:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on June 10, 2009.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of an original Notice of Appeal with the State Medical Board of Ohio and a copy with the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

Very truly yours,

Lance A. Talmage MD

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. 91 7108 2133 3934 3688 7394
RETURN RECEIPT REQUESTED

Mailed 6-11-09

Duplicate Mailing:

Jovencio L. Raneses, M.D.
500 South Ranco Santa Fe Road, #239
San Marcos, CA 92078

CERTIFIED MAIL RECEIPT NO. 91 7108 2133 3934 3688 7424
RETURN RECEIPT REQUESTED
RESTRICTED DELIVERY

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry approved by the State Medical Board, meeting in regular session on June 10, 2009, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of Jovencio L. Raneses, M.D., Case No. 09-CRF-044, as it appears in the Journal of the State Medical Board of Ohio.

This Certification is made by the authority of the State Medical Board of Ohio in its behalf.

Lance A. Talmage MD

Lance A. Talmage, M.D.
Secretary

(SEAL)

June 10, 2009
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF	*	
	*	CASE NO. 09-CRF-044
JOVENCIO L. RANESES, M.D.	*	

FINDINGS, ORDER AND JOURNAL ENTRY

By letter dated April 8, 2009, notice was given to Jovencio L. Raneses, M.D., that the State Medical Board intended to consider disciplinary action regarding his license to practice medicine and surgery in the State of Ohio, and that he was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice. In accordance with Section 119.07, Ohio Revised Code, said notice was sent via certified mail, return receipt requested, to the address of record of Dr. Raneses, that being 1666 Garnet Avenue, #708, San Diego, California 92109-0475. A duplicate copy of the notice was also sent via restricted delivery to Dr. Raneses at 500 South Rancho Santa Fe Road, #239, San Marcos, California 92078.

A certified mail receipt personally signed by Dr. Raneses was returned to the Medical Board offices documenting proper service of the notice at the San Marco, California, address. However, no hearing request has been received from Dr. Raneses and more than thirty (30) days have now elapsed since the mailing of that notice.

WHEREFORE, having reviewed the April 8, 2009, Notice of Opportunity for Hearing, including the Default Decision and Order of the Medical Board of California in the matter of Jovencio L. Raneses, M.D., as well as the affidavit of Debra L. Jones, Continuing Medical Education and Renewal Officer, which are attached hereto and incorporated herein, the Board hereby finds that:

On or about February 26, 2009, the Medical Board of California entered a Default Decision and Order in the matter of Jovencio L. Raneses, wherein Dr. Raneses' California license to practice medicine and surgery was revoked. The Medical Board of California based its action against Dr. Raneses on his failure to comply with an order compelling him to psychiatric and physical examinations. The examinations were ordered based, in part, on allegations that Dr. Raneses was unable to understand and properly respond to questions posed to him during interviews with DEA agents and employees of the Medical Board of California.

Further, the Board hereby concludes that:

1. Section 4731.22(B)(22), Ohio Revised Code, authorizes the State Medical Board of Ohio to refuse to issue a license or to discipline a licensee following an action taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees.
2. Dr. Raneses has been subject to a disciplinary action in the state of California, as described above.

Accordingly, the Board hereby ORDERS that:

The license of Jovencio L. Raneses, M.D., to practice medicine and surgery in the State of Ohio be REVOKED.

This Order shall become effective IMMEDIATELY.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 10th day of June 2009 and the original thereof shall be kept with said Journal.

Lance A. Talmage MD

Lance A. Talmage, M.D.
Secretary

(SEAL)

June 10, 2009
Date

AFFIDAVIT

The State of Ohio
Franklin County, SS

I, Debra L. Jones, being duly cautioned and sworn, do hereby depose and say that:

1) I am employed by the State Medical Board of Ohio (hereinafter, "The Board")

2) I serve the Board in the position of Continuing Medical Education and Renewal Officer.

3) In such position I am the responsible custodian of all public licensee records maintained by the Board pertaining to individuals who have received certificates issued pursuant to Chapter 4731., Ohio Revised Code;

4) I have this day carefully examined the records of the Board pertaining to Jovencio L. Raneses, M.D.

5) Based on my examination, I have found the last known address of record of Dr. Raneses to be:

1666 Garnet Avenue #708
San Diego, California 92109-0475

6) Further, Affiant Sayeth Naught.

Debra L. Jones
Continuing Medical Education and Renewal Officer

Sworn to and signed before me, Barbara A. Jacobs, Notary Public, this 12th day of May, 2009.

Notary Public

BARBARA ANN JACOBS, ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.

AFFIDAVIT

The State of Ohio
Franklin County, SS

I, Barbara A. Jacobs, being duly cautioned and sworn, do hereby depose and state that the following is true based upon my first-hand knowledge:

1) I am employed by the State Medical Board of Ohio (hereinafter, "The Board").

2) I serve the Board in the position of Public Services Administrator.

3) In the course of my regular duties, I am responsible for seeing that all procedural requirements of Chapter 119., Ohio Revised Code, regarding service of any notice issued by the Board are met.

4) According to the Board's records, the Board issued a Notice of Opportunity for Hearing to Jovencio L. Raneses, M.D., on April 8, 2009. Such notice was mailed by certified mail, return receipt requested, to Dr. Raneses' address of record and a duplicate copy was sent by certified mail, restricted delivery to 500 South Rancho Santa Fe Road #239, San Marcos, California 92078.

5) A certified mail receipt personally signed by Dr. Raneses was received by the Board, documenting service of the April 8, 2009, notice upon Dr. Raneses.

6) As of the date of this affidavit, the Board has not received a request for hearing from Dr. Raneses.

7) Attached hereto and incorporated herein are certified copies of the December 7, 1994, Notice of Opportunity for Hearing, the June 14, 1995, Board Order, and the April 8, 2009, Notice of Opportunity for Hearing, with certified mail receipts.

8) Further, Affiant Sayeth Naught.

Barbara A. Jacobs
Public Services Administrator

Sworn to and signed before me, Angela D. Fields, Notary Public, this 27th day of May, 2009.

NOTARIAL SEAL STATE OF OHIO

ANGELA D. FIELDS
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 05/16/11

Notary Public

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

April 8, 2009

Case number: 09-CRF-044

Jovencio L. Raneses, M.D.
1666 Garnet Avenue, # 708
San Diego, CA 92109-0475

Dear Doctor Raneses:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

(1) On or about February 26, 2009, the Medical Board of California, in Case No. 10-2006-17902 revoked your physician's and surgeon's certificate pursuant to a Default Decision and Order, a copy of which is attached hereto and incorporated herein. The Medical Board of California based its action on your failure to comply with an order of the California Medical Board compelling you to psychiatric and physical examinations. The examinations were ordered based, in part, on allegations that you were unable to understand and properly respond to questions posed to you during interviews with DEA agents and employees of the California Medical Board. The Medical Board of California determined that all of the charges and allegations made were true and correct, and therefore your certificate was subject to disciplinary action.

Previously, on or about June 16, 1995, the State Medical Board of Ohio issued an Order placing your certificate to practice medicine and surgery in Ohio on probation for a period of at least seven years, related to a November 16, 1993 disciplinary action by the Medical Board of California.

The February 26, 2009 California Default Decision and Order as alleged in paragraph (1) constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

Mailed 4-9-09

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

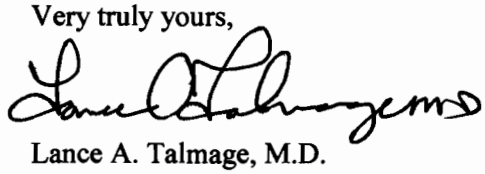
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/SRS/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3068 6441
RETURN RECEIPT REQUESTED

Duplicate:

Jovencio L. Raneses, M.D.
500 South Rancho Santa Fe Road, #239
San Marcos, CA 92078

CERTIFIED MAIL #91 7108 2133 3936 3068 6335
RETURN RECEIPT REQUESTED
RESTRICTED DELIVERY

EDMUND G. BROWN JR., Attorney General
of the State of California
THOMAS S. LAZAR
Supervising Deputy Attorney General
SAMUEL K. HAMMOND, State Bar No. 141135
Deputy Attorney General
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P.O. Box 85266
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Telephone: (619) 645-2083
Facsimile: (619) 645-2061

Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: JOVENCIO L. RANESES, M.D. 1666 Garnet Avenue, #708 San Diego, CA 92109 Physician's and Surgeon's Certificate No. C37687, Respondent.	Case No. 10-2006-179202 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about May 27, 2008, Complainant Barbara Johnston, in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs, filed Accusation No. 10-2006-179202 against Jovencio L. Raneses, M.D. (Respondent), before the Medical Board of California.

2. On or about September 26, 1977, the Medical Board of California (Board) issued Physician's and Surgeon's Certificate No. C37687 to Respondent. The Physician's and Surgeon's Certificate expired on April 30, 2007, and has not been renewed.

3. On or about May 27, 2008, Arlene Krysinski, an employee of the Board, served by certified mail a true and correct copy of the Accusation No. 10-2006-179202, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code

sections 11507.5, 11507.6, and 11507.7 on Respondent at two addresses: respondent's address of record with the Board, which was and is 1666 Garnet Avenue, #708, San Diego, CA 92109 and the address of 500 South Rancho Sante Fe Road, #239, San Marcos, CA 92078. A true and correct copy of the Accusation, the accompanying documents, and Declarations of Service are attached hereto as Exhibit A, and are incorporated herein by reference as if fully set forth herein.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

5. On or about June 4, 2008, a green receipt card was received by the Board from the U.S. Postal Service. The green receipt card was signed indicating receipt of the documents described in paragraph 3, above, which were mailed to respondent at 1666 Garnet Avenue, San Diego, CA 92109. A copy of the postal signed green receipt card is attached hereto as Exhibit B and incorporated by reference as if fully set forth herein.

6. On or about June 9, 2008, a green receipt card was received by the Board from the U.S. Postal Service. The green receipt card was signed indicating receipt of the documents described in paragraph 3, above, which were mailed to respondent at 500 South Rancho Sante Fe Road, #239, San Marcos, CA 92078. A true and correct copy of the postal signed green receipt card is attached hereto as Exhibit C and incorporated by reference as if fully set forth herein.

7. On June 10, 2008, the Board received the package from the U.S. Postal service that was sent to respondent at the 1666 Garnet Avenue, San Diego, CA, address stamped: "Undeliverable, CMRA - No Authorization to Receive Mail for This Addressee." A true and correct copy of the returned postal envelope is attached hereto as Exhibit D and incorporated by reference as if fully set forth herein.

8. Business and Professions Code section 118 states, in pertinent part:

"(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the

board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the license on any such ground."

9. Government Code section 11506 states, in pertinent part:

"(a) Within 15 days after service of the accusation the respondent may file with the agency a notice of defense in which the respondent may:

"(1) Request a hearing.

". . .

"(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing. Unless objection is taken as provided in paragraph (3) of subdivision (a), all objections to the form of the accusation shall be deemed waived."

10. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation and, pursuant to Government Code section 11506, subdivision (c), has therefore waived his right to a hearing on the merits of Accusation No. 10-2006-179202.

