STATE OF OHIO
THE STATE MEDICAL BOARD

PERMANENT SURRENDER OF CERTIFICATE TO PRACTICE MEDICINE AND SURGERY OF ROQUE J. RAMIREZ, M.D.

I, Roque J. Ramirez, M.D., am aware of my rights to representation by counsel, the right of being formally charged and having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein, after being fully advised by legal counsel.

I, Roque J. Ramirez, M.D., do hereby voluntarily, knowingly, intelligently, and permanently surrender my certificate to practice medicine and surgery, No. 35-68714, to the State Medical Board of Ohio, thereby permanently relinquishing all rights to practice medicine and surgery in Ohio. This surrender shall be effective upon signature of the Secretary and Supervising Member.

I understand that as a result of the surrender herein that I am no longer permitted to practice medicine and surgery in any form or manner in the State of Ohio.

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice medicine and surgery No. 35-68714 or issuance of any other certificate pursuant to Chapters 4730. or 4731., Ohio Revised Code, on or after the date of signing of this Surrender of Certificate to Practice Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I stipulate and agree that I am taking the action described herein in lieu of further formal disciplinary proceedings in accordance with R.C. Chapter 119 and R.C. 4731.22 for the matters described in the Notice of Opportunity for Hearing dated September 10, 2003. I further stipulate and admit the allegations in said Notice, which is attached hereto in Exhibit A and incorporated herein by this reference.

I, Roque J. Ramirez, M.D., hereby release the State Medical Board of Ohio, its members, employees, agents and officers, jointly and severally, from any and all liability arising from the within matter.

This document shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code.

Further, this information may be reported to appropriate organizations, data banks and governmental bodies.

Signed this 1st day of December, 2003.

Roque J. Ramirez, M.D.

Witness

Witness

Sworn to and subscribed in my presence, this 1st day of December, 2003

MARY E. GONZALES
Notary Public, State of Texas
My Commission Expires
June 06, 2007

NOTARY PUBLIC

(This form must be either witnessed OR notarized.)

Accepted by the State Medical Board of Ohio:

LANCE A. TALMAGE, M.D.
Secretary

1-13-04
DATE

RAYMOND J. ALBERT
Supervising Member

1/13/04
DATE

ATTORNEY GENERALS OFFICE

DEC 0 8 2003

RECEIVED
CONSTITUTIONAL OFFICES

State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.state.oh.us/med/

September 10, 2003

Roque J. Ramirez, M.D.
Rt. 2, Box 190X
Mexia, Texas 76667

Dear Doctor Ramirez:

In accordance with R.C. Chapter 119., you are hereby notified that the State Medical Board of Ohio 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 or place you on probation for one or more of the following reasons:

(1) On or about June 6, 2003, the Texas State Board of Medical Examiners (Texas Board) entered an Agreed Order, which ordered that your Texas license be restricted under terms and conditions for a period of four (4) years and that you pay an administrative penalty in the amount of five thousand dollars ($5,000.00) within (10) days.

The Texas Board Conclusions of Law included that you are subject to disciplinary action by failing to practice medicine in an acceptable professional manner consistent with public health and welfare.

The conduct involving patient care in your surgical practice which resulted in the above Agreed Order, is set forth in detail in the Texas Board Complaint and Agreed Order, copies of which are attached hereto and incorporated herein.

The Texas Board Agreed Order, as alleged in paragraph one (1) above, 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 jurisdiction, 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 R.C. 4731.22(B)(22).

Pursuant to R.C. Chapter 119., 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

Mailed 9-11-03

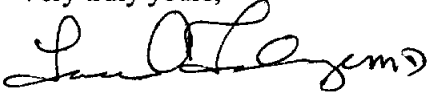
that at the hearing you may present evidence and examine witnesses appearing for or against you.

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 or place you on probation.

