

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43215

March 13, 1987

Jose C. Munoz, M.D.
3731 Wheathland
Sylvania, Ohio 43560

Dear Doctor Munoz:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of John H. Buchan, D.P.M., Hearing Member, Medical Board; a certified copy of the Motions by the State Medical Board, meeting in regular session on March 12, 1987, amending said Report and Recommendation as the Findings and Order of the State Medical Board.

You are hereby notified that you may appeal this Order to the Court of Common Pleas of the county in which your place of business is located, or the county in which you reside. If you are not a resident and have no place of business in this state, you may appeal to the Court of Common Pleas of Franklin County, Ohio.

To appeal as stated above, you must file a notice of appeal with the Board setting forth the Order appealed from, and the grounds of the appeal. You must also file a copy of such notice with the Court. Such notices of appeal shall be filed within fifteen (15) days after the date of mailing of this letter and in accordance with Section 119.12, Revised Code.

THE STATE MEDICAL BOARD OF OHIO



Henry G. Cramblett, M.D.
Secretary

HGC:em

Enclosures

CERTIFIED MAIL NO. P 569 361 906
RETURN RECEIPT REQUESTED

cc: Jeffrey I. Goldstein, Esq.
804 Spitzer Bldg.,
Toledo, Ohio 43604

CERTIFIED MAIL NO. P 026 072 763
RETURN RECEIPT REQUESTED

Mailed 3/17/87

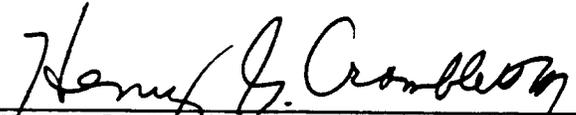
STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43215

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 John H. Buchan, D.P.M., Hearing Member, State Medical Board of Ohio; and the attached copy of the Motions by the State Medical Board, meeting in regular session on March 12, 1987, amending said Report and Recommendation as the Findings and Order of the State Medical Board, constitutes a true and complete copy of the Findings and Order of the State Medical Board in the matter of Jose C. Munoz, 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 and in its behalf.

(SEAL)


Henry G. Cromblett, M.D.
Secretary

March 13, 1987

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *
 *
JOSE C. MUÑOZ, M.D. *

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 12th day of March, 1987.

Upon the Report and Recommendation of John H. Buchan, D.P.M., Hearing Member in this matter designated pursuant to R.C. 119.09, a true copy of which is attached hereto and incorporated herein, which Report and Recommendation was amended by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board for the 12th day of March, 1987.

It is hereby ORDERED;

That the license of Jose C. Munoz, M.D., to practice medicine and surgery in the State of Ohio be INDEFINITELY SUSPENDED. Prior to reinstatement, Dr. Munoz shall undertake and successfully complete one year of supervised clinical training in anesthesiology in a program approved by the State Medical Board of Ohio.

Subsequent to reinstatement, Dr. Munoz shall hereafter be required to comply with the following terms as a condition of his continued practice:

1. Dr. Munoz shall always conduct a complete pre-anesthetic examination prior to surgery.
2. Dr. Munoz shall always ascertain all medications which are anticipated for use during the surgical procedure.
3. Within 30 days of reinstatement, Dr. Munoz shall submit to the Board for its prior approval a proposal providing for review and evaluation of his operative reports. Such evaluations shall be forwarded to the Board on a quarterly basis unless otherwise directed by the Board.

Page 2

Jose C. Munoz, M.D.

Entry of Order

This Order shall become effective 30 days from the date of notification of approval by the State Medical Board of Ohio.

(SEAL)



Henry G. Cramblett, M.D.
Secretary

March 13, 1987

Date

REPORT AND RECOMMENDATION
IN THE MATTER OF JOSE A. MUNOZ, M.D.

The matter of Jose Munoz, M.D., was heard before me, John H. Buchan, D.P.M., Member of the State Medical Board of Ohio, on November 15 and November 22, 1985.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Mode of Conduct

- A. During the course of these hearings, rules of evidence were relaxed, and both the State and the Respondent were given great latitude in demonstrating the relevancy and materiality of testimony and exhibits offered, as well as in attempting to discredit testimony and evidence presented by the opposing party.