11. California Government Code section 11520 states, in pertinent part:

"(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

12. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. Accordingly, the Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in Exhibits A, B, C, and D hereby finds and determines that all of the charges and

allegations in Accusation No. 10-2006-179202, and each of them, separately and severally, are true and correct, and that respondent has thereby subjected his Physician's and Surgeon's Certificate No. C37687 to disciplinary action.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Jovencio L. Raneses, M.D., has subjected his Physician's and Surgeon's Certificate No. C37687 to disciplinary action.

2. A true and correct copy of Accusation No. 10-2006-179202 and the related documents and Declarations of Service are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Medical Board of California is authorized to revoke Respondent's Physician's and Surgeon's Certificate No. C37687 based upon the following violations alleged in Accusation No.10-2006-179202:

a. Business and Professions Code section 820 - Failure to Comply With Order for a Competency Exam; and

b. Business and Professions Code sections 2220, 2227, and 2234 - General Unprofessional Conduct.

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ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C37687, heretofore issued to Respondent Jovencio L. Raneses, M.D., is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on February 26, 2009.

It is so ORDERED January 27, 2009

FOR THE MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
Barbara Yaroslavsky, Panel B Chair

Attachments:

Exhibit A: Accusation No.10-2006-179202, Related Documents, and Declaration of Service
Exhibit B: Copy of signed U.S. postal Green Receipt Card (San Diego address)
Exhibit C: Copy of signed U.S. postal service Green Receipt Card (San Marcos address)
Exhibit D: Returned envelope from the U.S. postal service stamped "Undeliverable"

80315189.wpd
DOJ Matter ID: SD2007802061

Exhibit A

Accusation No. 10-2006-179202,
Related Documents and Declarations of Service

STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO May 27, 2008
BY [signature] ANALYST

EDMUND G. BROWN JR., Attorney General
of the State of California
THOMAS S. LAZAR
Supervising Deputy Attorney General
SAMUEL K. HAMMOND, State Bar No. 141135
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Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: JOVENCIO L. RANESES, M.D. 1666 Garnet Avenue, #708 San Diego, CA 92109 Physician's and Surgeon's Certificate No. C37687 Respondent.	Case No. 10-2006-179202 OAH No. **A C C U S A T I O N**

Complainant alleges:

PARTIES

1. Barbara Johnston (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California.

2. On or about September 26, 1977, the Medical Board of California issued Physician's and Surgeon's Certificate No. C37687 to Jovencio L. Raneses, M.D. (Respondent). The Physician's and Surgeon's Certificate expired on April 30, 2007, and has not been renewed. On December 29, 1993, Physician's and Surgeon's Certificate No. C37687 was revoked, but the revocation was stayed and the Physician's and Surgeon's Certificate was placed on eight (8) years probation based on terms and conditions that included sixty (60) days actual suspension.

JURISDICTION

3. This Accusation is brought before the Medical Board of California, Department of Consumer Affairs (Board),[1] under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2220 of the Code states:

"Except as otherwise provided by law, the Division of Medical Quality may take action against all persons guilty of violating this chapter [Chapter 5, the Medical Practice Act]. The division shall enforce and administer this article as to physician and surgeon certificate holders, and the division shall have all the powers granted in this chapter for these purposes including, but not limited to:

"(a) Investigating complaints from the public, from other licensees, from health care facilities, or from a division of the board that a physician and surgeon may be guilty of unprofessional conduct. The board shall investigate the circumstances underlying any report received pursuant to Section 805 within 30 days to determine if an interim suspension order or temporary restraining order should be issued. The board shall otherwise provide timely disposition of the reports received pursuant to Section 805.

"(b) Investigating the circumstances of practice of any physician and surgeon where there have been any judgments, settlements, or arbitration awards requiring the physician and surgeon or his or her professional liability insurer to pay an amount in damages in excess of a cumulative total of thirty thousand dollars ($30,000) with respect to any claim that injury or damage was proximately caused by the physician's and surgeon's error, negligence, or omission.

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1. California Business and Professions Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in the State Medical Practice Act (Bus. & Prof. Code, § 2200, et seq.) means the "Medical Board of California," and references to the "Division of Medical Quality" and "Division of Licensing" in the Act or other provision of Law shall be deemed to refer to the board.

"(c) Investigating the nature and causes of injuries from cases which shall be reported of a high number of judgments, settlements, or arbitration awards against a physician and surgeon."

5. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

6. Section 2234 of the Code provides, in pertinent part, that:

"The Division of Medical Quality shall take action against any licensee who is charged with unprofessional conduct . . ."

7. Unprofessional conduct under California Business and Professions Code section 2234 is conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine.[2]

8. Section 820 of the Code states:

"Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822."

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2. *Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.

9. Section 821 of the Code states:

"The licentiate's failure to comply with the order issued under Section 820 shall constitute grounds for the suspension or revocation of the licentiates' certificate or license."

10. Section 118, subdivision (b), states as follows:

"The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

CAUSE FOR ACTION

(Failure to Comply With Order for a Competency Exam)

11. Respondent is subject to action under Code section 821 in that he failed to comply with the Board's Order for Psychiatric and Physical Examinations. The circumstances are as follows:

A. On February 26, 2008, the Board issued its Order Compelling the Psychiatric and Physical Examinations (Order) of respondent. The Order required respondent to submit to psychiatric and physical examinations no later than 30 days from the date of service of the Order.

B. On February 26, 2008, the Order (and all attachments) was served on respondent by California Overnight at his address of record with the Board, which is 1666 Garnet Avenue, #708, San Diego, CA 92109. On March 4, 2008, a copy of the Order (and all attachments) was served on respondent by First Class U.S. Mail at his residence address at 500 S. Rancho Santa Fe Rd., #239, San Marcos, CA 92078. On March 5, 2008, a copy of the Order (and all attachments) was served on respondent by Certified

U.S. Mail at his residence address at 500 S. Rancho Santa Fe. Rd., #239, San Marcos, CA 92078. On about April 1, 2008, the Certified Mail was returned "Unclaimed."

C. Respondent has failed to comply with the Board's Order.

D. The circumstances leading to the issuance of the Board's Order are as follows: On or about February 15, 2008, the Executive Director of the Medical Board of California (Complainant) filed a petition to compel the psychiatric and physical examinations of respondent (petition). The petition alleged that respondent's conduct and behavior established reasonable cause to believe his ability to practice medicine is impaired due to physical or mental illness affecting competency within the meaning of Code section 820. The conduct and behavior establishing reasonable cause included, but is not limited to, respondent's inability to understand and properly respond to questions posed to him during interviews with DEA agents, a Board's investigator and a Board's medical consultant; his slurred and mumbled speech during interviews; and his inability to find any employment as a physician and surgeon over a prolonged period of time.

FIRST CAUSE FOR DISCIPLINE

(General Unprofessional Conduct)

12. Respondent is subject to disciplinary action under sections 2220, 2227 and 2234 in that he has committed conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine by failing to comply with the Board's Order Compelling Psychiatric and Physical Examinations, as more particularly Paragraph 11, above, which is hereby incorporated by reference as if fully set forth herein.

PRAYER

WHEREFORE, complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate No. C37687, issued to Jovencio L. Raneses, M.D.;

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2. Revoking, suspending or denying approval of Jovencio L. Raneses, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;

3. If placed on probation, ordering respondent pay the Board the costs of probation monitoring;

4. Taking action as authorized by section 821 of the code as the Board, at its discretion, deems necessary and proper; and

5. Taking such other and further action as deemed necessary and proper.

DATED: May 27, 2008

BARBARA JOHNSTON
Executive Director
Medical Board of California
State of California
Complainant

SD2007802061

Ranases.Acc.wpd

EDMUND G. BROWN JR., Attorney General
of the State of California
THOMAS S. LAZAR
Supervising Deputy Attorney General
SAMUEL K. HAMMOND, State Bar No. 141135
Deputy Attorney General
110 West "A" Street, Suite 1100
San Diego, CA 92101

P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-2083
Facsimile: (619) 645-2061

Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	Case No. 10-2006-179202
JOVENCIO L. RANESES, M.D.	**STATEMENT TO RESPONDENT**
Respondent.	[Gov. Code §§ 11504, 11505(b)]

TO RESPONDENT:

Enclosed is a copy of the Accusation that has been filed with the Medical Board of California of the Department of Consumer Affairs (Board), and which is hereby served on you.

Unless a written request for a hearing signed by you or on your behalf is delivered or mailed to the Board, represented by Deputy Attorney General Samuel K. Hammond, within fifteen (15) days after a copy of the Accusation was personally served on you or mailed to you, you will be deemed to have waived your right to a hearing in this matter and the Board may proceed upon the Accusation without a hearing and may take action thereon as provided by law.

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The request for hearing may be made by delivering or mailing one of the enclosed forms entitled "Notice of Defense," or by delivering or mailing a Notice of Defense as provided in section 11506 of the Government Code, to

Samuel K. Hammond
Deputy Attorney General
110 West "A" Street, Suite 1100
San Diego, California 92101

P.O. Box 85266
San Diego, California 92186-5266.

You may, but need not, be represented by counsel at any or all stages of these proceedings.

The enclosed Notice of Defense, if signed and filed with the Board, shall be deemed a specific denial of all parts of the Accusation, but you will not be permitted to raise any objection to the form of the Accusation unless you file a further Notice of Defense as provided in section 11506 of the Government Code within fifteen (15) days after service of the Accusation on you.

If you file any Notice of Defense within the time permitted, a hearing will be held on the charges made in the Accusation.

The hearing may be postponed for good cause. If you have good cause, you are obliged to notify the Office of Administrative Hearings, 1350 Front Street, Suite 6022, San Diego, CA 92101, within ten (10) working days after you discover the good cause. Failure to notify the Office of Administrative Hearings within ten (10) days will deprive you of a postponement.

Copies of sections 11507.5, 11507.6, and 11507.7 of the Government Code are enclosed.

If you desire the names and addresses of witnesses or an opportunity to inspect and copy the items mentioned in section 11507.6 of the Government Code in the possession, custody or control of the Board you may send a Request for Discovery to the above designated Deputy Attorney General.

NOTICE REGARDING STIPULATED SETTLEMENTS

It may be possible to avoid the time, expense and uncertainties involved in an administrative hearing by disposing of this matter through a stipulated settlement. A stipulated settlement is a binding written agreement between you and the government regarding the matters charged and the discipline to be imposed. Such a stipulation would have to be approved by the Medical Board of California but, once approved, it would be incorporated into a final order.

Any stipulation must be consistent with the Board's established disciplinary guidelines; however, all matters in mitigation or aggravation will be considered. A copy of the Board's Disciplinary Guidelines will be provided to you on your written request to the state agency bringing this action.

If you are interested in pursuing this alternative to a formal administrative hearing, or if you have any questions, you or your attorney should contact Deputy Attorney General Samuel K. Hammond at the earliest opportunity.

DATED: 5-14-08

EDMUND G. BROWN JR., Attorney General
of the State of California

THOMAS S. LAZAR
Supervising Deputy Attorney General

SAMUEL K. HAMMOND
Deputy Attorney General

Attorneys for Complainant

80238493.wpd

EDMUND G. BROWN JR., Attorney General
of the State of California
THOMAS S. LAZAR
Supervising Deputy Attorney General
SAMUEL K. HAMMOND, State Bar No. 141135
Deputy Attorney General
110 West "A" Street, Suite 1100
San Diego, CA 92101

P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-2083
Facsimile: (619) 645-2061

Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	Case No. 10-2006-179202
JOVENCIO L. RANESES, M.D.	**REQUEST FOR DISCOVERY**
Respondent.	[Gov. Code § 11507.6]

TO RESPONDENT:

Under section 11507.6 of the Government Code of the State of California, parties to an administrative hearing, including the Complainant, are entitled to certain information concerning the opposing party's case. A copy of the provisions of section 11507.6 of the Government Code concerning such rights is included among the papers served.

PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU ARE HEREBY REQUESTED TO:

1. Provide the names and addresses of witnesses to the extent known to the Respondent, including, but not limited to, those intended to be called to testify at the hearing, and

2. Provide an opportunity for the Complainant to inspect and make a copy of any of the following in the possession or custody or under control of the Respondent:

a. A statement of a person, other than the Respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or

omission of the Respondent as to this person is the basis for the administrative proceeding;

b. A statement pertaining to the subject matter of the proceeding made by any party to another party or persons;

c. Statements of witnesses then proposed to be called by the Respondent and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

d. All writings, including but not limited to reports of mental, physical and blood examinations and things which the Respondent now proposes to offer in evidence;

e. Any other writing or thing which is relevant and which would be admissible in evidence, including but not limited to, any patient or hospital records pertaining to the persons named in the pleading;

f. Investigative reports made by or on behalf of the Respondent pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this Request for Discovery, "statements" include written statements by the person, signed, or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for Discovery should be deemed to authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as attorney's work product.

///

Your response to this Request for Discovery should be directed to the undersigned attorney for the Complainant at the address on the first page of this Request for Discovery **within 30 days after service** of the Accusation.

Failure without substantial justification to comply with this Request for Discovery may subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30 of the Government Code.

DATED: 5-14-08

EDMUND G. BROWN JR., Attorney General
of the State of California

THOMAS S. LAZAR
Supervising Deputy Attorney General

SAMUEL K. HAMMOND
Deputy Attorney General

Attorneys for Complainant

80238493.wpd
SD2007802061

Copy of Government Code Sections 11507.5, 11507.6, 11507.7 and 11455.10

PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 AND 11505

SECTION 11507.5: Discovery Limitations

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

SECTION 11507.6: Discovery Rights & Procedures

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e),inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

(g) In any proceeding under subdivision (i) or (j) of Section 12940, or Section 19572 or 19702, alleging conduct which constitutes sexual harassment, sexual assault, or sexual battery, evidence of specific instances of a complainant's sexual conduct with individuals other than the alleged perpetrator is not discoverable unless it is to be offered at a hearing to attack the credibility of the complainant as provided for under subdivision (j) of Section 11513. This subdivision is intended only to limit the scope of discovery; it is not intended to affect the methods of discovery allowed under this section.

SECTION 11507.7: Petition to compel discovery; Order; Sanctions

(a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with it provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make it order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

SECTION 11455.10. Grounds for contempt sanction

A Person is subject to the contempt sanction for any of the following in an adjudicative proceeding before an agency:

(a) Disobedience of or resistance to a lawful order;

(b) Refusal to take the oath or affirmation as a witness or thereafter refusal to be examined;

(c) Obstruction or interruption of the due course of the proceeding during a hearing or near the place of the hearing by any of the following:

(1) Disorderly, contemptuous, or insolent behavior toward the presiding officer while conducting the proceeding;
(2) Breach of the peace, boisterous conduct, or violent disturbance;
(3) Other unlawful interference with the process or proceedings of the agency.

(d) Violation of the prohibition of ex parte communications under Article 7 (commencing with Section 11430.10);

(e) Failure or refusal, without substantial justification, to comply with a deposition order, discovery request, subpoena, or other order of the presiding officer, or moving, without substantial justification, to compel discovery.

****

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	)	File No. 10-2006-179202
Jovencio L. Raneses, M.D.	)	**NOTICE OF DEFENSE**
Physician's and Surgeon's Certificate No. C 37687	)	
Respondent.	)	(Pursuant to sections 11505 and 11506, Government Code)

I, the undersigned, the respondent named in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation, Statement to Respondent, Government Code sections 11507.5, 11507.6, 11507.7 and 11455.10, and two copies of a Notice of Defense.

I hereby request a hearing in this proceeding to permit me to present my defense to the charges contained in said Accusation.

DATED: _____

Respondent's Name _____

Respondent's Signature _____

Respondent's Mailing Address _____

City, State and Zip Code _____

Respondent's Telephone Number _____

Check off appropriate box

☐ I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name _____

Counsel's Mailing Address _____

City, State and Zip Code _____

Counsel's Telephone Number _____

☐ I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address, and telephone number will be filed with you so that counsel will be on record to receive legal notices, pleading, and other papers.

COSTS ASSOCIATED WITH SPECIFIC COURSES OR PROGRAMS

The Medical Board of California Enforcement Program provides this form to ensure that you are aware of the costs associated with potential courses or programs as a result of a Citation and Fine, Public Letter of Reprimand, Stipulated Settlement or Decision. The costs provided are a guide and reflect known current prices. Course providers may increase rates, without notification to the Board. Contact the course providers for the most current rate.

PROBATION UNIT MONITORING

The cost of probation unit monitoring is $3,173.00 annually (for calendar year 2005) and subject to increase each fiscal year.

COURSES OR PROGRAMS

The cost of certain training courses/programs currently approved by the Board are specified below:

Clinical Training Program	Approximate Cost
1) University of California, San Diego (UCSD)	
Physician Assessment and Clinical Education (PACE):	
Phase I (assessment)	$6,900
Phase II (training) - minimum $4,000 (varies by specialty and length of training)	$4,000+
www.paceprogram.ucsd.edu	
2) Rush University (Chicago, Illinois)	
Clinical Competency Assessment and Training Program (CCAT):	
Assessment Phase	$4,850
Training Phase - Minimum $3,500 (varies by specialty and length of training)	$3,500+
www.rush.edu	
Physician Prescribing Course (PACE)	$1,800
Professional Boundaries Program (PACE)	$4,000
Ethics/Professionalism Course	
1) California Medical Association	$1,900
www.cmanet.org	
Medical Record Keeping Course	
1) Medical Record Keeping Course (PACE)	$1,250
2) Case Western Reserve University (Cleveland, Ohio)	$700

Revised 09/05

DECLARATION OF SERVICE BY CERTIFIED AND FIRST CLASS MAIL

In the Matter of the Accusation Against:

Jovencio L. Raneses, M.D. **File No. 10-2006-179202**

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 2005 Evergreen St., Suite 1200, Sacramento, California 95815. I served a true copy of the attached:

STATEMENT TO RESPONDENT; ACCUSATION; REQUEST FOR DISCOVERY; GOVERNMENT CODE SECTIONS 11507.5, 11507.6, 11507.7 and 11455.10; NOTICE OF DEFENSE FORM (2 COPIES); A MANUAL OF MODEL DISCIPLINARY ORDERS AND MODEL DISCIPLINARY GUIDELINES; NOTIFICATION REGARDING COST ASSOCIATED WITH SPECIFIC COURSES OR PROGRAMS

by U.S. Certified mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS	CERTIFICATION #
Jovencio L. Raneses, M.D. 1666 Garnet Avenue, #708 San Diego, CA 92109	7007 0710 0001 0747 0616
Jovencio L. Raneses, M.D. 500 South Rancho Sante Fe Road, #239 San Marcos, CA 92078	7007 0710 0001 0747 0623
Samuel K. Hammond Deputy Attorney General P. O. Box 85266 San Diego, CA 92186-5266	**U.S. MAIL SERVICE**

Each said envelope was then, on May 27, 2008, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, either as certified mail or first class U.S. mail with the postage thereon fully prepaid and return receipt requested for the certified mail.

Executed on May 27, 2008, at Sacramento, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Arlene Krysinski, Declarant

7007 0710 0001 0747 0616

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

Postmark Here

Sent To Jovencio L. Raneses, M.D.
Street, Apt. No.; or PO Box No. 1666 Garnet Avenue, #708
City, State, ZIP+4 San Diego, CA 92109

PS Form 3800, August 2006 See Reverse for Instructions

7007 0710 0001 0747 0623

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

Postmark Here

Se Jovencio L. Raneses, M.D.
Si 500 South Rancho Sante Fe Road, #239
or
Ci San Marcos, CA 92078

PS Form 3800, August 2006 See Reverse for Instructions

Exhibit B

Copy of signed U.S. postal Green Receipt Card (San Diego address)

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jovencio L. Raneses, M.D.
500 South Rancho Sante Fe Road, #239
San Marcos, CA 92078

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Erlinda Raneses
☒ Agent
☐ Addressee

B. Received by (*Printed Name*) ERLINDA RANESES
C. Date of Delivery 6-4-08

D. Is delivery address different from Item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

ype
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number (*Transfer from service label*) 7007 0710 0001 0747 0623

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Exhibit C

Copy of signed U.S. postal Green Receipt Card (San Diego address)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jovencio L. Raneses, M.D.
1666 Garnet Avenue, #708
San Diego, CA 92109

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X C Harris
☒ Agent
☐ Addressee

B. Received by (Printed Name) C HARRIS
C. Date of Delivery 5.29.03

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

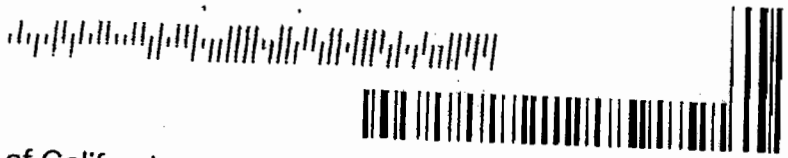
2. Article Number
(Transfer from service label) 7007 0710 0001 0747 0616

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Exhibit D

Copy of returned envelope from U.S. postal stamped " Undeliverable, CMRA No Authorization to Receive Mail for this Address (San Diego address)

CERTIFIED MAIL



7007 0710 0001 0747 0616

Medical Board of California
2005 Evergreen Street, Suite 1200
Sacramento, CA 95815

UNDELIVERABLE, CMRA
No Authorization To Receive
Mail For This Addressee

Jovencio L. Raneses, M.D.
[redacted]

MEDICAL BOARD OF CALIFORNIA

I do hereby certify that this document is a true and correct copy of the original on file in this office.

Sandy Fugatt

Signature

for Custodian of Records

Title

03/12/09

Date

STATE MEDICAL BOARD OF OHIO
77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614)466-3934

June 16, 1995

Jovencio L. Raneses, M.D.
1666 Garnet Avenue
San Diego, CA 92109

Dear Doctor Raneses:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Suzanne E. Kelly, Esq., Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on June 14, 1995, including a Motion approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal may be taken to the Franklin County Court of Common Pleas only.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Thomas E. Gretter, M.D.
Secretary

TEG:em
Enclosures

CERTIFIED MAIL RECEIPT NO. P 741 124 597
RETURN RECEIPT REQUESTED

cc: Kevin P. Byers, Esq.

CERTIFIED MAIL RECEIPT NO. P 741 124 598
RETURN RECEIPT REQUESTED

Mailed 6-22-95

STATE MEDICAL BOARD OF OHIO
77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614)466-3934

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Suzanne E. Kelly, Esq., Attorney Hearing Examiner, State Medical Board; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on June 14, 1995, including a Motion approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio, constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Jovencio L. Raneses, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

(SEAL)

Thomas E. Gretter, M.D.
Secretary

6/15/95

Date

STATE MEDICAL BOARD OF OHIO
77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614)466-3934

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *

*

JOVENCIO L. RANESES, M.D. *

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on the 14th day of June, 1995.