Please note that, whether or not you request a hearing, R.C. Section 4731.22(L), 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/jag
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5150 6301
RETURN RECEIPT REQUESTED

514 South Bonham Street
Mexia, Texas 76667

CERTIFIED MAIL # 7000 0600 0024 5150 6295
RETURN RECEIPT REQUESTED

SurgeonOne, Inc.
13701 Northwest Boulevard, Suite B
Corpus Christi, Texas 78410

CERTIFIED MAIL # 7000 0600 0024 5150 6288
RETURN RECEIPT REQUESTED

Second mailing: 11214 Willowood Creek Drive, #B
Corpus Christi, TX 78410-3529
CERTIFIED MAIL NO. 7000 0600 0024 5150 9661
RETURN RECEIPT REQUESTED

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. JDM

1. Article Addressed to:
ROQUE J. RAMIREZ, MD
11214 WILLOWOOD CREEK DR, #B
CORPUS CHRISTI, TX 78410-3529

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Ramon Ramirez ☐ Agent ☐ Addressee

B. Received by (*Printed Name*) C. Date of Delivery 10-8-03

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*) 7000 0600 0024 5150 9661 CIE-2ND MAIL

7000 0600 0024 5150 9661

PS Form 3811, August 2001 Domestic Return Receipt 2ACPRI-03-Z-098

LICENSE K-4201

IN THE MATTER OF	§	BEFORE THE
	§	
THE LICENSE OF	§	TEXAS STATE BOARD
	§	
ROQUE RAMIREZ, M.D.	§	OF MEDICAL EXAMINERS

AGREED ORDER

On this the 6th day of June, 2003, came on to be heard before the Texas State Board of Medical Examiners ("the Board" or "the Texas Board"), duly in session the matter of the license of Roque Ramirez, M.D. ("Respondent"). On September 13, 2002, Respondent appeared in person, with counsel Laura Martin, at an Informal Settlement Conference/Show Compliance Proceeding in response to a letter of invitation from the staff of the Board. Mark Martyn, Staff Attorney, represented Board Staff.

The Board was represented at the Informal Settlement Conference/Show Compliance Proceeding by Larry Price, D.O. member of Board and Victor A. Diaz, M.D. member of the District Review Committee. Upon recommendation of the Board's representatives, and with the consent of Respondent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Order as set forth herein:

FINDINGS OF FACT

1. Respondent, Roque Ramirez, M.D. holds Texas medical license K-4201.

2. The Board has jurisdiction over the subject matter and Respondent. Respondent received all notice, which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under TEX. OCC. CODE ANN. Subtitle B (Vernon 2002), (hereinafter the "Act"). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice or hearing under the Act; TEX. GOV'T CODE ANN. §§2001.051 through .054; and the Rules of the State Board of Medical Examiners (22 TEX. ADMIN. CODE Chapter 187).

3. Respondent is currently licensed in Texas.

4. Respondent is thirty-seven (37) years of age.

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5. Respondent has been licensed by the Board to practice for approximately four (4) years.

6. Respondent is alleged to have violated the standard of care of patient J.S. The main concern with patient J.S. was Respondent's alleged failure to identify and treat a bile leak. The patient was chronically ill, was on long-term antibiotics, and had a number of co-morbidities. The facts concerning the care of J.S. include the following:

a. Respondent performed abdominal exploration on patient J.S. and the patient subsequently developed a bile leak.

b. During a second operation Respondent failed to recognize the site of the bile leak and obstruction.

c. Patient J.S. died due to direct complications of the surgeries performed by Respondent and her illnesses and co-morbidities.

7. Respondent is alleged to have violated the standard of care of patient M.B. The main concern with patient M.B. was Respondent's alleged lack of surgical judgment. The patient had had two prior pelvic surgeries and had a number of co-morbidities. The facts concerning the care of M.B. include the following:

a. M.B. presented with a rectal mass.

b. Respondent performed a low anterior colonic resection.

c. The patient's vagina was stapled into the anastomosis creating a colovaginal fistula.

d. The fistula was identified and surgically revised.

e. On her seventeenth postoperative day M.B. started passing stool per her vagina.

f. The patient had three (3) surgical procedures done in three (3) weeks.

8. Respondent is alleged to have violated the standard of care of patient M.E. The main concern with patient M.E. was Respondent's alleged lack of surgical judgment. The patient had multiple medical co-morbidities. The facts concerning the care of M.E. include the following:

a. M.E. was hospitalized with abdominal distention and possible paralytic ileus.

b. Respondent did not recommend surgical intervention.

c. The patient developed a GI bleed.

