FILE REVIEW REQUEST

Under the Oklahoma Public Information Access Procedures, I wish to review the public file of the following individual:

Nareshkumar Patel #14640

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file: Leslie Redcorn
Please Print

Leslie Redcorn
Signature

Name of Organization or Business Represented if applicable:

Copies of documents in the public file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: 2 X .25¢ Cost: .50¢

Paid: Cash_____ Check_____ Date 9-17-23

MD2/FILEREV.PM3

FILE REVIEW REQUEST

Under the Oklahoma Public Information Access Procedures, I wish to review the public file of the following individual:

Dr. N. P Nareshkumar Patel # 14640

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file: Jake Redcorn
Please Print

Signature

Name of Organization or Business Represented if applicable:

private

Copies of documents in the public file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: 4 X .25 = Cost: $1.00

Paid: Cash _____ Check _____ Date 6-18-04

MD2/FILEREV.PM3

To,

State Board of Medical Examiners
Oklahoma City, Oklahoma

From.
Nareshkumar G. Patel, M.D.
1902, Gordon Cooper Drive,
Shawnee, Ok. 74801

RECEIVED
AUG 24 1984
STATE BOARD
MEDICAL EXAMINERS

He is paid
paid

Dear Sir.

Ref. no. - Oklahoma State License # 14640

Subject - ① Letter of good standing of my license to State Board of Med. Assurance, California

② Notification of address change

This was done in September

I undersigned Dr. Nareshkumar G. Patel, M.D. request you to send a letter of good standing to the following address in support of my application

State Board of Medical Quality Assurance
1430, HOWE AVENUE,
SACRAMENTO, CALIFORNIA 95825

Along with this letter, I send you a check of $10.00.

I also notify the change of my address.

Please make a note of it.

New address
N. G. Patel, M.D.
1902, Gordon Cooper Drive
Shawnee. Ok. 74801

Thanking you.

Sincerely,

THE FEDERATION OF STATE MEDICAL BOARDS
2630 W FREEWAY, #138, FORT WORTH, TEXAS 76. 7199

TO: OKLAHOMA

SUBJECT: FLEX Examination Grades For:

PATEL,NARESHKUMAR G
220 MT VERNON PL.
4 N
NEWARK,N.J. 07106

FIN 521119002
Birthdate 11/19/52
Date of Certification 04/24/84

It is certified that the named physician took the Federation Licensing Examination on the date(s) entered below for the State Medical Licensing Board(s) listed and obtained the following grades.

EXAMINATION DATE	12/81	06/81
FOR STATE	131	131
STATE ID #	00193	00168
BASIC SCIENCE		
Anatomy	68	67
Physiology	72	82
Biochemistry	62	60
Pathology	72	74
Microbiology	68	65
Pharmacology	71	72
Behavioral Science	75	82
BASIC SCIENCE AVERAGE	69.42	68.00
CLINICAL SCIENCE		
Medicine	82	71
Surgery	92	73
Obstetrics	89	81
Public Health	76	76
Pediatrics	92	73
Psychiatry	77	68
CLINICAL SCIENCE AVERAGE	81.33	72.66
CLINICAL COMPETENCE AVERAGE	80.03	76.99
FLEX WEIGHTED AVERAGE	78.00	73.00

We have no unfavorable information regarding the above named physician.

Harold F. Jervey Jr., M.D.

~~HAROLD F. JERVEY JR., M.D.~~
EXECUTIVE DIRECTOR - SECRETARY

Board of Medical Examiners
State of Oklahoma

OFFICE OF THE SECRETARY
TELEPHONE 848-6841
P.O. BOX 18256
5104 N. FRANCIS, SUITE C
OKLAHOMA CITY, OKLAHOMA 73154

February 12, 1985

TO WHOM IT MAY CONCERN:

This is to certify that Nareshkumar Gandalal Patel, M.D., of Shawnee, Oklahoma, date of birth November 19, 1952, was issued Oklahoma Medical License Number 14640 on May 21, 1984.

This license is in full force and effect and in good standing.

Director of Licensing

je

EDUCATIONAL COMMISSION
for
FOREIGN MEDICAL GRADUATES

CERTIFIES THAT

PATEL NARESHKUMAR GANDALAL

HAS SATISFIED ALL THE REQUIREMENTS OF THE COMMISSION,

SUCCESSFULLY PASSED ITS EXAMINATIONS

AND HAS BEEN AWARDED THIS CERTIFICATE.

CERTIFICATE NUMBER 233-127-0

MEDICAL EXAMINATION JANUARY 24, 1979

ENGLISH EXAMINATION JANUARY 23, 1980

DATE ISSUED September 10, 1980

VALID THROUGH English Examination February 15, 1980

Valid Indefinitely

No 8901 A

ECFMG

Harold E. Jervey, Jr.
PRESIDENT

Ray L. Castillo
EXECUTIVE DIRECTOR

Maria A. Castillo
MARIA A. CASTILLO
A NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Sept. 18, 1986

5-2-84

Form #2

CERTIFICATION OF MEDICAL TRAINING: (Internship/residency verification. Each certificate must be attached to a Form #2)

I, HAROLD A. KAMINETZKY, M.D. (NAME), PROFESSOR AND CHAIRMAN, DEPT. OF OBSTETRICS AND GYNECOLOGY (TITLE)

hereby certify that NARESHKUMAR PATEL, M.D.

served 3½ year(s) post-graduate training at:

UMDNJ-NEW JERSEY MEDICAL SCHOOL - UNIVERSITY HOSPITAL
Name of hospital or institution

from JULY 1 (Month), 1980 (Year) to JUNE 30 (Month), 1984 (Year)

and was issued _____ was not issued X a certificate as proof of completion of said training. (If not issued a certificate, explain)

Will not be issued a certificate of training until June 30, 1984 when he officially complete his four years of residency training in obstetrics and gynecology.

I further certify that at the time of completion of the above training, this physician was, to the best of my knowledge, competent to practice medicine and there was no disciplinary action outstanding or pending involving him/her.

Harold Kaminetzky
Signature

Professor and Chairman, Dept. Ob/Gyn
Title

2-27-84
Date

SEAL

FORM #4

This form is to be completed by a physician who is a member of his/her county medical society and who is personally and well acquainted with you. It serves as one of your required three letters of recommendation.

I do hereby certify that I am personally and well acquainted with the applicant Dr. Nareshkumar Patel,
(Name of applicant)

The following is my recommendation to the Oklahoma State Board of Medical Examiners in support of his/her application for licensure:

Dr. Patel has been in training in this department as a resident since 1980. During this time he served very satisfactorily and gained considerable expertise and theoretical knowledge in the speciality of obstetrics and gynecology. He is reliable, dependable and responsible physician with high ethical standards. I am pleased to support his application for licensure.

I further certify that I am an active member in good standing of the New Jersey Medical Societ, New Jersey OB/GYN Sociey
(Name of medical society)

Leslie Iffy

Signature

Leslie Iffy, M.D.

Dated: Feb. 24, 1984.

Board of Medical Licensure and Supervision
State of Oklahoma

101 N.E. 51st Street
Oklahoma City, OK 73105

P.O. Box 18256
Oklahoma City, OK 73154-0256

FILE REVIEW REQUEST

Under the Oklahoma Public Information Access procedures, I wish to review the public file of the following individual: Dr. Nareshkumar Patel 14640

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide his or her name before access to the public file will be granted.

Person Reviewing File: Michael Konopasek
(Please print)

(Signature) March 5, 2014
(Date)

Name of Organization or Business Represented, if applicable:
KWTV News 9 CBS - Oklahoma City

Copies of documents in the public file will be provided at a cost of $.25 per page. Certification will be provided at a cost of $1.00 per page. Postage cost will be added to the total cost if we are mailing the information.

If you would like to request that the file be mailed, then mailing address and email address are ***required*** fields. Please provided them in the spaces provided.

Mail to: _____

_____

_____

_____

Email: _____

Phone: _____

RECEIVED
MAR 05 2014
OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION

Payment Method: ☐ Cash ☐ Check ☐ Credit Card*

* Submit Credit Card authorization form

For office use only:

Date: _____

Copies made: _____ Cost: _____ _____

Oklahoma State Board of Medical Licensure and Supervision
On-line Transaction Agreement

I would like to request a Personal Identification Number (PIN) in order to access my personal data file for limited updates and renewal of my license.

UPDATING PERSONAL DATA FILE

Updates to my file may be performed at any time and will include mailing and practice addresses, postgraduate training, practice history, specialties and practice details. Specialty Board Certifications may be deleted if no longer Board Certified; however, new certifications may not be added by the physician. This must be done by staff upon receipt of verification.

ON-LINE RENEWAL

On-line renewal may be performed within sixty (60) days prior to my renewal date. I would like to submit this information electronically over the Internet. I am aware of and agree to the following:

- I must renew annually on or before the 1st day of my renewal month.
- If I do not renew by the 1st day of my renewal month, my license will become inactive and **I will be unable to practice medicine in any form until my license is reactivated**.
- My license can be reactivated on-line within 60 days after my renewal date. A late fee will be assessed.
- If I do not reactivate my license within 60 days after the 1st day of my renewal month, my license is automatically suspended for non-renewal (non-disciplinary). **I will remain unable to practice medicine in any form until my license is reinstated**. I will have to file a new "initial license application form" with all other required forms and information and pay the reinstatement fee in order to reinstate my license.
- All information will be truthful and correct as of the date submitted. My signature on this Agreement will be equivalent to signing the paper renewal form. **If I have someone else fill out the renewal form on my behalf, I accept the full responsibility for the accuracy of all the information and answers given.**
- Any information submitted during the on-line renewal process may be used for investigational purposes.

By signing this agreement I accept responsibility for all information submitted on-line.

NAILESHKUMAR G. PATEL, MD
Physician name (print)

Signature

14640
License No.

10/21/12
Date

PF
RH

FILED
DISTRICT COURT
OKLAHOMA COUNTY, OK
1993 JUL 30 P 2:24
RECEIVED

INFORMATION AMENDED
CF-93-3144

IN THE DISTRICT COURT, IN AND FOR OKLAHOMA COUNTY, STATE OF OKLAHOMA
THE STATE OF OKLAHOMA

PLAINTIFF,

-vs-

NARESHKUM PATEL,

DEFENDANT.

INFORMATION

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OKLAHOMA, COMES NOW ROBERT H. MACY, THE DULY ELECTED, QUALIFIED AND ACTING DISTRICT ATTORNEY IN AND FOR OKLAHOMA COUNTY, DISTRICT NO. 7, STATE OF OKLAHOMA, AND ON HIS OFFICIAL OATH INFORMS THE DISTRICT COURT THAT

COUNT 1: ON OR ABOUT THE 25TH DAY OF MARCH, 1993, A.D., THE CRIME OF FORCIBLE ORAL SODOMY WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY NARESHKUM PATEL WHO COMMITTED THE DETESTABLE AND ABOMINABLE CRIME AGAINST NATURE WITH AUGUSTINA BEDIAKO BY THEN AND THERE HAVING UNNATURAL CARNAL COPULATION BY MOUTH BY PUTTING HIS PENIS INTO THE MOUTH OF AUGUSTINA BEDIAKO WHILE SHE WAS UNCONSCIOUS FROM AN INJECTION RENDERED BY DOCTOR NARESHKIM PATEL, CONTRARY TO THE PROVISIONS OF SECTIONS 886 AND 888 OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA;

COUNT 2: ON OR ABOUT THE 25TH DAY OF MARCH, 1993, A.D., THE CRIME OF SEXUAL BATTERY WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY NARESHKUM PATEL AGE 40, WHO KNOWINGLY AND INTENTIONALLY TOUCHED, MAULED AND FELT THE BODY OR PRIVATE PARTS OF AUGUSTINA BEDIAKO, 24 YEARS OF AGE, IN A LEWD AND LASCIVIOUS MANNER AND IN A MANNER CALCULATED TO AROUSE AND EXCITE SEXUAL INTERESTS, TO WIT: BY RUBBING THE BREASTS OF AUGUSTINA BEDIAKO WITH HIS HANDS, CONTRARY TO THE PROVISIONS OF SECTION 1123(B) OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA.

ROBERT H. MACY
DISTRICT ATTORNEY, DISTRICT NO. 7
OKLAHOMA COUNTY, OKLAHOMA

BY: Jon Keel
ASSISTANT DISTRICT ATTORNEY

Board of Medical Licensure & Supervision
State of Oklahoma

5104 N. Francis, Suite C
Oklahoma City, Oklahoma 73118-6020

Kerr Building, Room 505A
440 S. Houston
Tulsa, Oklahoma 74127-8913

P.O. Box 18256
Oklahoma City, Oklahoma 73154-0256

May 5, 1997

State Board of Medical Examiners
140 E. Front Street 2nd Floor
Trenton, NJ 08608

Attn: Charles A. Janousek
Deputy Executive Director

Re: Nareshkumar G. Patel, M.D.

Dear Mr. Janousek:

In response to your letter dated April 11, 1997 referencing Nareshkumar Patel, M.D., I offer the following.