Upon the Report and Recommendation of Suzanne E. Kelly, Hearing Examiner, Medical Board, in this matter designated pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

The certificate of Jovencio L. Raneses, M.D., to practice medicine and surgery in the State of Ohio shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least seven (7) years.

1. Dr. Raneses shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.

2. At the time of his application for biennial medical licensure renewal in this State, Dr. Raneses shall submit written declarations stating whether he has complied with all the terms and conditions of his probation in this State and with all terms, conditions, or limitations imposed by any other state medical board.

3. Dr. Raneses shall immediately notify the Board in writing should he fail to comply with any term, condition, or limitation contained in the terms and conditions of his probation or with any term, condition, or limitation imposed upon a medical license by any other state medical board.

4. Dr. Raneses shall immediately notify the Board in writing of any modification or change to any term, condition, or limitation imposed by any other state medical board.

5. Dr. Raneses shall notify the Board of any restriction to any certificate to practice medicine held by Dr. Raneses which is imposed as a direct result of this Order. Dr. Raneses shall so advise the Board and shall provide acceptable documentation verifying same.

6. Dr. Raneses shall cause to be submitted to the Board copies of the quarterly reports that he submits to the California Board for so long a time as the California Board requires such submission.

7. Dr. Raneses shall cause to be submitted to the Board copies of his annual reports to the California Board concerning his compliance with the continuing medical education program in pharmacology ordered by the California Board. Dr Raneses shall also cause to be submitted to the Board the annual results of the examinations administered and ordered by the California Board.

8. Dr. Raneses shall cause to be submitted to the Board notice of any change in the status of his United States Drug Enforcement Administration registration.

9. Dr. Raneses shall notify the Board thirty (30) days prior to commencing practice in Ohio; Dr. Raneses may at that time be placed under such terms, conditions, or limitations by the Board as the Board deems reasonable and appropriate.

10. If Dr. Raneses violates probation in any respect, the Board, after giving Dr. Raneses notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of Dr. Raneses' certificate to practice.

Upon successful completion of probation, Dr. Raneses' certificate will be fully restored.

This Order shall become effective immediately upon the mailing of notification of approval by the State Medical Board of Ohio.

Thomas E. Gretter, M.D.
Secretary

(SEAL)

6/15/95
Date

REPORT AND RECOMMENDATION
IN THE MATTER OF JOVENCIO L. RANESES, M.D.

The Matter of Jovencio L. Raneses, M.D., was heard by Suzanne E. Kelly, Esq., Hearing Examiner for the State Medical Board of Ohio, on March 20, 1995.

INTRODUCTION

I. Basis For Hearing

A. By letter dated December 7, 1994 (State's Exhibit 1), the State Medical Board of Ohio notified Jovencio L. Raneses, M.D., that it proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio, based upon the following allegation:

"On or about November 16, 1993, the Division of Medical Quality of the Medical Board of California issued its Decision revoking [Dr. Raneses'] certificate to practice medicine in California, staying that revocation and imposing a suspension and subsequent eight year probation with various terms and conditions." The California Board based its action on Dr. Raneses' Dilaudid prescribing practices between 1984 and 1988.

The Board alleged that the action of the California Board constituted "'(t)he limitation, revocation, or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, for an action that also would have been a violation of this chapter, except for nonpayment of fees,' as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: 4731.22(B)(2), (3), (6) and (9), Ohio Revised Code."

The Board advised Dr. Raneses of his right to request a hearing in this Matter.

B. On January 3, 1995, Dr. Raneses submitted a written hearing request to the Board. (State's Exhibit 2)

II. Appearances

A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by Lili C. Kaczmarek, Assistant Attorney General.

B. On behalf of the Respondent: Kevin P. Byers, Esq.

EVIDENCE EXAMINED

I. Testimony Heard
Neither party presented testimony.

II. Exhibits Examined

In addition to State's Exhibits 1 and 2, the following exhibits were identified and admitted into evidence:

A. Presented by the State:

1. State's Exhibit 3: January 6, 1995 letter to the Board from Attorney Byers advising that he represents Dr. Raneses.

2. State's Exhibit 4: January 5, 1995 letter to Dr. Raneses from the Board advising that a hearing had been set for January 17, 1995, and further advising that the hearing had been postponed pursuant to Section 119.09, Ohio Revised Code.

3. State's Exhibit 5: January 9, 1995 letter to Dr. Raneses from the Board scheduling the hearing for March 15, 1995.

4. State's Exhibit 6: State's January 13, 1995 Motion for Continuance.

5. State's Exhibit 7: January 30, 1995 Entry granting the motion for continuance and rescheduling the hearing to March 20, 1995.

6. State's Exhibit 8: August 5, 1994 renewal application of Dr. Raneses.

7. State's Exhibit 9: August 26, 1994 letter to Dr. Raneses from the Board requesting an explanation of his affirmative answers on his renewal application.

8. State's Exhibit 10: December 25, 1994 letter to the Board from Dr. Raneses explaining his affirmative answers on his renewal application. (4 pp.)

9 State's Exhibit 11: Certified copy of Accusation by the California Board against Dr. Raneses, Case No. D-4441. (10 pp.)

10. State's Exhibit 12: Certified copy of Decision by the California Board in the Matter of Dr. Raneses, Case No. D-4441. (17 pp.)

B. Presented by the Respondent

1. Respondent's Exhibit A: March 20, 1995 written contentions of Dr. Raneses.

2. Respondent's Exhibit B: Curriculum vitae of Dr. Raneses. (5 pp.)

3. Respondent's Exhibit C: Petition and Order from the Municipal Court of Los Angeles, California in *California v. Jovencio L. Raneses*, Case No. A-990055.

4. Respondent's Exhibit D: Copy of the 1984 Physician's Desk Reference (PDR) entry on Dilaudid (hydromorphone hydrochloride). (3 pp.)

5. Respondent's Exhibit E: September 2, 1994 letter to Dr. Raneses from the California Board informing him that he passed his oral/clinical examination.

6. Respondent's Exhibit F: October 20, 1994 letter to Dr. Raneses from the California Board explaining modification of probation.

7. Respondent's Exhibit G: Dr. Raneses' Continuing Medical Education Reporting form for the American Board of Family Practice.

8. Respondent's Exhibit H: November 9, 1994 letter from Miquel Castillo, M.D., certifying that he employed Dr. Raneses.

III. Post-Hearing Admissions to the Record

On the Hearing Examiner's own motion, the following additional exhibits are admitted to the record:

Board Exhibit A: California Health and Safety Code Section 11153(a)

Board Exhibit B: California Business and Profession Code Section 2234

Board Exhibit C: California Business and Profession Code Section 2242(a)

Board Exhibit D: California Business and Profession Code Section 725

Board Exhibit E: California Business and Profession Code Section 490

SUMMARY OF THE EVIDENCE

All transcripts and exhibits, whether or not specifically referred to hereinafter, were thoroughly reviewed and considered by the Hearing Examiner prior to making her findings and recommendations in this Matter.

1. Dr. Jovencio L. Raneses, M.D., is a 1956 graduate of the Manila Central University College of Medicine in the Republic of the Philippines. (Respondent's Exhibit B) Ohio granted him his first license in the United States. (State's Exhibit 12, p. 2) He is also licensed in California and has inactive licenses in Wisconsin, Washington, Vermont, and the Philippines. (Respondent's Exhibit B, p. 4)

2. In 1983 Dr. Raneses reviewed literature on Dilaudid and became convinced of its therapeutic value in the treatment of pain. (Respondent's Exhibit A) Expert testimony before the California Board described Dilaudid as a short acting narcotic analgesic for the relief of pain. The California Board found that it was two and one half times more potent than morphine or heroin. Dilaudid is a Schedule II narcotic the use of which may result in psychic and/or physical dependence. The drug is usually given as a last resort. (State's Exhibit 12, para. 13 & Respondent's Exhibit A)

3. Between 1984 and 1987 Dr. Raneses prescribed Dilaudid for at least twelve patients whom he treated for various medical conditions involving chronic pain. (State's Exhibit 12) In each instance Dr. Raneses prescribed Dilaudid in 4 mg tablets, sixty tablets per prescription. (State's Exhibit 12, paras. 9, 14)

   Dr. Raneses gave each patient an informational sheet which described Dilaudid, its purpose and effect, and the limitations on participants. The form explained that patients should not take medications unless prescribed by Dr. Raneses; the cost of all examinations, evaluations or tests was to be paid by the patient; patients could withdraw from the program at any time; and no refunds would be given. Each patient signed the informational sheet. (State Exhibit 12, paras. 10, 12) Dr. Raneses also provided written instructions to each patient who received Dilaudid. The instructions detailed how patients should take Dilaudid:

   > Take the Dilaudid 4 mg one tablet twice a day and at 12 hour intervals of the first day. Then one a day for the next two days, and nothing for the next 3 days. Repeat the same direction as previously if necessary. If pain persists stop the medication and see the doctor.

   (State's Exhibit 12, para. 11) The total number of tablets needed for the treatment regimen as described by Dr. Raneses' instructions is eight. Dr. Raneses prescribed sixty tablets per prescription and for several patients renewed the prescription for two or more consecutive months. (State's

Exhibit 12, paras. 9, 14) One patient, Velma M., received a prescription seven consecutive months with no other treatment. (State's Exhibit 12, para. 9a) Dr. Raneses' records for these patients reflected that he employed Dilaudid as the only method to control their pain. (State's Exhibit 12, para. 9) Dr. Raneses did not vary his Dilaudid prescriptions according to patient variations, or medical conditions, nor were the patients prescribed more or less than sixty tablets. Based on expert medical opinion before the California Board, none of the patients whose records were reviewed justified a prescription of Dilaudid. (State's Exhibit 12, para. 14)

4. On October 10, 1990, in the Los Angeles Municipal Court, Case No. A99055, Dr. Raneses entered a plea of guilty to the charge of violating Health and Safety Code Section 11153(a), "Issuing Controlled Substance Prescription Not For Legitimate Medical Purposes." (State's Exhibit 12, para. 18) On November 4, 1990, the Superior Court, County of Los Angeles, State of California placed Dr. Raneses on probation for three years. He spent one day in jail, paid a $100.00 restitution fine, was forbidden to possess triplicate prescription forms, and was required to obey all laws. (State's Exhibit 12, para. 18)

   While the findings of fact by the California Board characterize the charge as a felony, Dr. Raneses presented a copy of the order expunging the crime from his record which identified the charge as a misdemeanor. (Respondent's Exhibits A & C) The statute does not state whether such violation is a felony or a misdemeanor. It is clearly a criminal violation of a state statute involving drugs. (Board Exhibit A)

5. On January 31, 1991, the California Board issued an accusation against Dr. Raneses. (State's Exhibit 11) The California Board charged Dr. Raneses with unprofessional conduct in violation of the Medical Practice Act by unlawfully prescribing dangerous drugs, specifically Dilaudid, for multiple patients between 1984 and 1987. (State's Exhibit 11) On January 6, 1992, the California Board filed a First Amended and Supplemental Accusation against Dr. Raneses. This accusation further charged Dr. Raneses with being convicted in 1990 of a felony violation of Health and Safety Code Section 11153(a). (State's Exhibit 12, para. 6) Neither party to this Matter provided a copy of the amended and supplemental accusation.