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d. Respondent performed surgery to remove the hemorrhagic mucosa.

e. The patient also received a colostomy.

f. Postoperatively she had multiple medical problems related both to her surgery and to her chronic medical problems. Her course was relentlessly down hill and she expired on her tenth postoperative day.

9. Respondent is alleged to have violated the standard of care of patient P.M. The main concern with patient P.M. was Respondent's alleged lack of surgical judgment. The patient had multiple co-morbidities including bone and renal cancer with suspected carcinomatosis. The facts concerning the care of P.M. include the following:

a. P.M. received a PEG placement for nutritional support.

b. Two days later she entered the hospital because of a GI bleed.

c. Respondent performed an end colostomy after making two (2) unsatisfactory attempts at a primary anastamosis.

d. The patient was transferred to the floor the third post-op day.

e. The patient developed pulmonary complications and expired.

10. Respondent is alleged to have violated the standard of care of patient R.S. The main concern with patient R.S. was Respondent's alleged lack of surgical judgment. The patient had multiple co-morbidities. The facts concerning the care of R.S. include the following:

a. R.S. presented with nausea, dehydration and vomiting.

b. The Respondent was the consult and he suspected a possible functional gastric outlet obstruction.

c. The patient developed bloody emesis after the primary physician identified a near-perforating fundal ulcer.

d. Respondent performed surgery.

e. Postoperatively the patient developed abdominal distention and profound hemodynamic instability.

f. Respondent performed a second surgery,

g. The patient was found to have a necrotic portion of small bowel and a very dilated colon.

h. The patient expired on the fourth postoperative day.

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11. Respondent is alleged to have violated the standard of care of patient S.V. The main concern with patient S.V was Respondent's alleged lack of surgical judgment. The patient had multiple co-morbidities. The facts concerning the care of S.V include the following:

a. S.V. (age 89) saw Respondent for recurrent aspiration, thyroid cyst and choking problem.

b. Because of a recent workup in the patient's chart, Respondent did not reevaluate S.V.'s dysphagia.

c. Respondent performed surgery to remove a multinodular goiter with cysts at the request of the patient's family.

d. The patient continued to have recurrent aspiration.

e. After Respondent was unsuccessful in placing a percutaneous endoscopic gastrostomy tube in S.V., Respondent performed a second surgery during which the patient was found to have very large hiatal hernia with her stomach as well as a portion of her colon in her chest cavity.

f. Three (3) days after the major upper GI surgical procedure, the patient started receiving feedings through the gastrostomy tube Respondent had placed.

g. S.V. developed further respiratory problems and expired from multi-lobar aspiration pneumonia and her other medical illnesses.

12. The Board Consultants reviewed the records of all six and found that the Respondent fell below the standard of care on all six patients. Respondent's Consultant reviewed the same case records and determined that Respondent met the standard of care in all but one of the cases.

13. Respondent has fully cooperated in the investigation of the allegations related to this Agreed Order. Respondent's cooperation, through consent to this Agreed Order, pursuant to the provisions of Section 164.002 the Act, will save money and resources for the State of Texas. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent has agreed to the entry of this Agreed Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

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STATE MEDICAL BOARD
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Based on the Findings of Fact, the Board concludes the following:

1. Respondent is subject to disciplinary action by the Board pursuant to Section 164.051(a)(6) of the Act by failing to practice medicine in an acceptable professional manner consistent with public health and welfare.

2. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

3. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent's Texas license is hereby RESTRICTED under the following terms and conditions for four (4) years from the date of the signing of this Agreed Order by the presiding officer of the Board:

1. Respondent shall be required to have a Board Certified General Surgeon as an assistant surgeon on elective major intra thoracic and intra abdominal surgeries. The surgeries covered by this restriction include, but not limited to vascular, thoracic, and gastrointestional surgeries, except for appendectomies.