The Oklahoma medical license of Nareshkumar Gandalal Patel, M.D., number 14640, is current and in good standing. Dr. Patel was reprimanded in 1990. Case number 90-09-1129, concerning disposal of fetuses was dismissed in 1992. The criminal complaint was dismissed after jury trial in 1994. You may obtain information concerning the criminal complaint from the Oklahoma County District Attorney, Robert Macy, 320 Robert S. Kerr, Oklahoma City, Oklahoma, 73102.

Sincerely,

Michael Kiser
Director of Investigation

MDK:jlo

March 6, 1996

Ms. Janet Owens
State Board of Medical Licensure
PO Box 18256
Oklahoma City, OK 73154

Re: Oklahoma State Board of Medical Licensure
and Supervision Case No. 87-7-514

Dear Janet:

Please send me copies of Dr. Patel's public files, as well as the formal complaint and the disciplinary action filed against him in the above case. His license number is 14640. In addition, if you have other cases filed against him, I would appreciate receiving copies of those. Thank you.

Sincerely,

Barbara Santee

PO Box 702503
Tulsa, OK 74170
(918) 493-3435

Sent 3-12-9

State of New Jersey
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

CHRISTINE TODD WHITMAN
Governor

DEBORAH T. PORITZ
Attorney General
MARK S. HERR
Director

In reply respond to:
140 E Front Street 2nd Fl.
Trenton NJ 08608
(609) 826-7100

RECEIVED
1997 APR 10 AM 9:27

August 24, 1995

Carole A. Smith
Executive Director
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
Post Office Box 18256
Oklahoma City, Oklahoma 73154-0256

RE: NARESHKUMAR G. PATEL, M.D.

Dear Ms. Smith:

The above captioned physician has applied to this office seeking reinstatement of his license privileges.

In 1993, Dr. Patel notified this office that a complaint had been filed against him in Oklahoma County. He has further informed this office that this complaint was dismissed after a jury trial in September, 1994 and that no action was taken by your board. This Board is aware of the prior action taken by your board in 1989.

In 1993, due to the pendency of the criminal charges, this office declined to renew Dr. Patel's registration. Would you please advise us if there is anything further relating to this individual. I would appreciate your prompt response to this inquiry.

Very truly yours,

NJ BOARD OF MEDICAL EXAMINERS

Kevin B. Earle
Executive Director

KBE/cao
cc: Sharon M. Joyce, Deputy Attorney General
NEW JERSEY DIVISION OF LAW

New Jersey Is An Equal Opportunity Employer • Printed on Recycled Paper and Recyclable

FILE REVIEW REQUEST

Under the Oklahoma Public Information Access Procedures, I wish to review the public file of the following individual:

Naresh Kumar Patel 14640

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file: Laura Irvin
Please Print

Laura Irvin
Signature

Name of Organization or Business Represented if applicable:

Copies of documents in the pubic file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: _____ Cost: _____

Paid: Cash _____ Check _____ Date 6-22-95
(Payable to: OSBMLS)

FILE REVIEW REQUEST

Under the Oklahoma Public Information Access Procedures, I wish to review the public file of the following individual:

N. Patel, M.D 14640

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file: Bill Thorp
Please Print

Bill Thorp
Signature

Name of Organization or Business Represented if applicable:
George W. Lowry Law Offices

Copies of documents in the pubic file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: 38 Cost: 9.50

Paid: Cash _____ Check _____ Date 2-16-95
(Payable to: OSBMLS)

Please Bill:
Bill Thorp
Attorney at Law
3 S. 5th St.
Yukon, Ok.
73099

Thorp
2-14-1987

done 2.17.95

FILE REVIEW REQUEST

3

Under the Oklahoma Public Information Access Procedures, I wish to review the public file of the following individual:

Dr. Narish Kanor Patel 14640

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file: Stephen J. Pusateri
Please Print

Signature

Name of Organization or Business Represented if applicable:

KFOR-TV

Copies of documents in the pubic file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: 7 Copies Cost: _____

Paid: Cash _____ Check _____ Date 9.30.94
(Payable to: OSBMLS)

Last one

FILE REVIEW REQUEST

Under the Oklahoma Public Information Access Procedures, I wish to review the public file of the following individual:

NARESH KUMAR G. PATEL 14640

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file: LORA SIMS
Please Print

Lora Sims
Signature

Name of Organization or Business Represented if applicable:
Schneider & Lesser P.C.

Copies of documents in the pubic file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: _____ Cost: _____

Paid: Cash _____ Check _____ Date 2-24-94
(Payable to: OSBMLS)

March 29, 1994

Susan Seale
3659 Round House Drive
Choctaw, OK 73020

Dear Ms. Seale:

Enclosed is the video tape of the N. Patel hearing held in June 1992 you requested and paid for on March 10, 1994.

Sincerely,

Kathy Plant
Executive Secretary

enc.

Request video tape copy of N. Patel's hearing held June 26, 1992.

Please mail to Susan Seale
3659 ROUNDHOUSE DR.
CHOCTAW, OK. 73020

Paid $4.00

FILE REVIEW REQUEST

Under the Oklahoma Public Information Access Procedures, I wish to review the public file of the following individual:

N. Patel

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Person Reviewing file: G. SUSAN SEALE
Please Print

G. Susan Seale
Signature

Name of Organization or Business Represented if applicable:

Copies of documents in the pubic file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: 34 Cost: 8.50

Paid: Cash _____ Check ✓ Date 3-10-94
(Payable to: OSBMLS)

FILE REVIEW REQUEST

Under the Oklahoma Public Information Access Procedures, I wish to review the public file of the following individual:

DR. NARESH KUMAR PATEL 14640

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file: JAMES BRANUM
Please Print

Signature

Name of Organization or Business Represented if applicable:

Copies of documents in the pubic file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: 8 Copies. Cost: 2.00

Paid: Cash _____ Check _____ Date 2-25-94
(Payable to: OSBMLS)

James Branum
Box 1296
Newcastle, OK 73065
387 9888

RECEIVED
AUG 16 1990
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

EMPLOYEES OF OUTPATIENT SERVICES FOR WOMEN

1. Tonia Robinson
   Qualifications : LPN, Ultrasound Technician
   Experience : Ob-Gyn and Surgery nurse at Mission Hill Hospital, Shawnee ; Scrub nurse at Mission Hill Hospital, Shawnee and Seminole Mun. Hospital, Seminole ; Ultrasound technitian at Seminole Municipal Hospital, Seminole.
   Skills : Vital signs
   Assist minor surgery
   Circulating nurse in procedure room
   Perform ultrasound examination
   Give Intramuscular Injections
   Draw blood and start I.V.
   Manage office
   Job Discription : Vital signs
   counselling
   Assist in procedure room
   Postoperative care in recovery room
   Certify destruction of medicine
   Any other work as ordered, if feels capable to perform.

2. Lenna Kelly L- 002183F
   Qualifications : LPN
   Experience : Nurse in Doctors office
   Floor nurse in various hospitals
   Scrub nurse in Free standing surgery center
   Skills : Vital signs
   Assist in surgery
   Start I.V. and draw blood
   Intramuscular Injections
   Job Discription : Counselling
   Assist physician in procedure room
   Postoperative care & counselling
   Supervise other employees
   Certify destruction of medicine
   Any other work as ordered, if feels capable to perform.

3. Kathy Hunter
   Qualifications : LPN
   Experience : Floor nurse in various hospitals
   Skills : Vital signs
   Counselling
   Intramuscular Injections
   Job Discription : Counselling
   Postoperative care in Recovery room
   Supervise other employees in recovery room
   Certify destruction of medicine
   Any other work as ordered, if feels capable to perform.

4. Nancy Standerfer

Qualifications : Certified Medical Assistant
Technical courses for allied health nursing
Experience : Medical assistant in Doctor's office
Nurse aid in blood bank
Skills : Vital signs
Counselling
Draw blood
Intramuscular Injections
Hematocrit & Rh typing
Take X Rays
Job Discription : Vital signs and counselling
Perform Laboratory tests like HCT.& Rh type
Sterilise Instruments
Answer telephone & make appointments
File insurance forms
Certify destruction of medicine
Any other work as ordered,if feels capable
to perform.

5. Cherrie Auld

Qualifications : Certified E.M.T.
Allied health nursing aid course
Experience : Medical assistant in doctor's office
Skills : Vital Signs
Intramuscular Injections
Job Discription : Vital signs
Assist in Exam room
Assist in recovery room
Transport patient
Sterilise insruments
Certify destruction of medicine
Any other work as ordered,if feels capable
to perform.

6. Kim Rasor

Qualifications : High school
Experience : Nurse aid in Nursing Home
Assistant in Pharmacy
Skills : Typing
Filing
Vital Signs
House keeping
Job Discription : Answer telephone
Appointments
Filing
Transport patient
Housekeeping
Vital signs
Any other work as ordered,if feels capable
to perform.

RECEIVED
AUG 16 1990
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

7. Trina Gertz
   Qualifications : High school
   Job Discription : Answer telephone
   Appointments
   Filing
   Transport paient
   Housekeeping
   Any other work as ordered, if feels capable to perform.

8. Chandrikamani Murlidharan
   Job Discription : Wash & clean insruments
   Wrap insrument sets as insructed
   Wrap seperate insruments as insructed
   Sterilise instruments as insructed
   Transport patient
   Wash & dry scrub dress
   Housekeeping
   Any other work as ordered, if feels capable to perform.

RECEIVED
AUG 16 1990
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

FILE REVIEW REQUEST

Under the Oklahoma Public Information Access Procedures, I wish to review the public file of the following individual:

NARESHKUMAR PATEL M.D

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file: John Petty John

Please Print

Signature

Name of Organization or Business Represented if applicable:

myself

Copies of documents in the public file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: 14 Cost: 3.50

Paid: Cash ✓ Check _____ Date 9-23-93

FILE REVIEW REQUEST

Under the Oklahoma Public Information Access Procedures, I wish to review the public file of the following individual:

Naresh Patel

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file: Teresa Shipp

Please Print

Signature

Name of Organization or Business Represented if applicable:

Myself

Copies of documents in the public file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: _____ Cost: _____

Paid: Cash _____ Check _____ Date _____

FILE REVIEW REQUEST

Under the Oklahoma Public Information Access Procedures, I wish to review the public file of the following individual:

Naresh Kumar G. Patel 14640

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file: Jim Sills
Please Print

Signature

Name of Organization or Business Represented if applicable:

Copies of documents in the public file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: _____ Cost: _____

Paid: Cash _____ Check _____ Date 9-20-93

Call Paula or Mary. 275-0060 when ready

Law Offices

JAMES D. SILL, INC.

A Professional Corporation
231 NORTH BROADWAY
SHAWNEE, OKLAHOMA 74801

*JAMES D. SILL
MARY A. BLACK

TELEPHONE: (405) 275-0060
FACSIMILE: (405) 275-8419

MAILING ADDRESS:
P.O. Box 3759
Shawnee, OK 74802-3759

*Certified Civil Trial Advocate,
National Board of Trial Advocacy

September 20, 1993

Board of Medical Licensure
5104 N. Francis
Oklahoma City, OK 73118

RE: Nareshkumar Patel, M.D. 14640

Gentlemen:

This is to request a copy of all documents you maintain in your office regarding the above referenced doctor.

Sincerely,

JAMES D. SILL

JDS/lj

picked up. 9-20-93 d

FILE REVIEW REQUEST

Under the Oklahoma Public Information Access Procedures, I wish to review the public file of the following individual:

Dr. Patel 14640

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file: Pam Reynolds
Please Print

Pam Reynolds
Signature

Name of Organization or Business Represented if applicable:
KFOR-TV

Copies of documents in the public file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: 4 Cost: _____

Paid: Cash _____ Check _____ Date 6-10-93

MK

State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS
28 WEST STATE STREET
TRENTON, NEW JERSEY 08608
609 - 292 - 4843

ROBERT J. DEL TUFO
ATTORNEY GENERAL

EMMA N. BYRNE
DIRECTOR

October 7, 1992

Carole A. Smith, Executive Director
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND SUPERVISION
Post Office Box 18256
Oklahoma City, Oklahoma 73154-0256

RE: NARESHKUMAR G. PATEL, M.D.

Dear Ms. Smith:

Recent information from the Federation of State Medical Boards/A.M.A. reflects that your state has taken disciplinary action against the above captioned physician.

The records of this Board reflect that the above captioned physician is a New Jersey licensee. Therefore, would you kindly provide certified true copies of all relevant documentation pertaining to this specific action to include but not be limited to a Complaint or Statement of Accusation and a Final Order.

Thank you for your cooperation.

Very truly yours,

Charles A. Janousek
Executive Director

CAJ/cao

10-13-92: Board Order
ls

RECEIVED
OCT 1992
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

New Jersey Is An Equal Opportunity Employer

Sent 10-15-92

OKLAHOMA STATE BOARD OF MEDICAL EXAMINERS P.O. BOX 18 5 OKLAHOMA CITY, OK 73154

APPLICATION FOR RENEWAL CERTIFICATE OF REGISTRATION
JULY 1, 1984 TO JUNE 30, 1985

This form must be completed in full and returned with your fee to the Board of Medical Examiners by June 10, 1984

Registration Fee $50.00 Penalty $10.00 Imposed after June 10, 1984

14640

NARESHKUMAR G. PATEL, M.D.
220, MT. VERNON PL.
APT - 4 N,
NEWARK, NEW JERSEY 07106

Please mark any changes to your mailing address in the box to the left.