6. On November 16, 1993, the California Board found that Dr. Raneses demonstrated gross negligence and incompetence; prescribed without good faith prior examination or medical indication; engaged in repeated acts of clearly excessive prescribing of drugs; engaged in repeated acts of negligence; and was convicted of a crime substantially related to the qualifications, functions, and duties of a medical profession licensee. (State Exhibit 12, pp. 12-13) These are violations of California Business and Professions Code Sections 2234 (b), (d), and (c); 2242(a); 725; and 490, respectively. The California Board made the following issue determination:

> In this case respondent violated laws against excessive prescribing, and his indiscriminate prescriptions for Dilaudid demonstrates incompetence and an extreme departure from the standard of care constituting gross negligence. Nevertheless, this respondent's major problem is evidently a lack of drug knowledge, and incredibly poor medical judgment and understanding. Even at hearing, respondent did not appear to understand that Dilaudid has adverse properties and is addictive, or that his actions in prescribing the drug were wrongful.
>
> Respondent is probably redeemable but his practice should be performed under probationary conditions for an extended period.

(State's Exhibit 12, p. 13)

The California Board suspended Dr. Raneses' license for sixty days, required him to surrender his DEA Permit and prospectively restricted his ability to prescribe controlled substances. The California Board ordered Dr. Raneses to maintain records of all controlled substances administered by him during his eight year probation. Dr. Raneses was ordered to complete a Continuing Medical Education (CME) program consisting of forty hours in pharmacology CME per year of his probation, 15 additional CME hours approved by the California Board, and a course in ethics. The California Board required Dr. Raneses to take and pass an examination, obey all laws, submit quarterly declarations, comply with its surveillance program, and appear for interviews with the Board's designee.

7. On August 17, 1994, Dr. Raneses submitted his renewal form to the Ohio Board. He answered "YES" to questions 1 and 6.

> AT ANY TIME SINCE SIGNING YOUR LAST APPLICATION FOR RENEWAL OF YOUR CERTIFICATE HAVE YOU:
> 1) Been found guilty of, or plead guilty or no contest to a felony or misdemeanor.
>
> ****
>
> 6) Surrendered, or consented to limitation upon: a) A license to practice medicine; OR b) State or federal privileges to prescribe controlled substances?

(State's Exhibit 8) In response to the Board's August 26, 1994 request, Dr. Raneses explained that he designed a program for pain sufferers and others. While denying wrongdoing, Dr. Raneses stated that he pleaded no contest to one of the five criminal charges and received a license suspension and probation from the California Board. (State's Exhibits 9 & 10)

8. In his written contentions, Dr. Raneses stated that he discerned a need for effective treatment of individuals suffering from pain. He stated his literature review convinced him that Dilaudid was under-utilized for the treatment of intractable pain. He stressed that he tried in good faith to serve his patients. Dr. Raneses asserted that he pleaded guilty to a misdemeanor, not a felony, as stated in the adopted proposed decision of the California Board. Further, Dr. Raneses emphasized the California Board found him to be redeemable. His license is currently on probation until 2002. (Respondent's Exhibit A, State's Exhibit 12)

9. Since the California Board's decision, Dr. Raneses has completed his ethics course and passed two examinations administered by the California Board. The subject matter of the examinations is unknown. Dr. Raneses is current on his pharmacology requirements. (Respondent's Exhibit A) Dr. Raneses submitted a list of continuing medical education classes that he attended. However, the dates and credits received are confusing and unclear. Additionally, the content of the classes is not evident from the information given. (Respondent's Exhibit G) Following his suspension, Dr. Raneses had found work at a family practice clinic, but he was recently laid off due to patient load decrease. (Respondent's Exhibit H, Tr. 13) Dr. Raneses believes that he is now a far better physician than he was previously. (Respondent's Exhibit A)

10. On November 7, 1994, the Los Angeles Municipal Court vacated Dr. Raneses' guilty plea and dismissed the complaint against him based upon his successful completion of his three year probation. (Respondent's Exhibit C)

FINDINGS OF FACT

1. On or about November 16, 1993, California Board revoked Dr. Raneses certificate to practice medicine in California, stayed the revocation and imposed a sixty day suspension and subsequent eight-year probation with various terms and conditions. The California Board found Dr. Raneses violated California's minimal standards statutes, Business and Professions Code Sections 2234 (b), (c) and (d) (demonstrating gross negligence and incompetence, and repeated acts of negligence). The California Board also found that Dr. Raneses violated Business and Professions Code Section 2242(a) (prescribing without good faith prior examination or medical indication); Section 725 (repeated acts of clearly excessive prescribing of drugs); and Section 490 (conviction of a crime substantially related to the qualifications, functions, and duties of a medical profession licensee). The California Board based its decision on Dr. Raneses' excessive prescribing of Dilaudid to twelve patients between 1984 and 1987. Expert medical testimony revealed that none of the patients involved suffered from a medical condition that justified a prescription of Dilaudid.

2. The findings of the California Board conflicted with the evidence submitted by Dr. Raneses at the current hearing on the issue of whether he was convicted of a felony or a misdemeanor. Without the journal entry from the California Court, there is not clear and convincing evidence that Dr. Raneses was convicted of a felony. However, there is clear and convincing evidence that Dr. Raneses pleaded guilty to a state criminal statute concerning controlled substances, specifically, California Health and Safety Code Section 11153(a), "Issuing Controlled Substance Prescription Not For Legitimate Medical Purposes."

CONCLUSIONS OF LAW

1. As set forth in Finding of Fact 1, the California Board's Decision to suspend Dr. Raneses and place him on probation constituted "'(t)he limitation, revocation, or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, for an action that also would have been a violation of this chapter, except for nonpayment of fees,' as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: 4731.22(B)(2), (3), and (6), Ohio Revised Code."

   Section 4731.22(B)(2), Ohio Revised Code, allows the Board to impose discipline for "[f]ailure to use reasonable care discrimination in the administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease." California found that Dr. Raneses prescribed without a good faith prior examination or medical indication and repeatedly and clearly excessively prescribed Dilaudid to his patients. This behavior falls within the parameters of Section 4731.22(B)(2).

   Section 4731.22(B)(3), Ohio Revised Code, allows the Board to impose discipline for "...a plea of guilty to, or a judicial finding of guilt of, a violation of any federal or state law regulating the possession, distribution, or use of any drug." Dr. Raneses pleaded guilty to California Health and Safety Code Section 11153(a), Issuing controlled substance prescription not for legitimate medical purpose. This is clearly a state law regulating drugs, and Dr. Raneses' guilty plea violates Section 4731.22(B)(3).

   Ohio's minimal standards statute, Section 4731.22(B)(6), Ohio Revised Code, prohibits "[a] departure from, or the failure to conform to minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established." The California Board found that Dr. Raneses' prescribing of Dilaudid constituted gross negligence, incompetence and repeated acts of negligence. Dr. Raneses' behavior clearly fell below the minimal standard of care described in Section 4731.22(B)(6), Ohio Revised Code.

2. As set forth in Finding of Fact 2, there is insufficient evidence to find that the California decision constituted "'(t)he limitation, revocation, or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, for an action that also would have been a violation of this chapter, except for nonpayment of fees,' as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: 4731.22(B)(9), Ohio Revised Code." Section 4731.22(B)(9), Ohio Revised Code, allows the Board to impose discipline for "[a] plea of guilty to, or a judicial finding of guilt of, a felony." There is insufficient evidence to determine whether the crime to which Dr. Raneses pleaded guilty was a felony.

PROPOSED ORDER

It is hereby ORDERED that:

The certificate of Jovencio L. Raneses, M.D., to practice medicine and surgery in the State of Ohio shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least seven (7) years.

1. Dr. Raneses shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.

2. At the time of his application for biennial medical licensure renewal in this State, Dr. Raneses shall submit written declarations stating whether he has complied with all the terms and conditions of his probation in this State and with all terms, conditions, or limitations imposed by any other state medical board.

3. Dr. Raneses shall immediately notify the Board in writing should he fail to comply with any term, condition, or limitation contained in the terms and conditions of his probation or with any term, condition, or limitation imposed upon a medical license by any other state medical board.

4. Dr. Raneses shall immediately notify the Board in writing of any modification or change to any term, condition, or limitation imposed by any other state medical board.

5. Dr. Raneses shall notify the Board of any restriction to any certificate to practice medicine held by Dr. Raneses which is imposed as a direct result of this Order. Dr. Raneses shall so advise the Board and shall provide acceptable documentation verifying same.

6. Dr. Raneses shall cause to be submitted to the Board copies of the quarterly reports that he submits to the California Board for so long a time as the California Board requires such submission.

7. Dr. Raneses shall cause to be submitted to the Board copies of his annual reports to the California Board concerning his compliance with the continuing medical education program in pharmacology ordered by the California Board. Dr Raneses shall also cause to be submitted to the Board the annual results of the examinations administered and ordered by the California Board.

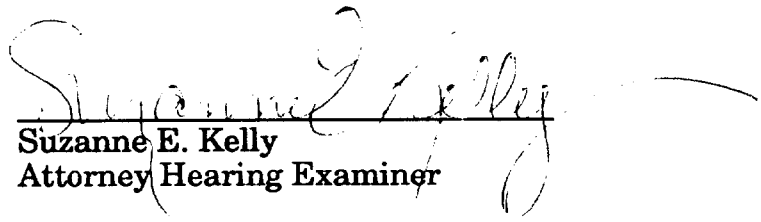
8. Dr. Raneses shall cause to be submitted to the Board notice of any change in the status of his United States Drug Enforcement Administration registration.

9. Dr. Raneses shall notify the Board thirty (30) days prior to commencing practice in Ohio; Dr. Raneses may at that time be placed under such terms, conditions, or limitations by the Board as the Board deems reasonable and appropriate.

10. If Dr. Raneses violates probation in any respect, the Board, after giving Dr. Raneses notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of Dr. Raneses' certificate to practice.

Upon successful completion of probation, Dr. Raneses' certificate will be fully restored.

This Order shall become effective immediately upon the mailing of notification of approval by the State Medical Board of Ohio.



Suzanne E. Kelly
Attorney Hearing Examiner

STATE MEDICAL BOARD OF OHIO
77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614)466-3934

EXCERPT FROM THE DRAFT MINUTES OF JUNE 14, 1995

REPORTS AND RECOMMENDATIONS

Dr. Garg announced that the Board would now consider the findings and orders appearing on the Board's agenda.

Dr. Garg noted that the matters of Mustafa Feroze, M.D., and James Miller, D.O., which were initially scheduled for consideration this month, would be considered at a later time. He asked that Board members retain their copies of the hearing records in these cases until such time as they are considered.

Dr. Garg asked whether each member of the Board received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Dewey Mays, Jr., M.D.; William G. Conrad, M.D.; Russell William Fiel, D.O.; James R. Holt, D.O.; Emil E. Pogorelec, D.O.; Jovencio L. Raneses, M.D.; James Michael Sinard, M.D; Mahendra K. Tandon, M.D.; and Jose A. Torres, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Stienecker	- aye
	Dr. Egner	- aye
	Dr. Agresta	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Mr. Sinnott	- aye
	Dr. Heidt	- aye
	Dr. Steinbergh	- aye
	Dr. Garg	- aye

Dr. Garg asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Stienecker	- aye

Dr. Egner	- aye
Dr. Agresta	- aye
Dr. Buchan	- aye
Ms. Noble	- aye
Mr. Sinnott	- aye
Dr. Heidt	- aye
Dr. Steinbergh	- aye
Dr. Garg	- aye

In accordance with the provision in Section 4731.22(C)(1), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of this matter. Dr. Gretter did not serve as Secretary in the above-named cases. Mr. Albert did not serve as Supervising Member in the matter of Russell William Fiel, D.O.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

.....