2. Respondent shall be required to have a second opinion by Board Certified General Surgeon that is documented in the chart prior to performing elective major intra abdominal and intra thoracic surgery. The surgeries covered by this restriction include, but not limited to vascular, thoracic, and gastrointestional surgeries, except for appendectomies.

3. Respondent shall be required to have a second opinion by Board Certified General Surgeon or Emergency Room Physician prior to non-elective major intra abdominal and intra thoracic surgeries that is documented in the medical records within 72 hours. The surgeries covered by this restriction include, but not limited to vascular, thoracic, and gastrointestional surgeries, except for appendectomies.

4. Respondent shall be required to have a Board Certified OB/Gynecologist as an assistant surgeon on elective major gynecological surgery. The surgeries covered by this restriction include, but not limited to total vaginal hysterectomies with or without salpingoopherectomies.

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STATE MEDICAL BOARD
OF OHIO

5. Respondent shall be required to have a second opinion by Board Certified OB/Gynecologist that is documented in the chart prior to performing elective major gynecological surgery. The surgeries covered by this restriction include, but not limited to total vaginal hysterectomies with or without salpingoopherectomies.

6. Respondent shall be required to have a second opinion by Board Certified OB/ Gynecologist or Emergency Room Physician prior to non-elective major gynecological surgeries that is documented in the medical records within 72 hours. The surgeries covered by this restriction include, but not limited to total vaginal hysterectomies with or without salpingoopherectomies.

7. Respondent shall maintain a logbook for all second opinion consults and assistant surgeons. For each intra abdominal and intra thoracic surgeries or consultant's opinion, Respondent shall legibly record in the logbook the patient's name; date of occurrence; the name of the medical facility; the event performed or ordered; the reason for such action or order; and the name of the licensed Texas physician who assisted in surgery or consultation. This logbook shall be made available for inspection by compliance officers, investigators, and other representatives of the Board during regular office hours without notice to Respondent. Respondent shall submit the logbooks quarterly to Board representative through the Director of Compliance for the Board on March 15, June 15, September 15, and December 15, and at other times upon the request of the Board representatives or Board staff.

8. Respondent shall pay an administrative penalty in the amount of five thousand dollars ($5000.00) within ten (10) days of the signing of this Order by the presiding officer of the Board.

9. The administrative penalty shall be paid in a single payment by cashier's check or money order payable to the Texas State Board of Medical Examiners and shall be submitted to the Director of Compliance for the Board for routing so as to be remitted to the comptroller of Texas for deposit in the general revenue fund.

10. Respondent's failure to pay the administrative penalty as ordered shall constitute grounds for further disciplinary action by the Board as provided for in the Act, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.

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STATE MEDICAL BOARD
OF OHIO

11. Respondent shall obtain at least fifty (50) hours per year of Continuing Medical Education (CME) approved for Category I credits by the American Medical Association or by the American Osteopathic Association. Upon request Respondent shall submit to the Board proof of the prior year's CME attendance by the Order's anniversary date. Upon request Respondent shall submit proof to the Board of CME hours attended in the current year even though such may not meet the 50-hour requirement. A copy of the attendance certificate issued or a detailed report, which can be readily verified by the Board shall satisfy this requirement.

12. Respondent shall personally appear before a panel of Board representatives every six (6) months that Respondent is under the terms and conditions of this Order. Such appearances shall be for the purpose of reporting on and addressing issues related to Respondent's compliance with the terms and conditions of this Order.

13. The time period of this Order shall be extended for any period of time, in which Respondent subsequently resides or practices outside the State of Texas, is in official retired status with the Board, is on active duty for the United States military, or for any period during which Respondent's license is subsequently cancelled for nonpayment of licensure fees. If Respondent leaves Texas to live or practice elsewhere, Respondent shall immediately notify the Board in writing of the dates of Respondent's departure from and subsequent return to Texas. Upon Respondent's return to practice in Texas or Respondent's relicensure, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the Order when Respondent left the practice of medicine in Texas, retired, or had his or her license cancelled for nonpayment of licensure fees and shall pay all fees for reinstatement or renewal of a license covering the period of extension or tolling.

14. Respondent shall comply with all the provisions of the Act, and other statutes regulating the Respondent's practice, as is required by law.

15. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within ten (10) days of the address change. This information shall be submitted to the Permits Department and the Director of Compliance for the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

16. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, and to

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STATE MEDICAL BOARD
OF OHIO

injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

17. The above-referenced conditions shall continue in full force and effect without opportunity for amendment, except for clear error in drafting, for 12 months following entry of this Order. If, after the passage of the 12-month period, Respondent wishes to seek amendment or termination of these conditions, Respondent may petition the Board in writing. The Board may inquire into the request and may, in its sole discretion, grant or deny the petition without further appeal or review. Petitions for modifying or terminating may be filed only once a year thereafter.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

I, ROQUE RAMIREZ, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 12-MAY, 2003.

ROQUE RAMIREZ, M.D.,
RESPONDENT

STATE MEDICAL BOARD
OF OHIO
2003 SEP -9 A 11: 09

STATE OF Colorado ▯

▯

COUNTY OF El Paso ▯

BEFORE ME, the undersigned Notary Public, on this day personally appeared Roque Ramirez, M.D., known to me to be the person whose name is subscribed to this instrument, an Agreed Order, and who after being by me duly sworn, on oath, stated that he executed the same for all purposes expressed therein.

Given under my hand and official seal and office this 12th day of May, 2003.

Signature of Notary Public

(Notary Seal)

Peter A. Joy

Printed or typed name of Notary Public

STATE MEDICAL BOARD OF OHIO
2003 SEP -9 A 11:09

My commission expires: 18 January 2007

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical Examiners on this 6th day of June, 2003.

Lee S. Anderson, M.D., President
Texas State Board of Medical Examiners

STATE OF TEXAS
COUNTY OF TRAVIS

I, Rita Perkins, certify that I am an official assistant custodian of records for the Texas State Board of Medical Examiners, and that this is a true and correct Copy of the original, as it appears on file in this office

Witness my official hand and seal of the Board, this 5 day of September, 2003

Rita Perkins
Public Information

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL

7000 0600 0024 5150 9601

7000 0600 0024 5150 9601

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

CITE 2ND MLG

JAM

Postage	$
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

Postmark Here

Recipient's Name (Please Print Clearly) (to be completed by mailer)
ROQUE J. RAMIREZ, MD
Street, Apt. No.; or PO Box No.
11214 WILLOWOOD CREEK DR, #B
City, State, ZIP+4
CORPUS CHRISTI, TX 78410-3259

PS Form 3800, February 2000 — See Reverse for Instructions

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. JAM

1. Article Addressed to:

ROQUE J. RAMIREZ, MD
11214 WILLOWOOD CREEK DR, #B
CORPUS CHRISTI, TX 78410-3259

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

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

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) 7000 0600 0024 5150 9601 CITE 2ND MLG

PS Form 3811, August 2001 Domestic Return Receipt 2ACPRI-03-Z-0985

State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.state.oh.us/med/

September 10, 2003

Roque J. Ramirez, M.D.
Rt. 2, Box 190X
Mexia, Texas 76667

Dear Doctor Ramirez:

In accordance with R.C. Chapter 119., you are hereby notified that the State Medical Board of Ohio 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 or place you on probation for one or more of the following reasons:

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Mailed 9-11-03

that at the hearing you may present evidence and examine witnesses appearing for or against you.

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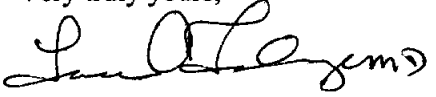
Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

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13701 Northwest Boulevard, Suite B
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LICENSE K-4201

IN THE MATTER OF	§	BEFORE THE
	§	
THE LICENSE OF	§	TEXAS STATE BOARD
	§	
ROQUE RAMIREZ, M.D.	§	OF MEDICAL EXAMINERS

AGREED ORDER

On this the 6th day of June, 2003, came on to be heard before the Texas State Board of Medical Examiners ("the Board" or "the Texas Board"), duly in session the matter of the license of Roque Ramirez, M.D. ("Respondent"). On September 13, 2002, Respondent appeared in person, with counsel Laura Martin, at an Informal Settlement Conference/Show Compliance Proceeding in response to a letter of invitation from the staff of the Board. Mark Martyn, Staff Attorney, represented Board Staff.