PRACTICE ADDRESS : Must be the location of your office and must be identical to your current address on file with the Drug Enforcement Agency (DEA). DO NOT use P.O. Box #.

Street & Suite # [University Hospital, 100, Bergan St.]
City [Newark] State [N.J.] Zip [07106]
(If not U.S.) Province [ ] Country [ ]

SOCIAL SECURITY # : [ ] PRACTICE STATUS : [—] Active [ ] Retired

RACE : [ ] Caucasian [ ] Black [ ] Am. Indian [ ] Hispanic [X] Other INDIAN

SEX (M/F) : [Male]

SPECIALTIES : Primary specialty should be the specialty you practice greater than 50% of the time.
PRIMARY SPECIALTY [OB-GYN]
SECONDARY [ ] SECONDARY [ ]

BOARD CERTIFICATIONS : List CURRENT American Specialty Board certifications.

American Board of [ ]
American Board of [ ]

DISCIPLINARY ACTION : Have you ever been the subject of disciplinary action by any Governmental or Licensing Authority, Federal, State or Local? [NO]

(If "Yes") When [ ] State [ ]
Explain in brief. [ ]

PRACTICE SETTING : List your current employer or self-employed practice setting.

EMPLOYER [University Hospital, Newark, NJ] DATE STARTED (MO/YR) [7/1/80]

POST GRADUATE TRAINING : Fill out if you are currently in a training program.

Type of Training : [X] Resident [ ] Fellowship [ ] Continuing Ed. [ ] Clerkship
Hospital or School [University Hospital,]
CITY [Newark, N.J.] State [N.J.]
Date Entered [7/1/80] (If not U.S.) Country [ ]

(Physician's Signature)

FORM AMEREG 03-84

FILE REVIEW REQUEST

Under the Oklahoma Public Information Access Procedures, I wish to review the public file of the following individual

Dr. Retal 14640

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file

Kevin Gordon
Please Print

Signature

Name of Organization or Business Represented if applicable.

Crowe & Dunlevy

Copies of documents in the public file will be provided at a cost of 25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: 452 pages Cost: 113.00

Paid: Cash _____ Check _____ Date 7-15-92

Board of Medical Licensure and Supervision State of Oklahoma

5104 N. Francis, Suite C
P.O. Box 18256
Oklahoma City, OK 73154-0256

FAX MESSAGE

FAX 1(405)848-8240

Date: 8-10-92

To: Verna

Company: Federation of State Medical Boards

FAX Number: 817-738-6629

CC:

From: Jerry Ewing

Subject: Board Action Report

# of pages TO FOLLOW: 2

MESSAGE:

FEDERATION OF STATE MEDICAL BOARDS OF THE UNITED STATES, INC.
6000 Western Place, Suite 707, Fort Worth, Texas 76107-4618
Telephone (817) 735-8445 Fax (817) 738-6629

BOARD ACTION REPORTING FORM

The following is a report of a formal board action taken by the undersigned state medical board (or appropriate reporting entity).

* * * * * * * * * * * * * * *

PRACTITIONER INFORMATION:

1. Full Name: Nareshkumar Gandalal Patel Degree: M.D.
   (Please type or print legibly)
   Alternate/Maiden Name: _____
2. Current Address: 1902 S. Gordon Cooper Dr., Shawnee, OK 74801-9368
3. Date of Birth: yy/mm/dd 11 / 19 / 52 Social Security #: _ __-__ __-____
4. FIN #: _____ License #: 14640
5. Practitioner was licensed on basis of: Endorsement from New Jersey
   _____ FLEX Exam _____ NBME Exam _____ NBOME Exam _____ State Board Exam
   If licensed by FLEX exam, last date taken ____/____/____ State: _____
6. Medical School: N.H.L. Municipal Medical College, Ahmedabad, India
   (Please indicate complete name, branch location, and country)
   Year of Graduation: 1975 If foreign medical graduate, ECFMG #: 8901A
7. If deceased, please give date of death, if known: ____/____/____
8. Other states of licensure and license #, if known: Ohio, New Jersey, New York

Please Note: If you are aware of other actions taken against this physician by your board and you have reason to believe that those actions have not been reported, our staff would appreciate receiving those older documents as well as the newer ones. Thank you for your cooperation in helping the Federation maintain an updated Board Action Data Bank.

Oklahoma State Board of Medical Licensure and Supervision
Complete name and state of board/agency

Jan Ewing, Principal Assistant
Submitted by (name and title)

Date submitted 08 / 10 / 92

PLEASE COMPLETE BOARD ACTION SPECIFICS ON REVERSE SIDE OF THIS FORM

BOARD ACTION SPECIFICS:

Please check type of action(s) taken:
(If action was stayed, please indicate)

☐ Revocation	☐ Probation	☐ Suspension	☒ Other
☐ Stayed	☐ Stayed	☐ Stayed	☐ Stayed

Date action taken: June 9, 1990 Effective date: June 9, 1990

Please give a brief **summary of action** (example: five years probation; license revoked, revocation stayed, one year suspension).

Formal Reprimand

Please indicate brief **reason for action** (example: alcoholism; felony conviction for insurance fraud; fraudulent application, etc).

Unprofessional Conduct in his action on a patient and failure to keep complete and accurate records of the purchase and disposal of controlled drugs or narcotic drugs.

Additional Comments:

Please attach all related board orders and any pertinent information relating to this action.

Please include information concerning appeals, court-ordered stays, notification of death, reinstatements or any other information that, in your opinion, should be included in a compilation of this practitioner's action history.

Revised: 9/91

MERRITT, HAWKINS & ASSOC.
"Excellence in Physician Search"

August 18, 1992

Oklahoma Board of Medical Licensure & Supervision
P.O. Box 18256
Oklahoma City, Oklahoma 73154-0256

Dear Sirs:

Please accept this letter as a formal request for the final orders regarding reprimand for Dr. Nareshkumar Patel, License #14640. We are presently working with Dr. Patel to obtain practice relocation and request this information be forwarded at your earliest convenience.

Please forward to:

Ms. Joanne Vogt
c/o Merritt, Hawkins & Associates
222 W. Las Colinas Blvd., #1920
Irving, TX 75039

Thank you for your time and your expeditious handling of this matter.

Sincerely,

Joanne Vogt

Joanne Vogt
Physician Relations

/jv

RECEIVED
AUG 24 1992
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

5 copies
9-3-92

222 W. LAS COLINAS BLVD. • SUITE 1920 • IRVING, TEXAS 75039 • (214) 444-2200

12-30-91

Per Kathy Plant.
Transcript of hearing to Supreme
Court —

14640

Crowe & Dunlevy

A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS AT LAW
1800 MID-AMERICA TOWER
20 NORTH BROADWAY
OKLAHOMA CITY, OKLAHOMA 73102-8273
(405) 235-7700
TELECOPY (405) 239-6651

TULSA
500 KENNEDY BUILDING
TULSA, OKLAHOMA 74103-3313
(918) 592-9800
TELECOPY (918) 592-9801

NORMAN
104 EAST EUFAULA STREET
NORMAN, OKLAHOMA 73069-6017
(405) 321-7317
TELECOPY (405) 360-4002

235-7756

August 11, 1992

HAND-DELIVERED THIS DATE

Board of Medical Licensure
& Supervision
State of Oklahoma
5104 N. Francis, Suite C
Oklahoma City, OK 73118-6020

Re: State of Oklahoma, ex rel, Oklahoma State Board of Medical Licensure and Supervision, Plaintiff v. Nareshkumar Patel, M.D., Medical License No. 14640, Defendant, Case No. 90-09-1129

Dear Sir or Madam:

This is a written request for a certified copy of Dr. Patel's answer in the above case. We will be happy to pay any reasonable copying and certification charges.

I am sending this letter by hand-delivery and hope that you will be able to provide the certified copy to our messenger.

Very truly yours,

Shalene Shuler

SHALENE SHULER
Paralegal

SRS/jj
54.92B.SRS

RECEIVED
AUG 11 1992
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

8-12-9

MC

LAW OFFICES OF
JAMES M. LEVINE, P.C.
A Professional Corporation
1230 N. Walker, Suite 100
Oklahoma City, Oklahoma 73103

JAMES M. LEVINE

OF COUNSEL
LOUIS KLEIGER
NEW YORK, NEW YORK

14640

VIA FACSIMILE

Medical Licensure

RECEIVED
JUL 7 1992
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

DANIEL J. GAMINO & ASSOCIATES, P.C.
ATTORNEYS AND COUNSELORS AT LAW
3315 N.W. 63RD STREET
OKLAHOMA CITY, OK 73116

DANIEL J. GAMINO (405) 840-3741

July 20, 1992

Susan Conyers
Office of the Governor
State Capitol Bldg.
Room 212
Oklahoma City, OK 73105

RE: Nareshkumar Patel, M.D.

Dear Ms. Conyers:

As I advised you in your recent telephone call, the staff of the Oklahoma Board of Medical Licensure and Supervision does not plan any additional action against Dr. Patel following the Board decision of June 26, 1992. Because I perceive a number of the Board members to be "strict constructionists" of unprofessional conduct as defined at 59 O.S. 1991, Sec. 509, I do not think it would be beneficial to and therefore have not filed any kind of motion for rehearing, reopening or reconsideration. Therefore, the Board staff's disciplinary action against Dr. Patel on events arising in Shawnee, Oklahoma, is over.

Because our telephone conversation was brief, I was not sure if that was all the information you desired or if you had some other interest in the case. If you need any further information on this matter, please feel free to contact me at your convenience. I would be glad to discuss this matter with you at any time.

Sincerely,

DANIEL J. GAMINO

DJG:dc

cc: Carole Smith

RECEIVED
JUL 22 1992
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

PF 07-21-92 BS

lidwest City Regional Hospital • 2825 Parklawn Drive • Midwest City, Oklahoma 73110 • 405/737-4411

July 14, 1992

State of Oklahoma
Oklahoma State Board of
Medical Licensure and
Supervision
5104 N. Francis, Suite C
Oklahoma City, OK 73118

Re: Nareshkumar Patel, M.D., Medical License No. 14640

To Whom It May Concern:

Midwest City Regional Hospital staff would like to request a copy of the Board Order of June 26, 1992, on the above mentioned physician.

Your prompt response to our request is appreciated.

Sincerely,

David W. Lopp
President

RECEIVED
JUL 14 1992
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

Sent 7-16-9

14640

Board of Medical Licensure & Supervision
State of Oklahoma

P.O. Box 18256
Oklahoma City, Oklahoma 73154-0256

5104 N. Francis, Suite C
Oklahoma City, Oklahoma 73118-6020

July 15, 1992

Crowe & Dunlevy
1800 Mid-America Tower
20 North Broadway
Oklahoma City, OK 73102
Attn: Kevin Gordon

Dear Mr. Gordon:

As per your request, enclosed please find a copy of the videotape of the hearing of Nareshkumar Patel, M.D. on June 26, 1992.

You will soon be receiving an invoice for the cost of the reproduction and postage. Your prompt payment will be appreciated.

Should you have any questions or need additional information, please contact the undersigned.

Sincerely,

Michael D Kiser

Michael D. Kiser
Director of Administration

Encl: Videotape

MDK/vll

14640

Board of Medical Licensure & Supervision
State of Oklahoma

P.O. Box 18256
Oklahoma City, Oklahoma 73154-0256

5104 N. Francis, Suite C
Oklahoma City, Oklahoma 73118-6020

July 15, 1992

Deaconess Hospital
5501 N. Portland
Oklahoma City, OK 73112
Attn: Laura Cross

Dear Ms. Cross:

As per your request, enclosed please find a copy of the videotape of the hearing of Nareshkumar Patel, M.D. on June 26, 1992.

You will soon be receiving an invoice for the cost of the reproduction and postage. Your prompt payment will be appreciated.

Should you have any questions or need additional information, please contact the undersigned.

Sincerely,

Michael D. Kiser
Director of Administration

Encl: Videotape

MDK/vll

STATE MEDICAL BOARD OF OHIO

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

July 8, 1992

Carole A. Smith, Executive Director
Board of Medical Licensure and Supervision
P.O. Box 18256
Oklahoma City, Oklahoma 73154-0256

RE: Nareskumar Patel, M.D.

Dear Ms. Smith:

This is to acknowledge receipt of your letter regarding possible disciplinary action against Dr. Patel with regard to your Case Number 90-09-1129.

Please advise of your final action in this matter and provide certified copies of any formal action, when completed.

Very truly yours,

John W. Rohal
Assistant Director

JWR:ejh

RECEIVED
JUL 13 1992
OKLAHOMA STATE BOARD OF

Sent 7-16-92

PF 14640

STATE MEDICAL BOARD OF OHIO

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

June 1, 1992

Carole A. Smith, Executive Director
Oklahoma State Board of Medical Licensure & Supervision
P.O. Box 18256
Oklahoma City, OK 73154-0256

RE: Nareshkumar G. Patel, M.D.