II. Basis for Hearing

- A. By letter of April 10, 1985, the State Medical Board of Ohio notified Jose A. Munoz, M.D., that it proposed to take disciplinary action against his license to practice medicine and surgery in the State of Ohio. Dr. Munoz was advised that his acts, conduct, or omissions in connection with surgical procedures performed on two patients, both of whom subsequently died, posed potential violations of the following provisions of the Medical Practice Act:

1. Section 4731.22(B)(2), Ohio Revised Code, "Failure 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."
2. Section 4731.22(B)(6), Ohio Revised Code, "A departure

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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."

- B. By letter of April 24, 1985, Dr. Munoz requested a hearing on the above charges.

III. Appearance of Counsel

- A. On behalf of the State of Ohio: Anthony J. Celebrezze, Attorney General, by Lauren M. Ross, Assistant Attorney General.
- B. On behalf of the Respondent: Jeffrey I. Goldstein and N. W. Hetzer, Attorneys at Law.

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IV. Testimony Heard

- A. Presented by the State:
 - I. Jose A. Munoz, M.D., as on cross-examination
- B. No witnesses were presented by the Respondent.

V. Exhibits Examined

- A. Presented by the State:
 - 1. State's Exhibit #1 - April 10, 1985 notice of charges and of opportunity for hearing from the State Medical Board to Jose A. Munoz, M.D.
 - 2. State's Exhibit #2A - April 24, 1985 request for hearing from Dr. Munoz to the State Medical Board.
 - 3. State's Exhibit #2B - Undated request for hearing from Dr. Munoz to the State Medical Board.
 - 4. State's Exhibit #3 - April 30, 1985 notice of

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appearance on behalf of Dr. Munoz filed by Jeffrey I. Goldstein, Esq.

5. State's Exhibit #4 - May 7, 1985 letter to Dr. Munoz from the State Medical Board scheduling and postponing a hearing in this matter pursuant to Section 119.09, Ohio Revised Code.
6. State's Exhibit #5 - July 25, 1985 letter from the State Medical Board scheduling Dr. Munoz' hearing for September 6, 1985.
7. State's Exhibit #6 - Joint Motion for Continuance filed September 5, 1985.
8. State's Exhibit #7 - September 30, 1985 letter from the State Medical Board scheduling Dr. Munoz' hearing for November 15 and November 22, 1985.
9. State's Exhibit #8 - Coroner's Verdict and Testimony on the Body of Elizabeth Barnett.
10. State's Exhibit #9 - Necropsy report concerning Elizabeth Barnett.

8. Presented by the Respondent:

1. Respondent's Exhibit A - Review of clinical record of Elizabeth Barnett dated November 14, 1985, prepared by Harold R. Stevens, M.D., Chairman of the Department of Anesthesiology and Director of Respiratory Therapy at The Toledo Hospital.
2. Respondent's Exhibit B - Review of clinical record of Anthony Green dated April 21, 1978, prepared by John T. Martin, M.D., Professor, Department of Anesthesiology, Medical College of Ohio at Toledo.

FINDINGS OF FACT

As to patient Elizabeth Barnett:

1. Dr. Munoz did participate as an anesthesiologist in a surgical procedure, consisting of a D & C to be followed by a tubal

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ligation, which was to be performed on a 38-year old patient by the name of Elizabeth Barnett.

This fact is established by the testimony of Dr. Munoz, November 15, 1985 transcript at 19.

2. An endotracheal tube was utilized by Dr. Munoz during this surgical procedure to administer anesthesia to the patient.

This fact is established by the testimony of Dr. Munoz, November 15, 1985 transcript at 23 and Respondent's Exhibit A.

3. Dr. Munoz encountered difficulty in initially inserting the endotracheal tube, requiring three to four attempts before correct placement was achieved.

This fact is established by the testimony of Dr. Munoz, November 15, 1985 transcript at 23 and Respondent's Exhibit A.

4. An electrocardiogram and blood pressure cuff were utilized by Dr. Munoz for the purpose of monitoring the patient's cardiovascular function.

This fact is established by the testimony of Dr. Munoz, November 15, 1985 transcript at 24 and 26.

5. Dr. Munoz used a stethoscope to ensure proper positioning of the endotracheal tube.

This fact is established by the testimony of Dr. Munoz, November 15, 1985 transcript at 26.