The Board was represented at the Informal Settlement Conference/Show Compliance Proceeding by Larry Price, D.O. member of Board and Victor A. Diaz, M.D. member of the District Review Committee. Upon recommendation of the Board's representatives, and with the consent of Respondent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Order as set forth herein:

FINDINGS OF FACT

1. Respondent, Roque Ramirez, M.D. holds Texas medical license K-4201.

2. The Board has jurisdiction over the subject matter and Respondent. Respondent received all notice, which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under TEX. OCC. CODE ANN. Subtitle B (Vernon 2002), (hereinafter the "Act"). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice or hearing under the Act; TEX. GOV'T CODE ANN. §§2001.051 through .054; and the Rules of the State Board of Medical Examiners (22 TEX. ADMIN. CODE Chapter 187).

3. Respondent is currently licensed in Texas.

4. Respondent is thirty-seven (37) years of age.

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5. Respondent has been licensed by the Board to practice for approximately four (4) years.

6. Respondent is alleged to have violated the standard of care of patient J.S. The main concern with patient J.S. was Respondent's alleged failure to identify and treat a bile leak. The patient was chronically ill, was on long-term antibiotics, and had a number of co-morbidities. The facts concerning the care of J.S. include the following:

a. Respondent performed abdominal exploration on patient J.S. and the patient subsequently developed a bile leak.

b. During a second operation Respondent failed to recognize the site of the bile leak and obstruction.

c. Patient J.S. died due to direct complications of the surgeries performed by Respondent and her illnesses and co-morbidities.

7. Respondent is alleged to have violated the standard of care of patient M.B. The main concern with patient M.B. was Respondent's alleged lack of surgical judgment. The patient had had two prior pelvic surgeries and had a number of co-morbidities. The facts concerning the care of M.B. include the following:

a. M.B. presented with a rectal mass.

b. Respondent performed a low anterior colonic resection.

c. The patient's vagina was stapled into the anastomosis creating a colovaginal fistula.

d. The fistula was identified and surgically revised.

e. On her seventeenth postoperative day M.B. started passing stool per her vagina.

f. The patient had three (3) surgical procedures done in three (3) weeks.

8. Respondent is alleged to have violated the standard of care of patient M.E. The main concern with patient M.E. was Respondent's alleged lack of surgical judgment. The patient had multiple medical co-morbidities. The facts concerning the care of M.E. include the following:

a. M.E. was hospitalized with abdominal distention and possible paralytic ileus.

b. Respondent did not recommend surgical intervention.

c. The patient developed a GI bleed.

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d. Respondent performed surgery to remove the hemorrhagic mucosa.

e. The patient also received a colostomy.

f. Postoperatively she had multiple medical problems related both to her surgery and to her chronic medical problems. Her course was relentlessly down hill and she expired on her tenth postoperative day.

9. Respondent is alleged to have violated the standard of care of patient P.M. The main concern with patient P.M. was Respondent's alleged lack of surgical judgment. The patient had multiple co-morbidities including bone and renal cancer with suspected carcinomatosis. The facts concerning the care of P.M. include the following:

a. P.M. received a PEG placement for nutritional support.

b. Two days later she entered the hospital because of a GI bleed.

c. Respondent performed an end colostomy after making two (2) unsatisfactory attempts at a primary anastamosis.

d. The patient was transferred to the floor the third post-op day.

e. The patient developed pulmonary complications and expired.

10. Respondent is alleged to have violated the standard of care of patient R.S. The main concern with patient R.S. was Respondent's alleged lack of surgical judgment. The patient had multiple co-morbidities. The facts concerning the care of R.S. include the following:

a. R.S. presented with nausea, dehydration and vomiting.

b. The Respondent was the consult and he suspected a possible functional gastric outlet obstruction.

c. The patient developed bloody emesis after the primary physician identified a near-perforating fundal ulcer.

d. Respondent performed surgery.

e. Postoperatively the patient developed abdominal distention and profound hemodynamic instability.

f. Respondent performed a second surgery,

g. The patient was found to have a necrotic portion of small bowel and a very dilated colon.

h. The patient expired on the fourth postoperative day.