Dr. Gretter joined the meeting at this time.

Dr. Garg asked whether Dr. Gretter had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Dewey Mays, Jr., M.D.; William G. Conrad, M.D.; Russell William Fiel, D.O.; James R. Holt, D.O.; Emil E. Pogorelec, D.O.; Jovencio L. Raneses, M.D.; James Michael Sinard, M.D; Mahendra K. Tandon, M.D.; and Jose A. Torres, M.D. Dr. Gretter indicated that he had.

Dr. Garg asked whether Dr. Gretter understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. Dr. Gretter stated that he does understand.

.....

All Assistant Attorneys General and all Enforcement Coordinators left the meeting at this time.

REPORT AND RECOMMENDATION IN THE MATTER OF JOVENCIO L. RANESES, M.D.

.....

DR. STIENECKER MOVED TO APPROVE AND CONFIRM MS. KELLY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF JOVENCIO L. RANESES, M.D. DR. AGRESTA SECONDED THE MOTION.

.....

A vote was taken on Dr. Stienecker's motion to approve and confirm:

VOTE:	Mr. Albert	- abstain
	Dr. Bhati	- aye
	Dr. Stienecker	- aye
	Dr. Gretter	- aye
	Dr. Egner	- aye
	Dr. Agresta	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Mr. Sinnott	- aye
	Dr. Heidt	- aye
	Dr. Steinbergh	- aye

The motion carried.

STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

December 7, 1994

Jovencio L. Raneses, M.D.
1666 Garnet Avenue, #708
San Diego, CA 92109

Dear Dr. Raneses:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

(1) On or about November 16, 1993, the Division of Medical Quality of the Medical Board of California issued its Decision revoking your certificate to practice medicine in California, staying that revocation and imposing a suspension and subsequent eight-year probation with various terms and conditions. A copy of that Decision is attached hereto and fully incorporated herein.

The November 16, 1993 Decision of the Medical Board of California as alleged in paragraph (1) above, constitutes "(t)he limitation, revocation, or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, for an action that also would have been a violation of this chapter, except for nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: 4731.22(B)(2), (3), (6) and (9), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

Mailed 12/8/94

December 7, 1994

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,

Carla S. O'Day, M.D.
Secretary

CSO\bjm

Enclosures

CERTIFIED MAIL # P 348 888 303
RETURN RECEIPT REQUESTED

BEFORE THE DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: Jovencio L. Raneses, M.D. Certificate # C-37687 Respondent.	D-4441

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Division of Medical Quality of the Medical Board of California as its Decision in the above-entitled matter.

This Decision shall become effective on December 15, 1993.

IT IS SO ORDERED November 16, 1993.

DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA

THERESA CLAASSEN, Secretary-Treasurer

MEDICAL BOARD OF CALIFORNIA
I do [illegible]
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[illegible] 11-29-94
Asst Custodian of Records

Division of Medical Quality
MEDICAL BOARD OF CALIFORNIA
State of California

In the Matter of the Accusation Against: JOVENCIO L. RANESES, M.D. 11900 La Mirada Boulevard La Mirada, California 90638, Certificate No. C-37687, Respondent.	OAH No. L-57510 Agency No. D-4441 PROPOSED DECISION

This case came on for hearing on December 28, 19, 30, and 31, 1992, before Richard E. Ranger, Administrative Law Judge of the Office of Administrative Hearings, State of California.

Jaime Rene Roman, Deputy Attorney General, represented complainant.

Jovencio L. Raneses, M.D., respondent, represented himself without counsel.

Evidence was received, argument was presented, and the case was submitted for decision. On January 25, 1993, a letter and copies of materials on Chronic Pain Syndrome were received ex parte from respondent. On January 27, 1993, the record was re-opened, respondent's letter and materials were marked collectively as Exhibit N, and complainant was noticed pursuant to Government Code section 11513.5. On February 3, 1993, a letter was received from complainant commenting on Exhibit N and indicating no objection. The letter was marked as Exhibit 14 for identification, and Exhibit N was received in evidence.

Complainant has the burden of proof in the case and the standard of proof applicable is clear and convincing evidence to a reasonable certainty.

FACTS OF THE CASE

1. Respondent Jovencio L. Raneses, M.D., 61, has been licensed in California as a physician and surgeon under certificate no. C-37687 since September 26, 1977. He is a 1956 graduate of the Manila Central University College of Medicine in the Republic of the Philippines. From 1956 to 1958 respondent practiced in a rural community of the Philippines and in 1958 relocated to the United States.

2. Since arriving in the states respondent has been somewhat mobile in his practice. From 1958 to 1959 he interned at Edgewater Hospital in Chicago, and went through residencies in psychiatry at Edgewater and North Shore Hospital in Winetka, Illinois from 1959 to 1961. From 1962 to 1964, respondent was a house physician at Highland Park in Evanston, and from 1964 to 1965 practiced at the Elgin State Hospital at Elgin, Illinois. From 1965 to 1969 respondent practiced in a mental health program in Wisconsin, then went into general practice in 1969. He was in practice at a Wisconsin regional hospital from 1971 to 1973.

3. From 1973 to 1977, respondent practiced medicine and psychiatry at the Western State Hospital, a facility for mentally ill offenders, in Tacoma, Washington.

4. In 1977 respondent relocated to California and was admitted to practice in September of that year.[1] Thereafter he practiced in Marysville, California, and in 1979 practiced for 3 months at the Sonoma State Hospital before establishing a residence and practice in southern California. He has had a family practice in La Mirada, San Bernardino, and Moreno Valley, and is currently with the Vermont Medical Group in Los Angeles. For the past 4 years respondent has resided in Anaheim, California.

5. Respondent's first medical experience in the United States was in Illinois, but he was not licensed there. His first American medical license was in Ohio. He was thereafter licensed in Vermont but never practiced there. He was thereafter licensed in the state of Washington, and lastly in California in 1977. Respondent is not board certified in any specialty but indicates he has been board eligible in family practice since 1977. He is a member of the American Academy of Family Practice, California Academy of Family Practice, and others.

6. On January 31, 1991, Kenneth J. Wagstaff, complainant, filed an accusation against respondent in complainant's official capacity as Executive Director of the Medical Board of California. In the accusation respondent is charged with unprofessional conduct in violation of the Medical Practice Act by unlawfully prescribing dangerous drugs, specifically Dilaudid, for multiple patients between 1984 and 1988. On January 6, 1992, complainant Wagstaff filed a First Amended and Supplemental Accusation against respondent in

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[1]Evidence in the record indicates respondent failed the California oral/clinical exam in 1971, the written exam in December 1973, and the oral/clinical in July 1977.

complainant's official capacity. In the First Amended Accusation respondent is further charged with having been convicted of a felony violation of Health and Safety Code section 11153(a) in 1990. The charges are established.

7. In 1983, respondent became interested in the use of Dilaudid in the treatment of moderate to severe pain in patients. He associated with another California physician, reportedly now deceased, who was utilizing the drug for such purposes. Respondent indicates he did some study on Dilaudid and became persuaded as to its therapeutic value in the treatment of pain. In 1984, respondent began prescribing Dilaudid for patients who came to him complaining of pain. For the most part respondent operated as Raneses Family Medical Clinic officed in La Mirada, and referred to his pain treatments as a Dilaudin Treatment Program.

8. Between 1984 and 1987, respondent repeatedly prescribed Dilaudid for at least 17 patients who treated with him for various medical conditions. In each instance respondent prescribed Dilaudid in maximum tablets of 4 mg. each, and 60 tablets per prescription.

9. Respondent's Dilaudid patients during the period 1984 to 1987 included the following:

a. Patient Velma M., then age 33, first visited respondent for treatment in April 2, 1984 at his Alhambra office. The patient resided on West 56th Street in Los Angeles. Respondent recorded the patient reported a slip and fall accident 8 months prior and complained of back pain, pain in her tail bone, and numbness in her right leg. Respondent prescribed Dilaudid, 4 mg., 60 tablets. The patient returned to respondent on April 29, May 14, June 20, and July 24, 1986, March 9, April 8, July 15, August 10, September 9. October 9, November 7, and December 8, 1987, and January 8, May 26. July 18, and September 6, 1988. During each of the visits to respondent he prescribed Dilaudid, 4 mg., 60 tablets for patient Velma M. There is no record of treatment or visits in 1985. Respondent did not prescribe or order other treatments for patient.

b. On May 17, 1984, patient Lorraine C., then 53, made a first visit to see respondent. She was 5' 4" and 221 pounds. The patient reportedly complained of pain in her fingers on both hands and stiffness, left leg cramps and other problems. Respondent performed a physical examination of the patient and found that she had a heart murmur, chest wheeze, a small fatty tumor on her right forearm, and tenderness of hips and legs on palpation. Respondent's assessment was moderate pain from arthritis of spine and hips, and probable nerve entrapment. He prescribed Dilaudid, 4 mg., 60 tablets, for the patient's pain. The patient returned to respondent next on October 1, 1985, then

on January 17, February 18, March 18, May 2, June 5, July 7, September 3, and October 7, 1986. Her last visit was on December 5, 1988. On each visit respondent prescribed Dilaudid, 4 mg., 60 tablets. Respondent did not prescribe or order other treatments.

c. On July 2, 1984, patient Pearlie D., then 42, first visited respondent. She complained of abdominal pain, painful urination, low back pain, and reportedly had a history of arthritis of the knees and shoulders, and gall bladder stones. The patient was morbidly obese at 4' 11" and 345 pounds. Respondent examined the patient and assessed gall bladder colic and moderate pain in shoulder joint. Respondent prescribed Dilaudid, 4 mg., 60 tablets. The patient returned to respondent on June 19, 1985, August 6, 1986, and April 8, May 29, and July 3, 1987 she was prescribed Dilaudid, 4 mg., 60 tablets each visit. Respondent did not prescribe or order a weight control program, or other treatment. The only recorded treatment was Dilaudid.

d. On August 21, 1984, patient Annette R., then 46, first visited respondent. She complained of low back pain, arm and shoulder pain, and abdominal pain. She had a history of a hysterectomy. Respondent examined the patient and assessed that she suffered from a low back arthritic condition. He prescribed Dilaudid, 4 mg., 60 tablets. The patient returned to respondent on June 21, July 23, and August 24, 1985, January 22 and March 6, 1986, January 9, February 15, March 29, and June 7, 1987. Each time respondent prescribed Dilaudid, 4 mg., 60 tablets. No other treatments were prescribed or ordered.

e. On May 14, 1985, patient John L., then 42, made a first visit to respondent. The patient complained of low back pain, dizzy spells, and disc disease. He reported being in an auto accident 4 days before his visit to respondent but did not indicate prior treatment by a physician. Respondent examined the patient and found enlarged tonsils, severe tenderness of lumbar spine at L5, and pain on raising left leg. The patient could not walk on his heels due to pain in the lower back. Respondent prescribed Dilaudid, 4 mg., 60 tablets. The patient returned to respondent on July 15 and August 16, 1985. He was prescribed Dilaudid, 4 mg., 60 tablets each time. No other treatments were prescribed or ordered for the patient.