6. Following completion of the D & C, the patient was moved from the lithotomy position to the supine position to allow the tubal ligation to be performed. Upon moving the patient, placement of the endotracheal tube was disturbed.

This fact is established by the testimony of Dr. Munoz, November 15, 1985 transcript at 27.

7. The patient's abdomen became distended and her pulse rate decreased significantly.

This fact is established by the testimony of Dr. Munoz, November

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15, 1985 transcript at 27-28.

8. Dr. Munoz requested and received assistance from Dr. Pai, another anesthesiologist, who successfully reinserted the endotracheal tube in the correct position, thus increasing the patient's heart rate.

This fact is established by the testimony of Dr. Munoz, November 15, 1985 transcript at 31-33.

9. Dr. Munoz made several attempts to insert a Levin tube in order to relieve the distension of the patient's abdomen.

This fact is established by the testimony of Dr. Munoz, November 15, 1985 transcript at 34.

10. In order to relieve the distension of the patient's abdomen, a gastrostomy was performed followed by the insertion of a nasogastric tube.

This fact is established by the testimony of Dr. Munoz, November 15, 1985 at 35.

11. Following the surgical procedure, Mrs. Barnett was placed in an intensive care unit. She remained comatose following surgery, and subsequently died on July 29, 1980, approximately 18 days later.

These facts are established by the testimony of Dr. Munoz, November 15, 1985 transcript at 37.

12. The officially established cause of death of Mrs. Barnett was anoxic encephalomalacia, extreme.

This fact is established by State's Exhibits #8 and #9.

13. Autopsy revealed that the patient suffered from a congenital laryngochoyromalacia with slit-like superior aperture and tubular epiglottis.

This fact is established by State's Exhibit #9 and Respondent's Exhibit A.

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As to Anthony Green:

14. Dr. Munoz did participate as an anesthesiologist in a surgical procedure, consisting of a mastoidectomy, which was to be performed on a patient by the name of Anthony Green.

This fact is established by the testimony of Dr. Munoz, November 22, 1985 transcript at 4.

15. A pulse monitor was used to monitor the patient's pulse rate during the surgical procedure. Although available, an electrocardiogram monitor was not used during the surgical procedure.

This fact is established by the testimony of Dr. Munoz, November 22, 1985 at 16.

16. Prior to the commencement of the surgical procedure, no discussion had taken place between Dr. Munoz and the surgeon concerning the specific drugs which each would be using during the surgical procedure.

This fact is established by the testimony of Dr. Munoz, November 22, 1985 transcript at 18.

17. During the surgical procedure, the pulse monitor indicated a significant decrease in the patient's pulse rate.

This fact is established by the testimony of Dr. Munoz, November 22, 1985 transcript at 21 and Respondent's Exhibit B.

18. Upon checking the patient's pulse by palpation, Dr. Munoz was of the opinion that the pulse monitor was functioning improperly.

This fact is established by the testimony of Dr. Munoz, November 22, 1985 transcript at 21 and Respondent's Exhibit B.

19. Subsequently, there was a significant decrease in the patient's pulse rate and Dr. Munoz was unable to get a blood pressure reading of the patient.

This fact is established by the testimony of Dr. Munoz, November 22, 1985 transcript at 22 and Respondent's Exhibit B.

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20. The patient went into cardiac arrest and subsequently died on the operating table.

This fact is established by the testimony of Dr. Munoz, November 22, 1985 transcript at 22-24 and Respondent's Exhibit B.

21. The officially established cause of death of Anthony Green was depression of the respiratory center due to anesthesia.

This fact is established by State's Exhibits #11 and #12.

CONCLUSIONS

Despite the evidence presented by Dr. Munoz stating that no one could be held at fault, the fact remains that two of Dr. Munoz' patients died due to improperly administered anesthesia rather than complications stemming directly from the surgical procedures for which they were admitted. Had the necessary precautions been taken, and had proper emergency corrective procedures been implemented once problems had been identified, both of these patients might still be alive today.

In the case of Elizabeth Barnett, a 38-year-old woman admitted for a D & C and tubal ligation, Dr. Munoz failed to ensure the proper positioning of the endotracheal tube. Once it was determined that the tube was positioned incorrectly, Dr. Munoz was unable to correct the problem, although several attempts were made to do so. The testimony is somewhat unclear as to the events that occurred subsequently; however, it is evident that the anesthesiologist who came to Dr. Munoz' aid was able to correctly reinsert the tube, albeit too late to save the patient.