Dear Ms. Smith:

We are in receipt of information that Dr. Patel is under criminal investigation for attempting to dispose of at least 60 fetuses in a field near Shawnee, Oklahoma, on or about April 15, 1992.

Since he is also licensed in the State of Ohio, we would appreciate receiving any information you can provide regarding this matter.

Also, enclosed is a copy of the Reprimand Dr. Patel entered into with our Board effective March 24, 1992.

Thanking you in advance for your assistance in this matter, I remain

Very truly yours,

John W. Rohal
Assistant Director

RECEIVED
JUN 5 1992
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

JWR:jh
Enclosure

STATE MEDICAL BOARD
92 MAR 18 PM 12: 00

THE STATE MEDICAL BOARD OF OHIO
REPRIMAND OF
NARESHKUMAR G. PATEL, M.D.

Be it known, the STATE MEDICAL BOARD OF OHIO is a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

NARESHKUMAR G. PATEL, M.D., acknowledges this REPRIMAND being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

This REPRIMAND is entered into on the basis of the following stipulations, admissions and understandings:

A. The STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22 (B)(22), Ohio Revised Code, to limit, revoke suspend a certificate, refuse to register or reinstate an applicant or reprimand or place on probation the holder of a certificate for the limitation, revocation or suspension by another state of a license or certificate to practice issued by that state for an action that would also have been a violation of this Chapter, to wit: Sections 4731.22 (B)(2) and (B)(6), Ohio Revised Code.

B. THE STATE MEDICAL BOARD OF OHIO acknowledges this REPRIMAND in lieu of formal proceedings based upon the violation of Section 4731.22(B)(22), Ohio Revised Code, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this REPRIMAND.

C. NARESHKUMAR G. PATEL, M.D., is licensed to practice medicine and surgery in the State of Ohio.

D. NARESHKUMAR G. PATEL, M.D., ADMITS that on or about July 17, 1990 he was FORMALLY REPRIMANDED and ordered to fulfill certain conditions by Final Order of the Oklahoma State Board of Medical Licensure and Supervision in order to retain his Oklahoma License. (The Final Order is attached hereto and fully incorporated herein.)

This REPRIMAND is entered into on the basis of the following stipulations, admissions and understandings:

WHEREFORE NARESHKUMAR G. PATEL, M.D. should be and is hereby REPRIMANDED and the following conditions are placed on his Ohio license to practice medicine and surgery:

1. NARESHKUMAR G. PATEL, M.D. must provide written documentation which illustrates that he is in compliance with the conditions placed on his Oklahoma license to practice medicine and surgery.

If, in the discretion of the Secretary of the STATE MEDICAL BOARD OF OHIO, DOCTOR NARESHKUMAR G. PATEL appears to have violated or breached any terms or conditions of this REPRIMAND, the STATE MEDICAL BROAD OF OHIO reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before or after the effective date of this REPRIMAND.

NARESHKUMAR G. PATEL, M.D., acknowledges that he has had an opportunity to ask questions concerning the terms of this Agreement and that all questions asked have been answered in a satisfactory manner.

NARESHKUMAR G. PATEL, M.D., hereby releases THE STATE MEDICAL BOARD OF OHIO, its Members, Employees, Agents, Officers and Representatives jointly and severally from any and all liability arising from the within matter.

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

This information may be reported to appropriate organizations, data banks and governmental bodies. This REPRIMAND shall become effective upon the last date of signature below.

NARESHKUMAR G. PATEL, M.D.

3/12/92
DATE

HENRY G. CRAMBLETT,M.D.
Secretary

3/20/92
DATE

TIMOTHY S. JOST, ESQ.
Supervising Member

3/24/92
DATE

ODELLA LAMPKIN, ESQ.
Assistant Attorney General

3/24/92
DATE

Rev. 10/89

BRADY, SCHAULAT & FALSETTI
ATTORNEYS AT LAW
719 NORTH SHARTEL
OKLAHOMA CITY, OKLAHOMA 73102
(405) 235-6622

MICHAEL H. BRADY, INC.
RONALD A. SCHAULAT*
LOUIS P. FALSETTI**
CHARLES GREGORY SMART
KAMMIE MONARCH

*ALSO LICENSED IN ILLINOIS
**ALSO LICENSED IN NEW JERSEY

MAILING ADDRESS
P.O. BOX 718
OKLAHOMA CITY, OK
73101-0718

FACSIMILE
405/235-6600

September 16, 1997

Oklahoma Board of Medical
Licensure and Supervision
P.O. Box 18256
Oklahoma City, OK 73154

Attn: Faye:

Dear Madam:

RE: File of Nareshkumar G. Patel, M.D. 14640

I would like to request information contained in the file of Dr. Nareshkumar G. Patel. Dr. Patel is practicing in Oklahoma City.

Please include any formal and informal grievances, and/or complaints which have been, or which are now being investigated. Also, please provide all information relating lawsuits filed against Dr. Patel, as well as, every disciplinary action (including suspension, reprimand, censure, revocation, restriction or denial of licensure) taken by any board.

Thank you for your assistance.

Very truly yours,

MICHAEL H. BRADY
Attorney at Law

/jmr

488

9-29-97

RECEIVED
1997 APR 18 AM 9:22

State of New Jersey
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

CHRISTINE TODD WHITMAN
Governor

PETER VERNIERO
Attorney General
MARK S. HERR
Director

In reply respond to:
140 E Front Street 2nd Fl.
Trenton NJ 08608
(609) 826-7100

April 11, 1997

Carole A. Smith
Executive Director
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND SUPERVISION
Post Office Box 18256
Oklahoma City, Oklahoma 73154-0256

RE: NARESHKUMAR G. PATEL, M.D. 14640

Dear Ms. Smith:

Dr. Patel's file with this Board contains the enclosed letter of August 24, 1995 to you.

Executive Director Earle requested certain information with respect to Dr. Patel. Dr. Patel's file reflects that in 1990, he was sanctioned for unprofessional conduct. That action was noticed in the Federation Action Report of August, 1992. This Board wrote for and did receive a copy of the public documentation regarding that action. Subsequently, the Board received newspaper articles which indicated that Dr. Patel had allegedly dumped human fetuses in a field in East Central Oklahoma. The Board wonders if any action was taken by the Oklahoma Board with respect to that incident.

Additionally, in 1993, Dr. Patel provided information to this Board upon attempting to update his biennial registration that he was a plaintiff in a criminal matter as noted by the enclosed information from the District Court in Oklahoma County.

It appears that Executive Director Earle wrote to you in 1995 with respect to this criminal Complaint. No response was ever received.

The Board has now received communication from Dr. Patel dated April 3, 1997 indicating that the Complaint filed in the District Court of Oklahoma County was dismissed after jury trial in September, 1994 and no action was taken by the Oklahoma Medical Board. In fact, Dr. Patel has provided a copy of his current Oklahoma registration.

RE: NARESHKUMAR G. PATEL, M.D.

The New Jersey State Board of Medical Examiners would like specific clarification from the Oklahoma Board regarding the status of Dr. Patel's license in Oklahoma as well as his disciplinary history. Please include in that disciplinary history whether Dr. Patel is accurate with respect to the dismissal of the Complaint and also any information regarding the article on the disposal of fetuses.

Thank you for your anticipated prompt cooperation.

Very truly yours,
NJ BOARD OF MEDICAL EXAMINERS

Charles A. Janousek
Deputy Executive Director

CAJ/cao
Enclosure

KN

N. G. PATEL, MD

OUTPATIENT SERVICES FOR WOMEN

6112 Northwest 63rd Street
Oklahoma City, Okla. 73132
Telephone: (405) 722-9500

11/3/94

#14640

Exp 6-30-95

To,
State Board of Med. Lic.
OKC, OK

Dear Sir,

Subject: Change of Address
Ref: Lic. # 14640

Please make a note of my new address

done 11-7-94 BG

NARESHKUMAR G. PATEL, MD
6112 N. W. 63rd Street
OKC, OK 73132

done 11-7-94 d

Also please send me my Renewal Wallet Card.

$10.00 MG

Thanks.

N. G. PATEL, MD

14640

PLEASE FAX to ME AT MK

(405) DR. NORESH PATEL

DISCIPLINARY ACTIONS TAKEN FOR

"90" OR ANY OTHER INFO NEEDED

RE: ANY AND ALL MATTERS RE:

HIS Lic. STANDING

THANK YOU

KEVA RICHEY

DENNYS.

275-4720

FAX

SENT 3-5-96

RECEIVED
95 APR -3 AM 9:33
OK STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

March 30, 1995

Ref. : License # 14640

I have been named as defendent in malpractice suits.

Nareshkumar G. Patel,M.D.

14640 95-96

APPLICATION FOR RENEWAL OF OKLAHOMA MEDICAL LICENSE

JULY 1, 1985 TO JUNE 30, 1986

This form must be completed in full and returned with your fee of $50.00. A penalty of $10.00 is imposed if this application is postmarked after June 10th. Licenses not renewed by June 30, 1985 become inactive.

14640

NARESHKUMAR PATEL, M.D.
1902 GORDON COOPER DR.
SHAWNEE, OK 74801

Please mark any changes to your mailing address in the box to the left.

COMPLETE THE FOLLOWING :

PRACTICE SETTING : List the percentage of practice time spent in the following :

Patient Care :

Hospital based ____ Resident ____ Staff ____ Other ____

Office based ____ Solo ✓ 95% Group ____ Partnership ____

Other Professional Activity :

Teaching ____ Administration ____ Research ____ Other ____

ORIGINAL OKLAHOMA LICENSE OBTAINED BY : Exam ____ Endorsement ____ National Boards ____ State

MAKE APPROPRIATE CHANGES TO THE INFORMATION LISTED BELOW :

PRACTICE ADDRESS :

1902 GORDON COOPER DR.
SHAWNEE, OK 74801

STATUS : ACTIVE

SPECIALTIES :

1. Primary (greater than 50% time spent) OBSTETRICS AND GYNECOLOGY
2. ____ 3. ____

BOARD CERTIFICATIONS (CURRENT) :

American Board of ____

American Board of ____

DISCIPLINARY ACTION : Have you ever been the subject of disciplinary action by any Governmental or Licensing Authority, Federal, State or Local? ____

If "Yes" explain briefly : ____

POST-GRADUATE TRAINING (CURRENT) :

Type of training : RESIDENCY Hospital UNIVERSITY HOSPITAL

Location : NEWARK, NJ

Date Entered : 07/80 Date expected to complete : 06/84 ✓

MAIL APPLICATION TO : Oklahoma State Board of Medical Examiners
P. O. Box 18256 Oklahoma City, OK 73154

Signature of Physician

APPLICATION FOR RENEWAL OF OKLAHOMA MEDICAL LICENSE

JULY 1, 1987 TO JUNE 30, 1988

This form must be completed in full and returned with your fee of $100.00. A penalty of $10.00 is imposed if this application is postmarked after June 10th. Licenses not renewed by June 30, 1987 become inactive and reactivation including penalties and fee will be $260.00.

14640

RECEIVED
MAR 20 1987
STATE BOARD
MEDICAL EXAMINERS

NARESHKUMAR GANDALAL PATEL, M.D.
1902 GORDON COOPER DR.
SHAWNEE, OK 74801-9326

Please mark any changes to your mailing address in the box to the left.

COMPLETE THE FOLLOWING :

PRACTICE SETTING : List the percentage of practice time spent in the following :

Hospital based - Resident ____ % Staff ____ % Other ____ %
Office based - Solo 100 % Group ____ % Partnership ____ %
Teaching ____ % Administration ____ % Research ____ % Other ____ %

List your current employer or self-employed practice setting:

EMPLOYER _____ DATE STARTED (MO/YR) _____

MAKE APPROPRIATE CHANGES TO THE INFORMATION LISTED BELOW :

STATUS : ACTIVE

PRACTICE ADDRESS :

1902 GORDON COOPER DR.
SHAWNEE, OK 74801

SPECIALTIES :

1. Primary (greater than 50% time spent) OBSTETRICS AND GYNECOLOGY
2. _____ 3. _____

BOARD CERTIFICATIONS (CURRENT) : NONE

American Board of _____
American Board of _____

DISCIPLINARY ACTION : Have you ever been the subject of disciplinary action by any Governmental or Licensing Authority, Federal, State or Local? No
If "Yes" explain briefly : _____

POST-GRADUATE TRAINING (CURRENT) :

Type of training : _____ Hospital _____
Location : _____
Date Entered : _____ Date expected to complete : _____

MAIL APPLICATION TO : Oklahoma State Board of Medical Examiners
P. O. Box 18256 Oklahoma City, OK 73154-0256

_____
Signature of Physician

FORM BMEREG 01-87

APPLICATION FOR RENEWAL OF OKLAHOMA MEDICAL LICENSE

JULY 1, 1986 TO JUNE 30, 1987

This form must be completed in full and returned with your fee of $100.00. A penalty of $10.00 is imposed if this application is postmarked after June 10th. Licenses not renewed by June 30, 1986 become inactive.