f. On June 19, 1985, patient Cornelius D., then 35, first visited respondent with complaints of low back pain reportedly first experienced 3 days prior to the first visit. The patient also complained of pain in a knee and thigh. Respondent prescribed Dilaudid, 4 mg., 60 tablets. The patient did not return until May 21 and July 6, 1987, at which times respondent again prescribed Dilaudid, 4 mg., 60 tablets. No other treatments were prescribed or ordered.

g. On July 16, 1985, patient Patricia T., then 44, made a first visit to respondent. She complained of low back pain and a prior right foot fracture, in which foot she had 5 pins inserted as a result of an accident in 1983. She walked with difficulty on her right foot which was swollen. Respondent examined the patient and determined that her pain was localized in her foot and back. His assessment was moderate to serve pain in lower back, tenderness in back, limited trunk flexion, and shoulder pain. Respondent did not inquire about prior physicians who had treated the patient, nor did he obtain or attempt to obtain the patient's medical records. Respondent prescribed Dilaudid, 4 mg., 60 tablets. The patient returned to respondent on July 31, 1985, December 17, 1985, November 11, 1986, October 18, 1988, November 28, 1988, and January 4, 1989. Each time respondent prescribed Dilaudid, 4 mg., 60 tablets. No other treatments were prescribed or ordered.

h. On September 6, 1985, patient Adrennie C., then 44, made a first visit to respondent. She reported an auto accident in 1975 resulting in fractured pelvic bones and low back injury, and surgical removal of uterus due to cancer in 1972. She complained of pain becoming progressively more acute. The patient, a female, was 5' 7", 240 pounds. Respondent reportedly examined the patient, found tenderness on palpation of lumbo-sacral spine, tenderness on right medical aspect of knee, and back pain upon lying down. Respondent prescribed Dilaudid, 4 mg., 60 tablets. The patient returned to respondent on November 19 and December 11, 1985, January 16 and February 14, 1986, September 9, October 29, and December 7, 1987, February 10, March 9, April 8, May 7, July 29, August 30, September 30, and November 3, 1988, and on February 7, 1989. Respondent prescribed Dilaudid, 4 mg., 60 tablets on each visit. No other treatments were prescribed or ordered for the patient. This patient is described in the record as a "runner" who obtained prescriptions from respondent for re-sale.

i. On September 13, 1985, patient Johnny Mae J., then 51, made a first visit to respondent. This patient is also described as a "runner." Upon presentation she reportedly complained of severe abdominal pain due to a stomach stapling weight reduction procedure performed in 1984. She also complained of knee pain, low back pain, and regurgitation each time she had food. The patient was 4" 10", and 246 pounds. Respondent performed a physical examination and found tenderness at the abdominal incision, and at lumbo-sacral region L1 through L5. Also right knee pain. Respondent states he requested the surgical records from the Riverside Hospital where the patient's surgery was performed, but they were never received. Respondent prescribed Dilaudid, 4 mg., 60 tablets. The patient returned to respondent on November 18, 1985, January 3, 1986, and April 1, 1986, and April 6, 1986. Respondent prescribed Dilaudid, 4 mg., 60 tablets for the patient on each visit except on February 1,

1986 when she came in and said she had lost her prior prescription. Respondent ordered an ultra sound and prescribed Dilaudid on February 6, 1986.

j. On September 13, 1985, patient Jamesetta G., then 47, made a first visit to respondent. She had complaints of severe pain in uterus area and reported surgical removal of a uterine growth in 1979. The patient stated she had quit her job due to pain. She also had pain in the 3d finger of her right hand, and in her lower extremities. The patient, a female, was 5' 2", and 217 pounds. Respondent examined and found mild edema in legs, tenderness in the back, and evidence of prior eye surgery. He assessed moderate pain from injuries to hand, arthritis of lower back, and pain in lower abdomen from surgical trauma. Respondent prescribed Dilaudid, 4 mg., 60 tablets. The patient returned to respondent on November 5, 1985 at which time he ordered a pelvic examination and x-rays of the lower abdomen. Respondent prescribed Dilaudid 4 mg., 60 tablets agair, and the patient did not return as scheduled for the special examinations. They were never performed. However, the patient did return again on January 6, 1986, at which time respondent prescribed Dilaudid 4 mg., 60 tablets. No other medications or treatments were prescribed or ordered.

k. On December 4, 1985, patient James B., then 37, made a first visit to respondent with complainants of low back pain. He reported an auto accident occurring 6 months prior in which his vehicle was rear ended. The patient had treated with another physician who prescribed a medication which did not alleviate the patient's pain. Reportedly the patient had been prescribed Dilaudid by a second doctor 3 months prior to his visit to respondent. The patient complained of tiredness, insomnia, and nausea. Respondent examined the patient and found no lower back flex, and assessed traumatic arthritis of the back. He concluded the patient was having Dilaudid withdrawal symptoms. Respondent prescribed Dilaudid, 4 mg., 60 tablets. The patient returned on January 4, 1986 and x-rays were ordered. He returned on February 20, 1986 and was prescribed an oral medication to be taken 1 cup per day for 10 days. The patient returned again on April 8, May 2, June 2, and August 11, 1986, April 3, 1987, May 11, 1987, December 7, 1987, October 17, November 17, and December 16, 1988, at which times he was prescribed Dilaudid, 4 mg., 60 tablets, on each visit.

l. On May 7, 1986, patient Kimberly L., then 26, made a first visit to respondent with complaints of low back pain, pains in the legs when walking, and finger pain and swelling. Respondent examined the patient and found severe tenderness in muscles of the lower back, enlarged tonsils, tooth decay, calcium deposits in right ear drum, enlarged left cervical lymph nodes, systolic heart murmur, finger joints abnormally hyper extended, and left curvature of spine. Respondent's

assessment was moderate pain, and muscle spasms in lumbar region due to birth trauma in connection with a spinal injection upon child birth. Respondent prescribed Dilaudid 4 mg., 60 tablets. The patient returned on August 6, and September 11, 1986, at which times she was also prescribed Dilaudid, 4 mg., 60 tablets.

m. On May 1, 1987, patient Gretchen L., then 31, made a first visit to respondent complaining of low back pain from an auto accident in 1979, a disc dislocation, and pain in her right hip. Upon examination respondent found nasal congestion, right hip tenderness, limited hip motion, right pelvis lower than the left, and pain on lifting right leg. The patient's back motion was limited to 3 inches due to pain. The patient reported prior Dilaudid prescriptions, as well as Codeine to which she was allergic. Respondent prescribed Dilaudid, 4 mg., 60 tablets. The patient made subsequent visits to respondent on June 9, July 14, September 25, and October 26, 1987. She also returned to respondent on January 22, 1988 and October 26, 1988. On each subsequent visit respondent prescribed Dilaudid 4 mg., 60 tablets.

n. On May 8, 1987, patient Frances W., then 43, made a first visit to respondent complaining of lower back pain resulting from an auto accident which reportedly occurred in 1980. This patient is also described in the record as a "runner." Respondent reportedly performed an examination and found severe tenderness of spine L1 to L5, and pain on trunk motion. Respondent assessed her condition as traumatic injury to lower back causing severe to moderate lower back pain. Respondent prescribed Dilaudid, 4 mg., 60 tablets. The patient returned to respondent on August 1, September 1, October 1, November 2, and December 1,. 1987, and February 18, 1988, May 7, 1988, September 26, 1988, and October 27, 1988. On each return visit respondent prescribed Dilaudid, 4 mg., 60 tablets.

o. On May 8, 1987, patient Reathe H., then 50, made a first visit to respondent complainant of low back pain, as well as pain in the hips, knees, and hands. She reported arthritis for 20 years in various areas of her body. Respondent examined the patient and found swelling in the hands, knee tenderness, and tenderness of the lumbro-sacral spine and hips. Respondent prescribed Dilaudid, 4 mg., 60 tablets. The patient returned on June 10, August 1, September 1, October 1, November 13, and December 15, 1987. She also returned on February 18, April 6, May 9, September 26, and October 27, 1988. She was prescribed Dilaudid 4 mg., 60 tablets on each occasion except the last three visits in 1988. In April 1988, respondent determined through a drug screen that respondent was in Methadone treatment and that she was using other drugs. He terminated Dilaudid to the patient upon obtaining that information.

p. On August 5, 1987, patient Freddy D., then 36, made a first visit to respondent complaining of low back pain, and knee pains reportedly resulting from an auto accident in 1986. He had previously been a patient of a Riverside physician who had prescribed Dilaudid. Respondent examined the patient and found his tonsils enlarged, tenderness in the sacral area, mild scoliosis, and trunk flexion limited to 3 inches due to pain. The patient was 6' 1 ½" and obese at 269 pounds. He had knee pain upon squatting. Respondent prescribed Dilaudid, 4 mg., 60 tablets. The patient returned to respondent on September 11 and October 14, 1987, but it is not evident that additional Dilaudid was prescribed.

q. On July 28, 1988, patient Barbara M., then 42, first visited respondent complaining of back pain from a 5 year old auto accident. She stated she could not bend her legs. Reportedly she had been treated with Dilaudid in the past and Prednisone a year prior. Respondent's physical examination disclosed severe tenderness of lower back, L1 to L2, and limitation of back motion. The patient could bend no more than 1 inch. Respondent recorded edema of the legs, facial edema, and abnormal heart sounds. Respondent prescribed Dilaudid, 4 mg., 60 tablets. The patient returned on September 9, 1988, at which time respondent ordered x-rays and other tests and prescribed Dilaudid, 4 mg., 60 tablets. That was the patient's last visit.

10. Each of the seventeen patients specified in finding no. 9 was given the following information in writing:

"1. You are in a Dilaudid Treatment Program.

2. Dilaudid is a very potent drug and may be addicting to you.

3. It treats the symptoms and for this purpose pain.

4. It has also side effects, such as drowsiness, constipation, etc.

5. You cannot take any other medicine while taking the medicine unless prescribed my me.

6. Every effort should be made to find the cause of your symptoms, which is pain. And thus you are to undertake physical examination, mental evaluation if necessary, and also Laboratory works as indicated at your expense.

7. The treatment program is for the maximum of 2 months.

8. The medicine should be taken in a tapering dose. So that at the end of your program you will be symptom free and medicine free.

9. Any disease discovered during this program will be brought to your attention and will then decide what is to be done.

10. You have the right to withdraw in the program anytime and so with your doctor.

11. All monies paid are not refundable.

12. You should have a pharmacy who could dispense the medicine.

13. If you agree, please sign on the space below."

11. Respondent also provided the following written instructions to each patient for whom he prescribed Dilaudid:

"Instruction to Patient"

"Take the Dilaudid 4 mg. one tablet twice a day and at 12 hour intervals of the first day. Then one a day for the next two days, and nothing for the next 3 days. Repeat the same direction as previously if necessary. If pain persists stop the medication and see the doctor.

All Blood test indicated and X rays, should be done during the first two weeks. Blood is to be drawn on fasting and preferably in the mornings when you did not eat breakfast.

If for any reason you can not buy your medications, please call the doctor immediately.