Dr. Munoz' actions in the Barnett case are tempered to some degree by the discovery upon autopsy that the patient had suffered from a congenital malformation of the larynx that made intubation more difficult.

Dr. Munoz' shortcomings with regard to the treatment of patient Anthony Green are not so readily explained. Dr. Munoz neglected to conduct a pre-anesthetic visit the night prior to surgery, a routine procedure which would have enabled Dr. Munoz to ascertain the medications to be used during the following day's surgery. The EKG monitor, although available and seemingly imperative in conjunction

with a general anesthetic, was not employed, apparently because Dr. Munoz bowed to the surgeon's impatience. Certainly there is nothing in the record to indicate that if Dr. Munoz had taken those precautions, the same result would not have ensued. Indeed, there is no substantive evidence to suggest that the death of this 22-year-old patient admitted for minor surgery was anything other than an act of God. Nevertheless, Dr. Munoz' failure to insist upon these basic procedures constitutes neglect of his responsibilities as the anesthesiologist in this instance, and must not be ignored.

It should be noted that subsequent to these incidents, Dr. Munoz did undertake retraining in anesthesiology, consisting of four months at the Ohio State University and three months at the University of Southern California's Children's Hospital. Apart from Dr. Munoz' statements, no evidence was presented to document the substance of this training, and this Hearing Officer has no basis for evaluating its appropriateness or adequacy.

PROPOSED ORDER

It is hereby ORDERED that the license of Jose A. Munoz, M.D., to practice medicine and surgery in the State of Ohio be indefinitely suspended. Prior to reinstatement, Dr. Munoz shall undertake and successfully complete one year of supervised clinical training in anesthesiology in a program approved by the State Medical Board of Ohio.

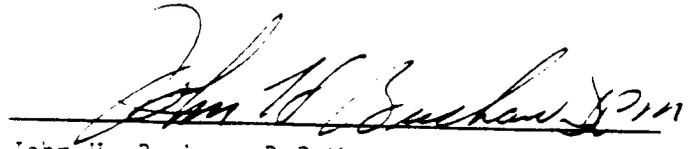
Subsequent to reinstatement, Dr. Munoz shall hereafter be required to comply with the following terms as a condition of his continued practice:

1. Dr. Munoz shall always conduct a complete pre-anesthetic examination prior to surgery.
2. Dr. Munoz shall always ascertain all medications which are anticipated for use during the surgical procedure.
3. Within 30 days of the Board's adoption of this Order, Dr. Munoz shall submit to the Board for its prior approval a proposal providing for review and evaluation of his operative reports. Such evaluations shall be forwarded to the Board on a quarterly

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basis unless otherwise directed by the Board.

This Order shall become effective 30 days from the date of notification of approval by the State Medical Board of Ohio.



John H. Buchan, D.P.M.
Hearing Member

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EXCERPT FROM THE MINUTES OF MARCH 13, 1987

REPORT AND RECOMMENDATION IN THE MATTER OF JOSE A. MUNOZ, M.D.

Dr. Stephens asked if each member of the Board had received, read, and considered the hearing record, the proposed findings and order, and any objections filed to the proposed findings and order in the matter of Jose A. Munoz, M.D. A roll call was taken:

ROLL CALL:	Dr. Cramblett	- aye
	Dr. Lancione	- aye
	Dr. Barnes	- aye
	Dr. Buchan	- aye
	Dr. Lovshin	- aye
	Dr. Rothman	- aye
	Dr. Rauch	- aye
	Dr. O'Day	- aye
	Ms. Rolfes	- aye

Dr. Buchan read the proposed order of his report and recommendation in the above matter, the original of which shall be maintained in the exhibits section of this Journal.

Dr. Stephens referred the Board to a request by Dr. Munoz' attorney, Nicholas W. Hetzer, to table this matter to allow for additional time to file objections, as well as a request for Mr. Hetzer to address the Board.