14640

NARESHKUMAR PATEL, M.D.
1902 GORDON COOPER DR.
SHAWNEE, OK 74801

RECEIVED
APR 4 1986
STATE BOARD
MEDICAL EXAMINERS

Please mark any changes to your mailing address in the box to the left.

COMPLETE THE FOLLOWING :

PRACTICE SETTING : List the percentage of practice time spent in the following :

Patient Care :
Hospital based ✓ 50% Resident ____ Staff ____ Other ____
Office based ✓ 50% Solo ____ Group ____ Partnership ____

Other Professional Activity :
Teaching ____ Administration ____ Research ____ Other ____

ORIGINAL OKLAHOMA LICENSE OBTAINED BY : Exam ____ Endorsement ____ National Boards ____
State

MAKE APPROPRIATE CHANGES TO THE INFORMATION LISTED BELOW :

STATUS : ACTIVE

PRACTICE ADDRESS :

1902 GORDON COOPER DR.
SHAWNEE, OK 74801

SPECIALTIES :
1. Primary (greater than 50% time spent) OBSTETRICS AND GYNECOLOGY
2. ____ 3. ____

BOARD CERTIFICATIONS (CURRENT) :
American Board of ____
American Board of ____

DISCIPLINARY ACTION : Have you ever been the subject of disciplinary action by any Governmental or Licensing Authority, Federal, State or Local? ____
If "Yes" explain briefly : ____

POST-GRADUATE TRAINING (CURRENT) :
Type of training : ____ Hospital ____
Location : ____ Date expected to complete : ____
Date Entered : ____

MAIL APPLICATION TO : Oklahoma State Board of Medical Examiners
P. O. Box 18256 Oklahoma City, OK 73154

Signature of Physician

FORM BMEREG 02-86

APPLICATION FOR RENEWAL OF OKLAHOMA MEDICAL LICENSE

JULY 1, 1988 TO JUNE 30, 1989

This form must be completed in full and returned with your fee. REGISTRATION FEE $100.00 PENALTY IMPOSED AFTER JUNE 30, 1988 $150.00 (PLUS RENEWAL FEE). As of July 1, 1988 unrenewed licenses become inactive. After August 29, 1988 unrenewed licenses are suspended due to failure to renew. Reinstatement of suspended licenses is $300.00.

14640

NARESHKUMAR GANDALAL PATEL, M.D.
1902 GORDON COOPER DR.
SHAWNEE, OK 74801-9326

RECEIVED
FEB 24 1988
OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION

Please mark any changes to your mailing address in the box to the left.

COMPLETE THE FOLLOWING :

PRACTICE SETTING : List the percentage of practice time spent in the following :

Hospital based - Resident ____ % Staff ____ % Other ____ %
Office based - Solo 100 % Group ____ % Partnership ____ %
Teaching ____ % Administration ____ % Research ____ % Other ____ %

List your current employer or self-employed practice setting:

EMPLOYER ____ DATE STARTED (MO/YR) ____

MAKE APPROPRIATE CHANGES TO THE INFORMATION LISTED BELOW :

PRACTICE ADDRESS :

1902 GORDON COOPER DR.
SHAWNEE, OK 74801

STATUS : ACTIVE

SPECIALTIES :
1. Primary (greater than 50% time spent) OBSTETRICS AND GYNECOLOGY
2. ____ 3. ____

BOARD CERTIFICATIONS (CURRENT) :
American Board of ____
American Board of ____

DISCIPLINARY ACTION : Have you ever been the subject of disciplinary action by any Governmental or Licensing Authority, Federal, State or Local? ____
If "Yes" explain briefly : ____

POST-GRADUATE TRAINING (CURRENT) :
Type of training : ____ Hospital ____
Location : ____
Date Entered : ____ Date expected to complete : ____

MAIL APPLICATION TO : Oklahoma State Board of Medical Licensure and Supervision
P. O. Box 18256 Oklahoma City, OK 73154-0256

Signature of Physician

FORM BMEREG (01-87)

We, the Chancellor, Vice-Chancellor and Members of the Court of the Gujarat University certify that the withinsigned

Nareshkumar Gandalal Patel of

N.H.L.M. Medical College, having been examined for the Degree of Bachelor of Medicine and Bachelor of Surgery and having undergone the prescribed period of housemanship and found qualified for the same, the Degree of

Bachelor of Medicine & Bachelor of Surgery

has been conferred on him at Ahmedabad, on the twentyninth day of the month of March in the year one thousand nine hundred and seventy six.

In Testimony whereof are set the Seal of the said University and the Signature of the said Vice Chancellor.

Vice Chancellor.

GENERAL INSTRUCTIONS - ENDORSEMENT APPLICANTS

PLEASE READ CAREFULLY BEFORE FILLING OUT THE APPLICATION

1. Application may be based on endorsement from any other state of the United States, the District of Columbia, territories of the United States, Canada or England, or scores received from the National Board of Medical Examiners examination.

2. Applicants for endorsement must be endorsed by the Secretary of the state board issuing the license on which endorsement is based or other official of said Board.

3. Applicants may have test scores submitted to this Board from either the National Board of Medical Examiners or the Federation of State Medical Boards (FLEX). A form is enclosed for your convenience.

4. Applicants who have taken FLEX must compile an overall average score of 75.00% or higher on all parts of the examination taken at one continuous sitting. The practice of "factoring" grades, or combining the highest scores from parts of the examination taken in different sittings is specifically not allowed.

5. All applicants for endorsement must be endorsed by the President or Secretary of his/her county medical society and officially by the Secretary of his/her state medical association. If no membership is had in a medical society, the applicant should state the reason why and should furnish three letters of recommendation as to character, professional standing, etc., from reputable physicians who are members of their county medical societies and who are personally and well acquainted with the applicant. Use Form #4 for these recommendation letters.

6. Persons receiving an Oklahoma Medical License must not begin practice until they are in possession of their license and same has been recorded with the county clerk in each and every county in the State of Oklahoma in which he/she proposes to practice.

7. Licensure is required of all physicians serving residencies and fellowships in the State of Oklahoma. Resident shall be defined as any house physician who has previously had twelve months hospital training, following graduation, in the United States, in an approved hospital.

8. The fee for applying for licensure in Oklahoma is $300.00. This fee is **NOT** refundable.

9. Applications must be complete and in this office at least **TWO WEEKS** prior to the next Board Meeting which will be held on _____. This will allow time for processing and administrative review of your application.

10. The Oklahoma State Board of Medical Examiners may, at its discretion, require further proof of clinical competency. You will be notified if this applies to you.

11. If more than one page of this application or any of the attached forms are needed, you may duplicate the page or form.

12. This application, all required documents and fee **MUST BE SUBMITTED TOGETHER.** The only documents that will be accepted separate from your application are your scores from the National Board of Medical Examiners or the Federation of State Medical Boards (FLEX).

13. All documents must be legible and in the English language or accompanied by a certified translation where applicable. **DO NOT SEND EXTRA DOCUMENTS.**

14. A certified copy of proof on one-year of post-graduate training or the equivalent thereof, in a hospital approved by this Board is required of all applicants for licensure.

15. Straight psychiatry or pathology programs or programs, the major components of which are psychiatry or pathology, are not acceptable a fulfilling the requirement for first year post-graduate training, however, any residencies in these fields must be certified on a form #2.

16. Graduates of foreign medical schools must submit a certified copy of a permanent E.C.F.M.G. Certificate.

17. Your license, when issued, will be mailed to you or you will be notified by mail to pick up your license in this office. Licenses are issued, processed and signed within ten days after each Board Meeting.

18. We feel that this application is self-explanatory, however, should you have any questions, you may contact this office at (405) 848-2189 between the hours of 10:00 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays.

THE FOLLOWING STATEMENT IS A PART OF YOUR APPLICATION AND MUST BE SIGNED AND RETURNED TO THIS OFFICE IN ORDER FOR YOUR APPLICATION TO BE PROCESSED.

"I, the undersigned, have read the instructions above and understand their content. I swear that the contents of my application are true and I understand that all information supplied herein is subject to verification."

M.D. N. G. PATEL, M.D.

Signature of applicant

EVEN THOUGH THIS APPLICATION IS COMPLETE AND ALL REQUIREMENTS ARE SATISFIED, THERE IS NO GUARANTEE THAT THE BOARD OF MEDICAL EXAMINERS WILL APPROVE LICENSURE. THE BOARD MAY FIND EXCEPTIONS OR MAY MAKE DISCOVERIES WHICH WILL CAUSE THEM NOT TO APPROVE THIS APPLICATION FOR LICENSURE. IN SUCH EVENT THE BOARD ACTION WILL CLEARLY STATE THE BASIS UPON WHICH SUCH EXCEPTIONS MAY BE MADE.

Board of Medical Examiners
State of Oklahoma

OFFICE OF THE SECRETARY
TELEPHONE 848-6841
P.O. BOX 18256
5104 N. FRANCIS, SUITE C
OKLAHOMA CITY, OKLAHOMA 73154

October 16, 1984

This is to certify that Nareshkumar G. Patel, M.D., Shawnee, Oklahoma, date of birth, November 19, 1952, was issued Oklahoma Medical License Number 14640 on May 21, 1984, on the basis of endorsement from New Jersey.

This license is in full force and effect and as of this date we have no derogatory information of any nature concerning this physician or his demonstration of clinical competency.

ba

Signature: Jan Ewing
for the Board of Medical Examiners

Title: Director of Licensing

NARESH G. PATEL, M.D.
OBSTETRICS AND GYNECOLOGY
1902 GORDON COOPER DRIVE
SHAWNEE, OKLAHOMA 74801

TELEPHONE (405) 275-2824
273-0926

1/22/85

To,
Secretary,
Oklahoma State board of Med. Examin
Oklahoma City, Okl.

Dear Sir,

Ref. Med. Lic. no. 14640
subject: To send a letter of good standing to New York state board of Med. Examin.

I hereby send you check of $10 ✓ for the letter of good standing to N.Y. state

Thanking you

Yours Sincerely,
Harishkumar G Patel, M

RECEIVED
JAN 25 1985
STATE BOARD
MEDICAL EXAMINERS

THE OKLAHOMA STATE BOARD OF MEDICAL EXAMINERS

GREAT SEAL OF THE STATE OF OKLAHOMA 1907.

Certifies that Nareshkumar Gandalal Patel having given satisfactory evidence of fitness as to age, character, preliminary education, medical instruction, and all other matters required by law, was fully examined by the Members of the State Board of Medical Examiners of the State of Oklahoma, whose signatures are hereto attached, and found duly qualified to receive this Certificate Authorizing the Practice of Medicine and Surgery, in this State under and pursuant to the provisions of the Statutes of the State of Oklahoma,

IN TESTIMONY WHEREOF, we have hereunto set our hands and caused the official seal of said board to be impressed thereon, this 21st day of May, 1984.

J. William McDonald M.D. PRESIDENT

R. E. Rhoden M.D. VICE-PRESIDENT

Frank R. Hanson M.D. SECRETARY

Frank L. Adelman M.D.

Jack A. Tetzer M.D.

Wm. M. Leeburn M.D.

R. L. Winters M.D.

OKLAHOMA STATE BOARD OF MEDICAL EXAMINERS SEAL

Medical License No. 14640

Board of Medical Examiners
State of Oklahoma

OFFICE OF THE SECRETARY
TELEPHONE 848-6841
P.O. BOX 18256
5104 N. FRANCIS, SUITE C
OKLAHOMA CITY, OKLAHOMA 73154

April 29, 1984

Nareshkumar G. Patel, M.D.
220 Mt. Vernon Place, Apt. 4-N
Newark, New Jersey 07106

Dear Doctor Patel:

This will acknowledge receipt of your application for licensure in the State of Oklahoma, however, all requirments have not been met.

It will be necessary for you to provide this Board with an updated ECFMG Certificate as your expired in January, 1982.

Sincerely,

Pamela K. Conner, Director
Department of Licensing and Registration

PKC

UNIVERSITY OF MEDICINE AND DENTISTRY OF NEW JERSEY

UNIVERSITY HOSPITAL

100 Bergen Street
Newark, New Jersey 07103

5/2/84

To,
The Secretary,
Oklahoma State Board of Med. Examiners
Oklahoma City, Oklahoma

From,
Naresh Kumar G. Patel, M.D.
220, 07th Vernon Pl. #4N
Newark, N.J. 07106

Dear Sir,

Ref: To complete Endorsement application for Oklahoma State License

As per our telephone conversation, I here by send you my updated ECFMG certificate (certified copy) to complete my application form.

Thanking you,

Yours Sincerely

N. G. Patel MD

The University of Medicine & Dentistry of New Jersey is an equal opportunity employment/affirmative action employer

FORM #3

Send this to each state in which you now hold or have ever held a license to practice medicine and/or surgery.

The physician named below is presently applying for a medical license in the State of Oklahoma. He/she states that he/she was issued a license by your Board. Therefore, we would appreciate the following information:

NARESHKUMAR G PATEL, M D

NAME OF STATE: New Jersey

ISSUED A LICENSE TO: Nareshkumar G. Patel, M.D.

ON THE 8 day of February, 1982.