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11. Respondent is alleged to have violated the standard of care of patient S.V. The main concern with patient S.V was Respondent's alleged lack of surgical judgment. The patient had multiple co-morbidities. The facts concerning the care of S.V include the following:

a. S.V. (age 89) saw Respondent for recurrent aspiration, thyroid cyst and choking problem.

b. Because of a recent workup in the patient's chart, Respondent did not reevaluate S.V.'s dysphagia.

c. Respondent performed surgery to remove a multinodular goiter with cysts at the request of the patient's family.

d. The patient continued to have recurrent aspiration.

e. After Respondent was unsuccessful in placing a percutaneous endoscopic gastrostomy tube in S.V., Respondent performed a second surgery during which the patient was found to have very large hiatal hernia with her stomach as well as a portion of her colon in her chest cavity.

f. Three (3) days after the major upper GI surgical procedure, the patient started receiving feedings through the gastrostomy tube Respondent had placed.

g. S.V. developed further respiratory problems and expired from multi-lobar aspiration pneumonia and her other medical illnesses.

12. The Board Consultants reviewed the records of all six and found that the Respondent fell below the standard of care on all six patients. Respondent's Consultant reviewed the same case records and determined that Respondent met the standard of care in all but one of the cases.

13. Respondent has fully cooperated in the investigation of the allegations related to this Agreed Order. Respondent's cooperation, through consent to this Agreed Order, pursuant to the provisions of Section 164.002 the Act, will save money and resources for the State of Texas. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent has agreed to the entry of this Agreed Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

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Based on the Findings of Fact, the Board concludes the following:

1. Respondent is subject to disciplinary action by the Board pursuant to Section 164.051(a)(6) of the Act by failing to practice medicine in an acceptable professional manner consistent with public health and welfare.

2. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

3. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent's Texas license is hereby RESTRICTED under the following terms and conditions for four (4) years from the date of the signing of this Agreed Order by the presiding officer of the Board:

1. Respondent shall be required to have a Board Certified General Surgeon as an assistant surgeon on elective major intra thoracic and intra abdominal surgeries. The surgeries covered by this restriction include, but not limited to vascular, thoracic, and gastrointestional surgeries, except for appendectomies.

2. Respondent shall be required to have a second opinion by Board Certified General Surgeon that is documented in the chart prior to performing elective major intra abdominal and intra thoracic surgery. The surgeries covered by this restriction include, but not limited to vascular, thoracic, and gastrointestional surgeries, except for appendectomies.

3. Respondent shall be required to have a second opinion by Board Certified General Surgeon or Emergency Room Physician prior to non-elective major intra abdominal and intra thoracic surgeries that is documented in the medical records within 72 hours. The surgeries covered by this restriction include, but not limited to vascular, thoracic, and gastrointestional surgeries, except for appendectomies.

4. Respondent shall be required to have a Board Certified OB/Gynecologist as an assistant surgeon on elective major gynecological surgery. The surgeries covered by this restriction include, but not limited to total vaginal hysterectomies with or without salpingoopherectomies.

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5. Respondent shall be required to have a second opinion by Board Certified OB/Gynecologist that is documented in the chart prior to performing elective major gynecological surgery. The surgeries covered by this restriction include, but not limited to total vaginal hysterectomies with or without salpingoopherectomies.

6. Respondent shall be required to have a second opinion by Board Certified OB/ Gynecologist or Emergency Room Physician prior to non-elective major gynecological surgeries that is documented in the medical records within 72 hours. The surgeries covered by this restriction include, but not limited to total vaginal hysterectomies with or without salpingoopherectomies.

7. Respondent shall maintain a logbook for all second opinion consults and assistant surgeons. For each intra abdominal and intra thoracic surgeries or consultant's opinion, Respondent shall legibly record in the logbook the patient's name; date of occurrence; the name of the medical facility; the event performed or ordered; the reason for such action or order; and the name of the licensed Texas physician who assisted in surgery or consultation. This logbook shall be made available for inspection by compliance officers, investigators, and other representatives of the Board during regular office hours without notice to Respondent. Respondent shall submit the logbooks quarterly to Board representative through the Director of Compliance for the Board on March 15, June 15, September 15, and December 15, and at other times upon the request of the Board representatives or Board staff.