Dr. Barnes noted that the motion for tabling was also signed by the Board's representative, Yvette, McGee, Assistant Attorney General. He expressed concern that since Ms. McGee joined in the motion, there may be a legitimate reason to request tabling of the matter. Ms. Lubow advised that Ms. McGee might have agreed to the motion simply to be polite, since the decision is up to the Board.

Dr. Lancione asked if the Board would be found at fault by Appeals Courts, if it refused to table the matter at this time. Ms. Lubow stated that the Board has given Dr. Munoz the ten days permitted for filing objections, and it would not be an issue for appeal.

DR. O'DAY MOVED TO DENY MR. HETZER'S MOTION TO TABLE THIS MATTER. MS. ROLFES SECONDED THE MOTION.

Dr. Barnes again expressed concern about the Board not granting the motion when its own representative has agreed. He stated that perhaps there is a legitimate reason for the request. He added that Ms. McGee knows more about the case than the Board does, and he would accept her judgment.

Ms. Lubow advised that Ms. McGee was not assigned to the case originally, and was not the attorney of record at the time of the hearing.

Dr. Cramblett stated that every attorney in every case is allowed ten days to submit objections. Mr. Hetzer has had ten days to do so. His statements in his motions do not suggest that he has new evidence to present.

Dr. Barnes asked if Mr. Hetzer has had the time he is legally entitled to to make his objections. Ms. Lubow stated that he has.

A roll call vote was taken on Dr. O'Day's motion:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Lancione	- nay
	Dr. Barnes	- aye
	Dr. Buchan	- abstain
	Dr. Lovshin	- aye
	Dr. Rothman	- aye
	Dr. Rauch	- aye
	Dr. O'Day	- aye
	Ms. Rolfes	- aye

The motion carried.

Dr. Lancione asked what the Judge will say about the Board going against its own counsel. Ms. Rolfes indicated she was not concerned about that.

Dr. Cramblett stated that it was not the advice of the attorney on the case, and he also noted that Ms. McGee did not, in fact, sign the motion. It was signed for her at Mr. Hetzer's office.

Dr. Stephens at this time referred the Board to Mr. Hetzer's motion to address it. Dr. Stephens added that Mr. Hetzer was not present at this time.

MS. ROLFES MOVED TO DENY MR. HETZER'S REQUEST TO ADDRESS THE BOARD. DR. ROTHMAN SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Lancione	- nay
	Dr. Barnes	- aye
	Dr. Buchan	- abstain
	Dr. Lovshin	- aye
	Dr. Rothman	- aye
	Dr. Rauch	- aye
	Dr. O'Day	- aye
	Ms. Rolfes	- aye

The motion carried.

Dr. Rauch noted that in his objections, Mr. Hetzer talked about a violation of Dr. Munoz' constitutional rights to due process being violated by charging him with violations seven to ten years old. Mr. Bumgarner stated that what is concerned is the question of whether the Board should be impeded from taking action in cases where the violation occurred years before the Board learned of it.

Dr. Rothman stated that time should only be considered if there is a significant time between the filing of charges and the taking of action. He stated that he didn't think there was a statute of limitation on discovery of the violation.

Mr. Bumgarner stated that there is no statute of limitations in the operation of the Board in bringing charges.

Dr. Lancione referred to paragraph #3 of the Proposed Order, which states in part: "Within 30 days of the Board's adoption of this Order, Dr. Munoz shall submit to the Board for its prior approval a proposal providing for review and evaluation of his operative reports..." Dr. Lancione stated that an earlier part of the Order suspends Dr. Munoz' license. He asked how such a proposal can be prepared when Dr. Munoz is not even allowed to practice.

DR. BARNES MOVED TO AMEND PARAGRAPH 3 OF THE PROPOSED ORDER TO READ AS FOLLOWS:

WITHIN 30 DAYS OF REINSTATEMENT, DR. MUNOZ SHALL SUBMIT TO THE BOARD FOR ITS PRIOR APPROVAL A PROPOSAL PROVIDING FOR REVIEW AND EVALUATION OF HIS OPERATIVE REPORTS. SUCH EVALUATIONS SHALL BE FORWARDED TO THE BOARD ON A QUARTERLY BASIS UNLESS OTHERWISE DIRECTED BY THE BOARD.