LICENSE IS CURRENT X NOT CURRENT _____ (If not current, explain)

_____

DATES OF DISCIPLINARY ACTION (if applicable) none

REASON FOR DISCIPLINARY ACTION _____

LICENSE ISSUED ON THE BASIS OF Flex Examination

I hereby certify that this physician is licensed to practice medicine in this state, that the license is current, and in good standing; that based on records available to me, he/she is competent to practice medicine.

Charles A Juravich

Signature

Executive Secretary

Title

NJ Board of Medical Examiners

Agency

SEAL

February 23, 1984

Date

FORM #4

This form is to be completed by a physician who is a member of his/her county medical society and who is personally and well acquainted with you. It serves as one of your required three letters of recommendation.

I do hereby certify that I am personally and well acquainted with the applicant NARESHKUMAR G. PATEL, M.D.,
(Name of applicant)

The following is my recommendation to the Oklahoma State Board of Medical Examiners in support of his/~~her~~ application for licensure:

Dr. Nareshkumar G. Patel, M.D. has been an excellent chief Resident at the UMDNJ-New Jersey Medical School. His performance of duties have been outstanding.

He is of good moral character and deserves of being a practitioner of Ob-Gyn in the State of Oklahoma.

I further certify that I am an active member in good standing of the New Jersey Medical Society - AMA
(Name of medical society)

Signature

Dated: 2/22/84

Dr. Hansen Is Located At
810 Main Street
Hackensack, N.J. 07601
(201) 487-4014

FORM #4

This form is to be completed by a physician who is a member of his/her county medical society and who is personally and well acquainted with you. It serves as one of your required three letters of recommendation.

I do hereby certify that I am personally and well acquainted with the applicant Nareshkumar Patel, M.D.,
(Name of applicant)

The following is my recommendation to the Oklahoma State Board of Medical Examiners in support of his/her application for licensure:

Dr. N. Patel joined our housestaff in July 1980 as a Resident in Obstetrics and Gynecology, he will complete his Residency Program on June 30, 1984.

During these years that I have known Dr. Patel, he distinguished himself by the close and meticulous care that he gave to the patients attending our clinics. Dr. Patel provided high quality care for our parturients representing an exceptionally high risk population.

At no time during his activities in this Department have I heard complaints about his integrity or ethical standards. I recomend that Dr. Patel be accepted as medical practitioner in the State of Oklahoma and I am sure he will serve the people of the State well. I support his application without reservation.

I further certify that I am an active member in good standing of the

(Name of medical society)

Signature

Dated: February 24, 1984

Associate Professor
Department of Obstetrics and Gynecology
New Jersey Medical School

Director of Gynecology and Gynecolo Oncology
University Hospital

FILE REVIEW REQUEST

Under the Oklahoma Public Information Access Procedures. I wish to review the public file of the following individual:

Naresh Kumar Patel 14640

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file: Nolan Clay
Please Print

Nolan Clay
Signature

Name of Organization or Business Represented if applicable:
The Daily Oklahoman

Copies of documents in the public file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: 15 Cost: 3.75

Paid: Cash 3.75 Check _____ Date 6-22-92

FILE REVIEW REQUEST

Jnder the Oklahoma Public Information Access Procedures, I wish to review the public file of the following individual:

NARESHKUMAR PATEL 14640

t is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file: MARY HARGRAVE
Please Print

Mary Hargrave
Signature

Name of Organization or Business Represented if applicable:

Tulsa Tribune

Copies of documents in the public file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: ## Cost: [redacted]

Paid: Cash _____ Check _____ Date 4-20-92

Board of Medical Licensure and Supervision
State of Oklahoma

5104 N. Francis, Suite C
P.O. Box 18256
Oklahoma City, OK 73154-0256

FAX MESSAGE

FAX 1(405)848-8240

Date: 4-17-92

To: Laurie Cassidy

Company: Tulsa Tribune

FAX Number: 918 584 1037

CC:

From: Kathy for C.A.S.

Subject: Patel

# of pages TO FOLLOW: 12

MESSAGE:

Complaint, Citation, Final Order & Supreme Court ruling

FILE REVIEW REQUEST

Under the Oklahoma Public Information Access Procedures. I wish to review the public file of the following individual:

NARESH KUMAR PATEL

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file: Mary Ann Eckstein
Please Print
Mary Ann Eckstein
Signature

Name of Organization or Business Represented if applicable:

KFOR

Copies of documents in the public file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: _____ Cost: _____

Paid: Cash _____ Check _____ Date _____

Board of Medical Licensure and Supervision
State of Oklahoma

5104 N. Francis, Suite C
P.O. Box 18256
Oklahoma City, OK 73154-0256

FAX MESSAGE

FAX 1(405)848-8240

Date: 12/4/91

To: Diane Owsley
for Ron Clifford, CEO

Company: Seminole Hospital

FAX Number: 405-382-2430

CC:

From: OSBMLS

Subject: Final Order, Nareshkumar Patel 1464/0

# of pages TO FOLLOW: 2

MESSAGE:

PF

Seminole, Oklahoma 74868
405/382-0600

.990

PY

RECEIVED
12-4-91
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

FAX 10[illegible] AD

FILE REVIEW REQUEST

Under the Oklahoma Public Information Access Procedures, I wish to review the public file of the following individual:

Nareshkumar Patel, M.D.

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file: Del Langham
Please Print

Del Langham
Signature

Name of Organization or Business Represented if applicable:

PLICO

Copies of documents in the public file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: 2 Cost: _____

Paid: Cash _____ Check _____ Date 9/4/98

STATE MEDICAL BOARD OF OHIO

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

March 1, 1991

Carole A. Smith, Executive Director
Oklahoma Board of Medical Licensure & Supervision
P.O. Box 18256
Oklahoma City, OK 73154-0256

RE: Nareshkumar G. Patel, M.D. 14640

Dear Ms. Smith:

We have received information that your Board has taken disciplinary action against the above physician's license.

Since he is also licensed in the State of Ohio, we would appreciate receiving **certified** copies of any information that is available for our review and consideration.

Thank you for your prompt assistance in this matter.

Very truly yours,

John W. Rohal

John W Rohal
Assistant Director

JWR:ejh

RECEIVED
No Charge
MAR 8 1991
C/C + FINAL ORDER
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

FILE REVIEW REQUEST

Under the Oklahoma Public Information Access Procedures, I wish to review the public file of the following individual:

NARESHKUMAR PATEL 14640

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file: JAMES J. TAYLOR
Please Print

James J. Taylor
Signature

Name of Organization or Business Represented if applicable:
Lawfirm - Taylor, Lucas & Speegle

Copies of documents in the public file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: 31 Cost: 7.75

Paid: Cash _____ Check _____ Date 1-16-91

gave us $8.0 - will p.u. chg. later

STATE OF NEW YORK
DEPARTMENT OF HEALTH
Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

)avid Axelrod, M.D.
Commissioner

)FFICE OF PUBLIC HEALTH
_inda A. Randolph, M.D., M.P.H.
Director

William F. Leavy
Executive Deputy Director

RECEIVED
JAN 8 1991
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

January 3, 1991

Carole A. Smith
Executive Director
Oklahoma State Board of Medical
Licensure and Supervision
P.O. Box 18256
Oklahoma City, OK 73154-0256

Re: Naresh G. Patel, M.D. 14440
DOB: 11/19/52
NYS License #162268

Dear Ms. Smith:

The Office of Professional Medical Conduct is currently investigating Dr. Patel as a result of information submitted on his application for re-registration which identifies a disciplinary action in your state.

In furtherance of this investigation, please provide this Office with certified copies of the following documents relating to that action:

1. Statement of Charges or Accusation
2. Notice of Hearing
3. Final Order, Stipulation, Finding of Fact and Conclusions of Law

Additionally, if the disciplinary action resulted in imposition of probationary terms or restrictions in practice, please provide information concerning Dr. Patel's compliance with those terms or restriction.

Please forward these documents to my attention at the above address. If you have any questions concerning this matter, please contact me at (518) 474-8357. Thank you.

Sincerely,

Cheryl B. Ratner

Cheryl B. Ratner
Senior Investigator
Office of Professional Medical Conduct

CBR/kd

10-3-90

MEMO

TO: FILE

FM: JACK HUTTON, ADMINISTRATOR

SUBJECT: NARESHKUMAR G. PATEL, M.D. (#14640)

SUBJECT MET WITH MARK R. JOHNSON, M.D., AT 10:25 AM, OCTOBER 1, 1990.

DR PATEL KEEPS HIS CDS UNDER LOCK AND KEY AND CONDUCTS A DAILY INVENTORY. DR PATEL WILL BRING THE INVENTORY CONTROL BOOK WITH HIM FOR REVIEW BY DR JOHNSON AT THEIR NEXT MEETING.

DR PATEL SEES AN AVERAGE OF 10 TO 15 PATIENTS PER DAY. HE DELIVERED APPROX 15 OR 16 BABIES DURING THE PAST MONTH. HE TERMINATED APPROX 60 OR 70 PREGNANCY LAST MONTH. DR PATEL IS IN SOLO PRACTICE. SIDNEY LAUGHLIN, D.O. PROVIDES BACKUP COVERAGE FOR DR PATEL. DR PATEL NORMALLY TAKES WEDNESDAY AFTERNOON OFF.

DR PATEL REQUESTED THAT FUTURE MEETING WITH DR JOHNSON BE HELD AT 9:00 AM, MONDAY'S. THAT DAY AND TIME IS ACCEPTABLE TO DR JOHNSON.

14640

Board of Medical Licensure & Supervision
State of Oklahoma

P.O. Box 18256
Oklahoma City, Oklahoma 73154-0256

5104 N. Francis, Suite C
Oklahoma City, Oklahoma 73118-6020

September 17, 1990

Nareshkumar G. Patel, M.D.
Mission Hill Medical Building
1902 Gordan Cooper Drive
Shawnee, OK 74801

Dear Dr. Patel:

The Medical Board stipulated you are to meet with Mark R. Johnson, M.D. You are scheduled to meet with him here Monday, October 1, 1990, between the hours of 9-11 a.m.

Please advise this office in writing that you will be here at that time.

Sincerely,

Ralph Baldwin

Ralph Baldwin
Compliance Consultant

RB:jlo

FILE REVIEW REQUEST

Under the Oklahoma Public Information Access Procedures, I wish to review the public file of the following individual:

Nareshkumar Patel

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file: Mike Speegle
Please Print

Mike Speegle
Signature

Name of Organization or Business Represented if applicable:

Attorney

Copies of documents in the public file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: 2 Cost: .50

Paid: Cash Check Date 8/13

RECEIVED
AUG 16 1990
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

EMPLOYEES OF OUTPATIENT SERVICES FOR WOMEN

1. Tonia Robinson
   Qualifications : LPN, Ultrasound Technician
   Experience : Ob-Gyn and Surgery nurse at Mission Hill Hospital, Shawnee ; Scrub nurse at Mission Hill Hospital, Shawnee and Seminole Mun. Hospital, Seminole ; Ultrasound technitian at Seminole Municipal Hospital, Seminole.
   Skills : Vital signs
   Assist minor surgery
   Circulating nurse in procedure room
   Perform ultrasound examination
   Give Intramuscular Injections
   Draw blood and start I.V.
   Manage office
   Job Discription : Vital signs
   counselling
   Assist in procedure room
   Postoperative care in recovery room
   Certify destruction of medicine
   Any other work as ordered, if feels capable to perform.

2. Lenna Kelly L- 0021835
   Qualifications : LPN
   Experience : Nurse in Doctors office
   Floor nurse in various hospitals
   Scrub nurse in Free standing surgery center
   Skills : Vital signs
   Assist in surgery
   Start I.V. and draw blood
   Intramuscular Injections
   Job Discription : Counselling
   Assist physician in procedure room
   Postoperative care & counselling
   Supervise other employees
   Certify destruction of medicine
   Any other work as ordered, if feels capable to perform.

3. Kathy Hunter
   Qualifications : LPN
   Experience : Floor nurse in various hospitals
   Skills : Vital signs
   Counselling
   Intramuscular Injections
   Job Discription : Counselling
   Postoperative care in Recovery room
   Supervise other employees in recovery room
   Certify destruction of medicine
   Any other work as ordered, if feels capable to perform.

4. Nancy Standerfer
Qualifications : Certified Medical Assistant
Technical courses for allied health nursing
Experience : Medical assistant in Doctor's office
Nurse aid in blood bank
Skills : Vital signs
Counselling
Draw blood
Intramuscular Injections
Hematocrit & Rh typing
Take X Rays
Job Discription : Vital signs and counselling
Perform Laboratory tests like HCT.& Rh type
Sterilise Instruments
Answer telephone & make appointments
File insurance forms
Certify destruction of medicine
Any other work as ordered,if feels capable
to perform.

5. Cherrie Auld
Qualifications : Certified E.M.T.
Allied health nursing aid course
Experience : Medical assistant in doctor's office
Skills : Vital Signs
Intramuscular Injections
Job Discription : Vital signs
Assist in Exam room
Assist in recovery room
Transport patient
Sterilise insruments
Certify destruction of medicine
Any other work as ordered,if feels capable
to perform.