If all the tests are negative, including your X rays, a consultation with another specialist will be done.

For any joint pains, you are advised to rest the parts. There will be no lifting, pulling or straining of the involve parts. A back brace, neck collar and splint, bandages, any or in combination of these devices are to be used temporarily for a limited period of time.

If you have a current medical condition aside from that which you came to the office for, it will be automatically be treated, unless you indicate that you do not want treatment from this office, and that you have a doctor currently treating you.

You are to report your progress every two weeks either by phone or by coming to the office.

You need to have a physical examination every time you come to the office.

You and nobody else receives your prescription from the doctor and your medicine from the pharmacist.

In case no medicine, that which is mentioned above, is not available immediately, you may request another substitute medications to relieve your pain from the doctor. In most cases a non-narcotic pain killer will be prescribed.

Other pain remedies are available, without resorting to drugs. I will be happy to discuss them to you.

In case that all remedies have been exhausted including physiotherapy for pain, and the pain still persists, then a psychiatric examination will be done here in the office. Some depressive illnesses can cause or aggravate the pains.

Since Dilaudid is a schedule 2 controlled substance, you are requested to cooperate with your pharmacies and the Department of Justice if appropriate."

12. In most cases respondent's Dilaudid patients signed information forms respondent presented to them, and the "Instruction to Patient" form as requested.

13. Dilaudid (Knoll) is a short acting narcotic analgesic for the relief of pain. According to testimony it is 2½ times more potent than morphine or heroin. It has side effects, such as drowsiness, mood changes, respiratory depression, constriction of the eye pupil, and produces transient hyperglycemia. Analgesic action is ordinarily evident within 15 minutes after parietal administration and remains in effect for more than 5 hours. Orally administered Dilaudid is somewhat slower with pain relief generally evident within 30 minutes. The drug is a Schedule II narcotic the use of which may result in psychic and/or physical dependence. Psychic dependence is unlikely when used for a short period of time. Physical dependence usually requires continued use for several weeks.

The drug is generally given as a last resort. In this case, the testimony is that addiction may occur within 12 days when Dilaudid is given in the amounts (4 mg.) and on the schedule prescribed by respondent.

14. Dilaudid is produced in ampules, vials, and color coded tablets of 1 mg. (green), 2 mg. (orange), 3 mg. (pink), and 4 mg. (yellow). The evidence in this case is that respondent never prescribed less potent tablet dosages of 1, 2 or 3 mgs. for his patients. In each instance of Dilaudid prescriptions for patients referenced in finding no. 9, respondent prescribed 4 mg., 60 tablets each. Respondent's Dilaudid prescriptions were also not variable according to patient variations, or medical conditions, nor were the patients prescribed more or less than 60 tablets. Any patient determined to be suffering from pain received prescriptions of Dilaudid, 4 mg., 60 tablets. According to expert medical opinion, none of the patients involved in this proceeding justified a prescription of Dilaudid.

15. Respondent's prescriptions of Dilaudid to patients Velma M., Lorraine C., Pearlie D., Annette P., Patricia T., John L., James B., Kimberly I., Frances W., Heather N., Freddy D., Gretchen L., and Barbara M. as set forth in finding nos. 9a thru 9q establish gross negligence and incompetence, and prescribing without medical indication.

16. It is not established that respondent issued Dilaudid prescriptions to Frances W., and Adrennie C. without seeing or examining the patients. The hearsay testimony in the record is insufficient to support the charge.

17. It is not established that patients Barbara M. and Johnny May J. did not receive medical attention or treatment from respondent. The medical records are not contradicted by mere speculation that medical attention and treatment were not given.

18. Respondent's Dilaudid treatments resulted in a drug conviction in 1990. On October 10, 1990, in the Los Angeles Municipal Court, in case no. A990055, respondent entered a plea of guilty to a one count felony charge of violating Health and Safety Code section 11153(a) (Issuing controlled substance prescription not for legitimate medical purposes). On November 6, 1990, in the Superior Court, County of Los Angeles, State of California, proceedings were suspended and respondent was placed on probation for three (3) years on terms and conditions, including one day in jail, $100.00 restitution fine, possess no triplicate prescription forms, and obey all laws.

19. The facts and circumstances of respondent's offense is that on or about December 8, 1987, respondent unlawfully

issued a prescription for Dilaudid to a patient.[2]

20. Respondent's Dilaudid prescriptions to patients in finding nos. 9a thru 9q were issued for prices ranging from $300.00 to $600.00. A substantial part of respondent's practice consisted in Dilaudid prescriptions ostensibly for pain.

21. There is no credible evidence in the record that respondent's Dilaudid practice was intended to be in compliance with the Intractable Pain Treatment Act,[3] and it is not established that respondent acknowledge that his Dilaudid prescriptions were being wrongfully issued. He knew his triplicate prescriptions were being recorded and tracked but did not accept responsibility for how the prescriptions were being used by the patients.

ISSUE DETERMINATIONS

A. Cause exists pursuant to Business and Professions Code section 2234 to suspend or revoke respondent's certificate for unprofessional conduct in that respondent demonstrated gross negligence and incompetence in contravention of section 2234(b) and (d) by reason of findings nos. 7, 8, 9, 10, 11 and 12.

B. Cause exists under Business and Professions Code section 2234 to suspend or revoke respondent's certificate for violation of section 2242(a) (prescribing without good faith prior examination or medical indication) by reason of finding nos. 9a thru 9q.

C. Cause exists under Business and Professions section 2234 to suspend or revoke respondent's certificate for violation of section 725 (repeated acts of clearly excessive prescribing of drugs) by reason of finding nos. 9a thru 9q.

D. Cause exists under Business and Professions Code section 2234 to suspend or revoke respondent's certificate for repeated acts of negligence in contravention of section 2234(c) by reason of finding nos. 9a thru 9q.

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[2]Respondent was charged with 5 counts of unlawful activity as a result of issuing Dilaudid prescriptions. His plea was to Count 2, a violation of Health and Safety Code section 11153(a). Court records (and other evidence) do not specifically indicate the person or patient to whom respondent prescribed Dilaudid on December 8, 1987.

[3]Business and Professions Code section 2241.5.

E. Cause exists under Business and Professions Code section 490 to suspend or revoke respondent's certificate in that he has been convicted of a crime substantially related to the qualifications, functions, and duties of a medical profession licensee by reason of finding nos. 18 and 19.

In this case respondent violated laws against excessive prescribing, and his indiscriminate prescriptions for Dilaudid demonstrates incompetence and an extreme departure from the standard of care constituting gross negligence.

Nevertheless, this respondents major problem is evidently a lack of drug knowledge, and incredibly poor medical judgment and understanding. Even at hearing, respondent did not appear to understand that Dilaudid has adverse properties and is addictive, or that his actions in prescribing the drug were wrongful.

Respondent is probably redeemable but his practice should be performed under probationary conditions for an extended period.

DISPOSITION

Certificate No. C-37687 issued to respondent Jovencio L. Raneses, M.D. is revoked pursuant to Determination of Issues A, B, C, D and E. However, the order of revocation is stayed and respondent is placed on probation for eight (8) years upon the following terms and conditions.

1. Actual Suspension

   As part of probation, respondent is suspended from the practice of medicine for sixty (60) days beginning the effective date of this decision.

2. Controlled Drugs - Surrender of DEA Permit

   Respondent is prohibited from practicing medicine until respondent provides documentary proof to the Division that respondent's DEA permit has been surrendered to the Drug Enforcement Administration for cancellation, together with any triplicate prescription forms and federal order forms. Thereafter, respondent shall not reapply for a new DEA permit without the prior written consent of the Division or its designee.

3. Controlled Drugs - Partial Restriction

Respondent shall not prescribe, administer, dispense, order, or possess any controlled substances as defined by the California Uniform Controlled Substance Act, except for those drugs listed in Schedules IV and V of the Act.

4. Drugs & Abstain From Use

Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, and dangerous drugs as defined by Section 4211 of the Business and Professions Code, or any drugs requiring a prescription.

5. Drugs - Exception for Personal Illness

Orders forbidding respondent from personal use or possession of controlled substances or dangerous drugs do not apply to medications lawfully prescribed to respondent for a bona fide illness or condition by another practitioner.

6. Controlled Drugs - Maintain Record

Respondent shall maintain a record of all controlled substances prescribed, dispensed or administered by respondent during probation, showing all the following: 1) the name and address of the patient, 2) the date, 3) the character and quantity of controlled substances involved, and 4) the indications and diagnosis for which the controlled substance was furnished.

Respondent shall keep these records in a separate file or ledger, in chronological order, and shall make them available for inspection and copying by the Division or its designee, upon request.

7. Education Course

Within 90 days of the effective date of this decision, and on an annual bass thereafter, respondent shall submit to the Division for its prior approval an educational program in pharmacology or a course to be designated by the Division, which shall not be less than 40 hours per year, for each year of probation. This program shall be in addition to the Continuing Medical Education requirements for re-licensure. Following

the completion of each course, the Division or its designee may administer an examination to test respondent's knowledge of the course. Respondent shall provide proof of attendance for 65 hours of continuing medical education of which 40 hours were in satisfaction of this condition and were approved in advance by the Division.

8. Ethics

Within 60 days of the effective date of this decision, respondent shall submit to the Division for its prior approval a course in Ethics, which respondent shall successfully complete during the first year of probation.

9. Oral or Written Exam

Within 60 days of the effective date of this decision, respondent shall take and pass an oral or written exam, in a subject to be designated and administered by the Division or its designee. If respondent fails this examination, respondent must take and pass a re-examination consisting of a written as well as an oral examination. The waiting period between repeat examinations shall be at three month intervals until success is achieved. The Division shall pay the cost of the first examination and respondent shall pay the cost of any subsequent re-examinations.

10. Obey All Laws

Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in California.

11. Quarterly Reports

Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Division, stating whether there has been compliance with all the conditions of probation.

12. Surveillance Program

Respondent shall comply with the Division's probation surveillance program.

13. Interview With Medical Consultant

Respondent shall appear in person for interviews with the Division's medical consultant upon request at various intervals and with reasonable notice.

14. Tolling for Out-of-State Practice or Residence

The period of probation shall not run during the time respondent is residing or practicing outside the jurisdiction of California. If, during probation, respondent moves out of the jurisdiction of California to reside or practice elsewhere; respondent is required to immediately notify the Division in writing of the date of departure, and the date of return, if any.

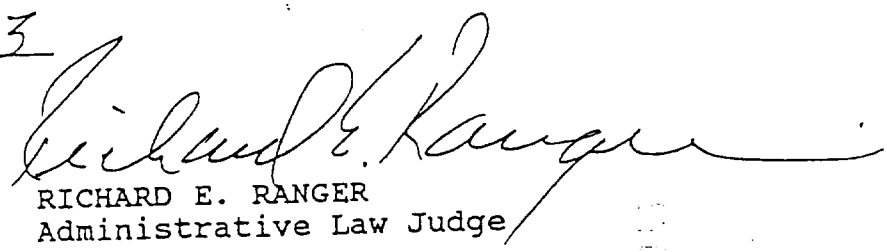
15. Completion of Probation

Upon successful completion of probation, respondent's certificate will be fully restored.

16. Violation of Probation

If respondent violates probation in any respect, the Division, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

Dated: JUNE 14, 1993



RICHARD E. RANGER
Administrative Law Judge

RER:lf