8. Respondent shall pay an administrative penalty in the amount of five thousand dollars ($5000.00) within ten (10) days of the signing of this Order by the presiding officer of the Board.

9. The administrative penalty shall be paid in a single payment by cashier's check or money order payable to the Texas State Board of Medical Examiners and shall be submitted to the Director of Compliance for the Board for routing so as to be remitted to the comptroller of Texas for deposit in the general revenue fund.

10. Respondent's failure to pay the administrative penalty as ordered shall constitute grounds for further disciplinary action by the Board as provided for in the Act, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.

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11. Respondent shall obtain at least fifty (50) hours per year of Continuing Medical Education (CME) approved for Category I credits by the American Medical Association or by the American Osteopathic Association. Upon request Respondent shall submit to the Board proof of the prior year's CME attendance by the Order's anniversary date. Upon request Respondent shall submit proof to the Board of CME hours attended in the current year even though such may not meet the 50-hour requirement. A copy of the attendance certificate issued or a detailed report, which can be readily verified by the Board shall satisfy this requirement.

12. Respondent shall personally appear before a panel of Board representatives every six (6) months that Respondent is under the terms and conditions of this Order. Such appearances shall be for the purpose of reporting on and addressing issues related to Respondent's compliance with the terms and conditions of this Order.

13. The time period of this Order shall be extended for any period of time, in which Respondent subsequently resides or practices outside the State of Texas, is in official retired status with the Board, is on active duty for the United States military, or for any period during which Respondent's license is subsequently cancelled for nonpayment of licensure fees. If Respondent leaves Texas to live or practice elsewhere, Respondent shall immediately notify the Board in writing of the dates of Respondent's departure from and subsequent return to Texas. Upon Respondent's return to practice in Texas or Respondent's relicensure, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the Order when Respondent left the practice of medicine in Texas, retired, or had his or her license cancelled for nonpayment of licensure fees and shall pay all fees for reinstatement or renewal of a license covering the period of extension or tolling.

14. Respondent shall comply with all the provisions of the Act, and other statutes regulating the Respondent's practice, as is required by law.

15. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within ten (10) days of the address change. This information shall be submitted to the Permits Department and the Director of Compliance for the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

16. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, and to

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injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

17. The above-referenced conditions shall continue in full force and effect without opportunity for amendment, except for clear error in drafting, for 12 months following entry of this Order. If, after the passage of the 12-month period, Respondent wishes to seek amendment or termination of these conditions, Respondent may petition the Board in writing. The Board may inquire into the request and may, in its sole discretion, grant or deny the petition without further appeal or review. Petitions for modifying or terminating may be filed only once a year thereafter.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

I, ROQUE RAMIREZ, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 12-MAY, 2003.

ROQUE RAMIREZ, M.D.,
RESPONDENT

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STATE OF Colorado ▯

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COUNTY OF El Paso ▯

BEFORE ME, the undersigned Notary Public, on this day personally appeared Roque Ramirez, M.D., known to me to be the person whose name is subscribed to this instrument, an Agreed Order, and who after being by me duly sworn, on oath, stated that he executed the same for all purposes expressed therein.

Given under my hand and official seal and office this 12th day of May, 2003.

Signature of Notary Public

(Notary Seal)

Peter A. Joy

Printed or typed name of Notary Public

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My commission expires: 18 January 2007

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical Examiners on this 6th day of June, 2003.

Lee S. Anderson, M.D., President
Texas State Board of Medical Examiners

STATE OF TEXAS
COUNTY OF TRAVIS

I, Rita Perkins, certify that I am an official assistant custodian of records for the Texas State Board of Medical Examiners, and that this is a true and correct Copy of the original, as it appears on file in this office

Witness my official hand and seal of the Board, this 5 day of September, 2003

Rita Perkins
Public Information