DR. BUCHAN SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Lancione	- aye
	Dr. Barnes	- aye
	Dr. Buchan	- aye
	Dr. Lovshin	- aye
	Dr. Rothman	- aye
	Dr. Rauch	- aye
	Dr. O'Day	- aye
	Ms. Rolfes	- aye

The motion carried.

DR. BARNES MOVED TO APPROVE AND CONFIRM DR. BUCHAN'S FINDINGS OF FACT AND CONCLUSIONS IN THE MATTER OF JOSE A. MUNOZ, M.D. DR. ROTHMAN SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Lancione	- aye
	Dr. Barnes	- aye
	Dr. Buchan	- aye
	Dr. Lovshin	- aye
	Dr. Rothman	- aye
	Dr. Rauch	- aye
	Dr. O'Day	- aye
	Ms. Rolfes	- aye

The motion carried.

DR. BARNES MOVED TO APPROVE AND CONFIRM DR. BUCHAN'S PROPOSED ORDER IN THE MATTER OF JOSE A. MUNOZ, M.D. DR. ROTHMAN SECONDED THE MOTION.

DR. BARNES MOVED TO AMEND PARAGRAPH 3 OF THE PROPOSED ORDER TO READ AS FOLLOWS:

WITHIN 30 DAYS OF REINSTATEMENT, DR. MUNOZ SHALL SUBMIT TO THE BOARD FOR ITS PRIOR APPROVAL A PROPOSAL PROVIDING FOR REVIEW AND EVALUATION OF HIS OPERATIVE REPORTS. SUCH EVALUATIONS SHALL BE FORWARDED TO THE BOARD ON A QUARTERLY BASIS UNLESS OTHERWISE DIRECTED BY THE BOARD.

DR. BUCHAN SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Lancione	- aye
	Dr. Barnes	- aye
	Dr. Buchan	- aye
	Dr. Lovshin	- aye
	Dr. Rothman	- aye
	Dr. Rauch	- aye
	Dr. O'Day	- aye
	Ms. Rolfes	- aye

The motion carried.

A roll call vote was taken on Dr. Barnes' motion to approve and confirm as amended:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Lancione	- aye
	Dr. Barnes	- aye
	Dr. Buchan	- aye
	Dr. Lovshin	- aye
	Dr. Rothman	- aye
	Dr. Rauch	- aye
	Dr. O'Day	- aye
	Ms. Rolfes	- aye

The motion carried.

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43215

April 10, 1985

Jose A. Munoz, M.D.
622 Adams Street
Toledo, OH 43204

Dear Doctor Munoz:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine under the provisions of Section 4731.22, Ohio Revised Code, whether or not to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine or surgery for one (1) or more of the following reasons:

1. On or about July 11, 1980, you misplaced the endotracheal tube during a surgical procedure on a one Elizabeth Barnett and you did not use an EKG monitor and/or a stethoscope as precautions against such possible misplacement of the endotracheal tube. As a result of your actions, Elizabeth Barnett died eighteen (18) days later of anoxia brain death.

Your acts, conduct, or omissions as described in paragraph 1, individually or collectively, constitute, "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", as that clause is used in Section 4731.22(B)(6), Ohio Revised Code.

2. On or about January 8, 1977, during a surgical procedure on a one Anthony E. Green, you did administer the drug Halothone as an anesthetic, thereby initiating respiratory depression resulting in the death of same. You did not consider the possible detrimental effect of combining Halothone with other medications and did not take the basic precaution of electrocardiograph monitoring to ensure proper cardiac function.

Your acts, conduct, or omissions as described above in paragraph 2 constitute "Failure 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", as that clause is used in Section 4731.22(B)(2), Ohio Revised Code.

Further, your acts, conduct, or omissions as described above in paragraph 2, constitute, "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", as that clause is used in Section 4731.22(B)(6), Ohio Revised Code.

April 10, 1985

Pursuant to Chapter 119., Ohio Revised Code, please be advised that you may request a hearing on this matter. If you wish to request such a hearing, that request must be made within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such a hearing in person, or by your attorney, or you may present your position, arguments, or contentions in writing, or that at the hearing you may present evidence and examine witnesses appearing for or against you.

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

Very truly yours,

A handwritten signature in cursive script that reads "Henry G. Cramblett M.D." with a stylized flourish at the end.

Henry G. Cramblett, M.D.
Secretary

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