6. Kim Rasor
Qualifications : High school
Experience : Nurse aid in Nursing Home
Assistant in Pharmacy
Skills : Typing
Filing
Vital Signs
House keeping
Job Discription : Answer telephone
Appointments
Filing
Transport patient
Housekeeping
Vital signs
Any other work as ordered,if feels capable
to perform.

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AND SUPERVISION

7. Trina Gertz
   Qualifications : High school
   Job Discription : Answer telephone
   Appointments
   Filing
   Transport paient
   Housekeeping
   Any other work as ordered, if feels capable to perform.

8. Chandrikamani Murlidharan
   Job Discription : Wash & clean insruments
   Wrap insrument sets as insructed
   Wrap seperate insruments as insructed
   Sterilise instruments as insructed
   Transport patient
   Wash & dry scrub dress
   Housekeeping
   Any other work as ordered, if feels capable to perform.

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OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

MEMORANDUM
AUGUST 6, 1990

TO: FILE

FROM: CAROLE A. SMITH, EXECUTIVE DIRECTOR

SUBJECT: NARESHKUMAR PATEL, M.D.

The subject met with Mark R. Johnson, M.D., Medical Director, OBMLS, on this date in accordance with the Board Order issued in June, 1990. The subject was ordered to submit for review an orientation/procedures manual for clinic operations and to submit guidelines for his recordkeeping system relative to CDS.

The subject met with the Medical Director to fulfill the order of compliance by August 8, 1990.

The subject stated he receives, posts to inventory, and dispenses all CDS. He described his record keeping system and based on his description and the written guidelines presented it appeared to be in compliance with administration of CDS laws, rules and the order of the Board. The subject provided guidelines for clinic operations. It was reviewed by the Medical Director who made some suggestions for minor changes. The subject agreed to the changes and will present for the Board's review a revised version. The subject stated he does not dispense CDS. He stated he will add to the guidlines for personnel a professional license or certificate number where appropriate. He will have the personnel write a job description to insure they understand what their duties are and he will go over it with them.

The subject was advised that security of drugs is critical and how to account for drugs disposed of other than by administration to the patient was discussed. The subject stated his practice is at the level he had planned it to be.

Doctor Johnson advised that with the changes Patel would be in full compliance with the Board Order.

OUTPATIENT SERVICES FOR WOMEN

6005 NW 63RD STREET
SUITE A-200
OKLAHOMA CITY, OKLAHOMA 73132
TELEPHONE (405) 722-9500

August 15, 1990

To,
State Licensing Board
OKC

Dear Sir,

Ref: Lic. # 14640

I hereby send you list of all employees & their job discriptions as discussed.

Thanks

Sincerely

N. G. Patterson

RECEIVED
AUG 16 1990
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

SEMINOLE MUNICIPAL HOSPITAL
SMH
"CARING PROFESSIONALS"

606 West Evans
Seminole, Oklahoma 74868
405/382-0600

JUL 16 1990
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

July 13, 1990

Jerry Landreth, Investigator
Oklahoma Board of Medical Licensure
and Supervision
P. O. Box 18256
5104 Francis, Suite C
Oklahoma City, OK 73118

RE: Naresakumar G. Patel, M.D.

Dear Jerry:

Please provide me with with the results and findings of the hearing on June 9th, 1990, pertaining to Dr. Naresakumar G. Patel, M.D.

Your assistance is appreciated.

Very truly yours,

Ron Clifford by DRO

Ronald J. Clifford
Chief Executive Officer

RJC:dro

Sent 7-18-90 RJ

P R O B A T I O N R E P O R T

LICENTIATE: Nareshkumar Patel **DATE INTERVIEWED:** 4-26-90

LICENSE/CERTIFICATE NBR: 14640

CASE NUMBER: 87-07-514

PRACTICE SETTING: Dr. Patel's office is in a modern professional Building in NW OKC. It is very neat, appropriately furnished and his staff was cooperative orderly.

LICENTIATE'S APPEARANCE: Dr. Patel was appropriately dressed for his clinic setting. He was wearing freshly pressed scrubs.

ATTITUDE/BEHAVIOR: Dr. Patel was congenial; he reviewed the stipulations of his order of continuance and cooperated willingly.

CURRENT MEDICATIONS: N/A

MEETINGS ATTENDED SINCE: N/A

SIGNIFICANT CHANGES

1. **FINANCIAL:** He stated his practice is stable and that he is under no major stress.

2. **PERSONAL RELATIONSHIPS:** Good

3. **PROFESSIONAL RELATIONSHIPS:** Has a working arrangement with Sidney Laughlin, D.O. who assists him at Mission Hills Hospital in Shawnee and if necessary at Seminole.

4. **OTHER:** Dr. Patel was unsure of the number of caesarean sections he had performed since January 30, 1990 but he thought may be 3 or 4 at Shawnee but none at Deaconess Hospital where he also has privileges.

He stated he was not doing any elective surgeries; but did raise the question as if during delivery is a tubal ligation considered "elective surgery". I advised him that unless otherwise stipulated: clarified paragraph 1 C would prohibit him from doing so. I advised him in that an assisting physician is there scrubbed that the order could be carried out by the assisting physician and that there would be no question as to compliance to the order of continuance.

He stated Dr. Laughlin has assisted him at Seminole for 1 or 2 C Sections; but prefers to have his patients come to Shawnee for scheduled C-Sections.

On April 30, 1990 I visited with Pat Thomason, Administrator at Mission Hills Hospital in Shawnee and she assisted me in reviewing the hospital O.R. log from 2-1-90 through the present date (4-30-90)

The Log Records;

2-7-90	Dr Patel/Dr. Laughlin	C-Section
2-14-90	" "	" "
2-21-90	" "	C-Section Bilateral Tubal Ligation
2-27-90	Dr. Patel/Hanks	" "
3-16-90	Dr. Patel/Laughlin	C-Section
3-17-90	" "	"
3-22-90	" "	Repeat C-Section
3-24-90	" "	D&C
3-25-90	Dr. Patel/Laughlin laparocystotomy,	D&C, exploratory appendectomy, bilateral tubal ligation.
4-1-90	Dr.Patel/Laughlin	C-Section
4-20-90	" "	D&C
4-20-90	" "	C-Section
4-26-90	" "	"
4-27-90	" "	"
Scheduled for 5-3-90	" "	"

Ms. Thomason stated Dr. Patel was not scheduling elective surgeries, that Mission Hills Hospital has had no difficulties with Dr. Patel. She further stated reports she received from the staff is that Dr. Patel is quick, efficient and a good surgeon. She said she feels mother and baby are in excellent hands when he is the physician.

I called Sidney Laughlin, D.O. on April 30, 1990. He stated that he has been in attendance for all of Dr. Patel's C-Sections, D&C's etc., and that he, Dr. Laughlin, had performed the 2 or 3 elective surgeries which Dr. Patel had scheduled during this time frame January 31, 1990 through April 30, 1990.

I called Mr. Spencer at Deaconess Hospital on April 30, 1990 and he said he would check the hospital records to verify whether Dr. Patel had had any surgeries during the period of January 31, 1990 through April 30, 1990. Dr. Spencer stated that Dr. Patel had had one vaginal delivery and one C-Section during the period requested.

DATE OF LAST INTERVIEW:

BY: RALPH BALDWIN

FILE REVIEW REQUEST

Under the Oklahoma Public Information Access Procedures, I wish to review the public file of the following individual:

Patel, Naresh Kumar 14640

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file: JAMES T. TAYLOR
Please Print

Signature

Name of Organization or Business Represented if applicable:
Taylor, Lucas & Speegle - Law Firm

Copies of documents in the public file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: _____ Cost: _____

Paid: Cash _____ Check _____ Date 3-29-90

FILE REVIEW REQUEST

Under the Oklahoma Public Information Access Procedures, I wish to review the public file of the following individual:

Naresh Kumar Gordalal Patel 14640

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file: Margaret OWENS
Please Print

Margaret Owens
Signature

Name of Organization or Business Represented if applicable:
Pierce Couch Law Firm

Copies of documents in the public file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: 1 Cost: .25

Paid: Cash ~ Check _____ Date _____

FILE REVIEW REQUEST

Under the Oklahoma Public Information Access Procedures, I wish to review the public file of the following individual:

Naresh Kumar G Patel, MD 14640

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file: Lindell Mills
Please Print

Lindell Mills
Signature

Name of Organization or Business Represented if applicable:

—

Copies of documents in the public file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: 3 Cost: .75

Paid: Cash _____ Check _____ Date 2-13-90

Wm. David [illegible]
#13640

Charles A. Borne, Jr.
#16404

Glenn A. Crowson
#13854

259 copies

DEC [illegible] 1989
STATE BOARD
MEDICAL EXAMINERS

ec. 26, 1989

Gary R. Pinnell
The Seminole Producer
Seminole, OK 74868
(405) 382-1100

Oklahoma Medical Licensure Board

Dear Sirs:

Under the Oklahoma Open Records Act, I am hereby requesting the names and all available case materials relating to physicians practicing in Seminole County who were reprimanded, censured, or otherwise had their licenses restricted since October, 1988.

This newspaper is willing to pay a reasonable copy fee. Please contact us by phone, and we will forward a check or money order for the entire balance.

The names of the doctors we are interested in are: Michael C. Breedlove, DO, Holdenville; James Mike Fitzgerald, DO, Holdenvile; William K. Smith, DPM, Shawnee; William C. Borkon, MD, Ada; Charles A. Borne, MD, Ada; Glenn A. Crowson, Wewoka; Gordon H. Deen, MD, Ada; Sudhir K. Gupta, MD, Shawnee; John W. Huneka, MD, Ada; James T. Quinlan, MD, Ada; Roy D. King, MD, Holdenville; Claude B. Knight, MD, Wewoka; J.R. Lucas, MD, Holdenville; Kabwal Obhrai, MD, Seminole; Brendan Okeeffee, MD, Seminole; Quinn C. Osborn, MD, Ada; Wesley E. Parkhurst, MD, Wetumka; Nareshkumar Patel, MD, Seminole; Lila Nevrekar, MD, Shawnee; Madhu B. Rao, MD, Shawnee.

4 files

Sincerely;

Gary R. Pinnell

Gary R. Pinnell
News Editor

FILE REVIEW REQUEST

Under the Oklahoma Public Information Access Procedures, I wish to review the public file of the following individual:

D. L. PATEL

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file: RICHARD KRAMER
Please Print

Richard Kramer
Signature

Name of Organization or Business Represented if applicable:

K-MAR LEGAL INVESTIGATIONS, INC, YUKON OK

Copies of documents in the public file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: 13 Cost: 3.25

Paid: Cash ✓ Check _____ Date _____

FILE REVIEW REQUEST

Under the Oklahoma Public Information Access Procedures, I wish to review the public file of the following individual:

Naresh Patel

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file: Georgia Le Kerr
Please Print

Georgia Le Kerr
Signature

Name of Organization or Business Represented if applicable:

Copies of documents in the public file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: _____ Cost: _____

Paid: Cash _____ Check _____ Date 7-21-89

FILE REVIEW REQUEST

Under the Oklahoma Public Information Access Procedures, I wish to review the public file of the following individual:

N. G. Patel

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file: Mike Speegle
Please Print

Mike Speegle
Signature

Name of Organization or Business Represented if applicable:

Taylor, Lucas, & Speegle

Copies of documents in the public file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: 5 Cost: 1.25

Paid: Cash ✓ Check _____ Date 6-27-89

FILE REVIEW REQUEST

Under the Oklahoma Public Information Access Procedures, I wish to review the public file of the following individual:

D. N. P Nareshkumar Patel # 14640

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file: Jake Ratcliff
Please Print

Signature

Name of Organization or Business Represented if applicable:

Private

Copies of documents in the public file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

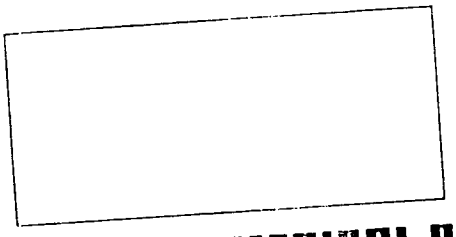
Copies made: 4 x .25¢ Cost: $1.00

Paid: Cash _____ Check _____ Date 6-18-04

MD2/FILEREV.PM3

CONFIDENTIAL

#5
PF KP
14640



THE OKLAHOMA STATE MEDICAL ASSOCIATION • OKLAHOMA CITY, OKLAHOMA
601 NORTHWEST EXPRESSWAY, OKLAHOMA CITY, OKLAHOMA 73118 • 405 843 9571 • 1 800 522 9452 • FAX 405 843 1011

June 18, 1992

Nareshkumar G. Patel, MD
1902 Gordon Cooper Drive
Shawnee, OK 74801

Dear Doctor Patel:

The publicity surrounding the unfortunate incident near Shawnee and its long-term effect on the profession of medicine in the State of Oklahoma and nationwide is of great concern to the Board of Trustees of the Oklahoma State Medical Association. Your less than professional handling of the destruction of the aborted fetal tissue will continue to create public, political, and legal problems for your peers and colleagues for many years to come.

The magnitude of your disregard of human sensitivities and consequent embarrassment to the profession as a whole would normally warrant disciplinary action and a severe reprimand. However, since you have apparently broken no law and have not specifically violated the AMA Principles of Medical Ethics, the Board can take no disciplinary action. Nevertheless, you should consider this letter a strong expression of our disapproval of your conduct and evidence of displeasure by the governing board of your association. You have discredited an honorable profession.

Sincerely,

James D. Runnell, MD
President

Jay A. Gregory, MD
Chair
OSMA Board of Trustees

JDF/JAG/sam

PRESIDENT JAMES D. RUNNELL, MD • PRESIDENT-ELECT JAMES E. TURNER, MD • VICE PRESIDENT VIC HEAD, NORMAN, MD • SPEAKER, HOUSE OF DELEGATES LARRY L. LEWIS, MD • VICE SPEAKER, HOUSE OF DELEGATES DAVID ARIE MCALISTER, MD • BOARD OF TRUSTEES CHAIR ELAINE B. DAVIS, MD • SPEAKER, HOUSE OF DELEGATES LARRY L. LEWIS, MD • VICE SPEAKER, HOUSE OF DELEGATES DAVID ARIE MCALISTER, MD • BOARD OF TRUSTEES DAVID D. DAVERSO, MD • VICE CHAIR, BOARD OF TRUSTEES JAY A. GREGORY, MD • SECRETARY-TREASURER, BOARD OF TRUSTEES ROBERT W. BAKER, JR. • BOARD OF TRUSTEES CLAUDIA KAMAS, MD • BOARD OF TRUSTEES GARY SELF, MD • EXECUTIVE VICE PRESIDENT

PF #8
14640

IN AND BEFORE THE OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel., OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION, Plaintiff, v. NARESHKUMAR PATEL, M.D., Medical License No. 14640, Defendant.	Case No. 90-09-1129

AFFIDAVIT OF LAURENCE B. McCULLOUGH

STATE OF TEXAS)
) ss.
COUNTY OF HARRIS)

I, LAURENCE B. McCULLOUGH, being of lawful age and first duly sworn, states that:

1. I am of legal age and I reside in the State of Texas.

2. Since 1988, I have been Professor of Medicine, Community Medicine, and Medical Ethics in the Center for Ethics, Medicine, and Public Issues at the Baylor College of Medicine in Houston, Texas. I am also Visiting Professor of Philosophy at Rice University in Houston, Texas, and hold an Adjunct Faculty appointment in the Department of Obstetrics and Gynecology at the Cornell Medical College in New York City. I am the past President for the Society for Health and Human Values (1987-1988), the professional association for the humanities and health professions.

3. I am the author or editor of four (4) books and have published over 150 articles, book chapters, and abstracts. Medical Ethics: The Moral Responsibilities of Physicians, co-authored with Tom L. Beauchamp and published by Prentice-Hall, Inc., in 1984 has been translated into Spanish and published in Barcelona in 1987 and also translated into Japanese and published in Tokyo in 1994. I teach regularly in the units of the Critical Care Section of the Texas Children's Hospital, in the Medicine, Psychiatry, and Surgery Services of the Houston Veterans Affairs Medical Center, and in the Department of Family Medicine. I also serve on the Ethics Committee of the HVAMC.

4. I received my A.B. degree in Art History from Williams College (1969) and my Ph.D. in Philosophy from the University of Texas at Austin (1975) and held a post-doctoral fellowship at the Hastings Center (1975-1976). I have also held prior appointments on the medical and philosophy faculties of Texas A&M University (1976-1979) and Georgetown University (1979-1988).

5. At the request of Attorney Stanley M. Ward, counsel for Nareshkumar Patel, M.D., I have conducted specific research to determine whether Dr. Patel's conduct in the disposition of fetal remains and tissue violates professional medical ethics or canons of medical ethics. Mr. Ward described the allegations against Dr. Patel which are set forth in the Complaint and he has provided me with a copy of the Complaint and Dr. Patel's Answer to the Complaint. Moreover, Mr. Ward explained to me Dr. Patel's reasons for the disposition of the fetal remains in the manner in which they were disposed of by him on April 14, 1992.

6. My approach to the issue of the disposition of fetal remains was the following. There are two main sources of ethical guidance from professional and medical organizations for physicians in obstetrics/gynecologic practice. The first would be the "Principles of Medical Ethics" of the American Medical Association and the opinions on various matters of the Council on Ethical and Judicial Affairs of the American Medical Association. Any ethical pronouncements by the AMA on the disposition of fetal remains would be applicable as relevant ethical standards to all physicians, regardless of specialty. The second would be the reports on ethical topics of the American College of Obstetricians and Gynecologists. Any ethical pronouncements by ACOG on the disposition of fetal remains would be applicable as relevant standards for all obstetricians/gynecologists. For both the AMA and ACOG, the documents that I investigated are the most current and were in effect before April of 1992.

7. My research indicates that there is no professional ethical standard intended to govern the disposition of fetal remains from induced abortions in documents or statements (described in the previous paragraph) of the two relevant physician professional organizations, the American Medical Association and the American College of Obstetricians and Gynecologists. In the absence of legal standards and professional ethical standards as articulated by professional organizations of physicians, it is surely reasonable for physicians to follow the convictions of their personal or private conscience. There is an expectation for professionals to be ethically serious. Personal or private conscience is an ethically acceptable guide for professionals when the law and their professional organizations are silent on ethical topics.

8. I do not know nor have I ever met Dr. Nareshkumar Patel. My expert opinion which I have set forth herein is based upon my

education, training, and experience in the discipline of philosophy and the field of professional medical ethics.

9. If called to testify in this matter, I can testify competently to the facts set forth herein which are true and correct.

Laurence B. McCullough
LAURENCE B. McCULLOUGH, Ph.D.

Subscribed and sworn to before me this 9th day of June, 1992.

Delores D. Smith
Notary Public

My Commission Expires: June 2, 1994.

DELORES D. SMITH
MY COMMISSION EXPIRES
June 2, 1994

PF inc
14640

Oklahoma

6/30/92

DEAR

PLEASE SEND ME COPIES OF ANY DISCIPLINARY ACTIONS WHICH MAY HAVE BEEN TAKEN AGAINST THE FOLLOWING PHYSICIANS. PLEASE INCLUDE A PROFILE ON EACH DOCTOR AS TO WHERE THEY WENT TO SCHOOL, ETC. + A profile on their education + residency

Dean H. Diment - 7590 - Active
J. Bryan Hernic not Licensed
William R. Clous not Licensed
Naresh Kumar Patel - 14640 - Active
Joe Bill Reynolds - 7938 Inactive, revoked

THANKYOU,

Carole Novielli

PLEASE FORWARD TO:

CAROLE NOVIELLI
701 SW 16th COURT
FT. LAUDERDALE, FL 33315

ASAP!

RECEIVED
JUL 6 1992
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

17 copies
Sent 7-10-92

[redacted]
14640

SEMINOLE
MUNICIPAL HOSPITAL

Ronald J. Clifford
President and
Chief Executive Officer

June 30, 1992

Dr. Edward Allensworth
President of the Board
Oklahoma State Board of Medical
Licensure and Supervision
P. O. Box 18256
Oklahoma City, OK 73118

Dear Dr. Allensworth:

It has been brought to my attention, by the Editor of the Seminole Producer, that a "Stipulation Regarding Testimony" brief, was filed with the Board, regarding the potential testimony of Ms. Patti Edwards, R.N., Vice President/Patient Services and myself, as President and Chief Executive ~~Officer of Seminole~~ Municipal Hospital, in the case hearing of Nareshkumar Patel, M. D. I wish the record to be clarified.

Neither Ms. Edwards, nor I, was asked or agreed to provide any testimony in support, of the issues, involving Dr. Patel. Furthermore, I have absolutely no knowledge, as to why or how, these briefs were prepared, without explicit permission. Additionally, upon arriving at the hearing, Mr. Daniel Gamino, Attorney for the Board, requested my testimony, on behalf of the prosecution.

Thank you for allowing me to clarify the above described issue. If any additional information is needed, please let me know.

Very truly yours,

Ronald J. Clifford
President and
Chief Executive Officer

RJC:dro

RECEIVED
JUL 2 1992
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

606 West Evans
Seminole, OK 74868
405/382-0600

PF #0
14640

July 1, 1992

Representative Dan Webb
507 State Capitol Building
Oklahoma City, OK 73105

Dear Representative Webb:

Enclosed are the written exhibits from the Nareshkumar Patel, M.D. hearing before the Board of Medical Licensure and Supervision on June 26, 1992. Defense exhibit #2 was photographs and the only exhibits entered by the State were photographs, also.

If we can be of further assistance please let us know.

Sincerely,

Kathy Plant
Executive Secretary

Enc.

PF MK
19640

Board of Medical Licensure & Supervision
State of Oklahoma

P.O. Box 18256
Oklahoma City, Oklahoma 73154-0256

5104 N. Francis, Suite C
Oklahoma City, Oklahoma 73118-6020

July 9, 1992

The Honorable Carol Coleman
1617 S.E. 5th
Moore, OK 73160

Dear Representative Coleman:

As per your request, enclosed please find a copy of the videotape of the hearing of Nareshkumar Patel, M.D. on June 26, 1992.

Also enclosed is a list of current Board members you requested.

Should you have any questions or need additional information, please contact the undersigned.

Sincerely,

Michael D Kiser

Michael D. Kiser
Director of Administration

Encl: Videotape
Board member list

MDK/vll

FF MK
14600

Board of Medical Licensure & Supervision
State of Oklahoma

P.O. Box 18256
Oklahoma City, Oklahoma 73154-0256

5104 N. Francis, Suite C
Oklahoma City, Oklahoma 73118-6020

July 9, 1992

Thomas G. Lewis
212 "G" Wadsack
Norman, OK 73072

Dear Mr. Lewis:

As per your request, enclosed please find a copy of the videotape of the hearing of Nareshkumar Patel, M.D. on June 26, 1992.

You will soon be receiving an invoice for the cost of the reproduction and postage. Your prompt payment will be appreciated.

Should you have any questions or need additional information, please contact the undersigned.

Sincerely,

Michael D Kiser

Michael D. Kiser
Director of Administration

Encl: Videotape

MDK/vll

PF ML
14640

Board of Medical Licensure & Supervision
State of Oklahoma

P.O. Box 18256
Oklahoma City, Oklahoma 73154-0256

5104 N. Francis, Suite C
Oklahoma City, Oklahoma 73118-6020

July 10, 1992

James M. Levine
1200 N. Walker, Suite 100
Oklahoma City, OK 73103

Dear Mr. Levine:

As per your request, enclosed please find a copy of the videotape of the hearing of Nareshkumar Patel, M.D. on June 26, 1992.

You will soon be receiving an invoice for the cost of the reproduction and postage. Your prompt payment will be appreciated.

Should you have any questions or need additional information, please contact the undersigned.

Sincerely,

Michael D Kiser

Michael D. Kiser
Director of Administration

Encl: Videotape

MDK/vll

FILE REVIEW REQUEST

Under the Oklahoma Public Information Access Procedures, I wish to review the public file of the following individual:

Naresh Kumar G. Patel, M.D.

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file: PILAR A. CHAPPELEAR
Please Print

Pilar A. Chappelear
Signature

Name of Organization or Business Represented if applicable:

Pierce Couch Hendrickson

Copies of documents in the public file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: 420 Cost: $105.00

Paid: Cash _____ Check _____ Date 5/29/92

235-1611
1109 N. Francis
P.O. Box 26350
OKC, OK 73126

TULSA WORLD, THURSDAY, JUNE 18, 1992

Board Won't Dismiss Doctor in Fetus Burning

SEMINOLE (AP) — The board of the Seminole Municipal Hospital, acting on a recommendation by a three-member committee, has declined to dismiss Dr. Naresh Patel from the courtesy medical staff at the hospital.

Patel, who works at clinics in Shawnee and Warr Acres, admitted responsibility in April for the burning of 55 aborted fetuses in a field near Shawnee, authorities said.

About 50 people went to the hospital board last month to ask that Patel's privilege to practice medicine at the hospital be revoked. The board voted Tuesday night against dismissal.

Patel does not perform abortions at the hospital, said hospital administrator Ron Clifford.

A hearing is scheduled June 26 by the Oklahoma Medical Licensure Board, which has cited Patel for unprofessional conduct related to the fetus-burning incident.

A spokeswoman for the board said Wednesday that Patel could face a wide range of punishments if the board decides it is warranted. The punishment possibilities include reprimand, suspension, probation or revocation of his license.

Vicki Spears, who was chairman of the hospital committee, recommended that Patel's status not change because he has violated no state laws or hospital bylaws.

"The committee was advised by legal counsel and our hospital administration that hospitals, especially public hospitals such as ours ...refrain from arbitrarily revoking privileges," she said. "Courts will not tolerate arbitrary or capricious actions or unfair procedures."

She said the committee was concerned that any attempt to revoke Patel's privileges for actions outside the hospital that are not violations of the law would be considered arbitrary and capricious and expose the hospital to liability for breach of contract, among other things.

The committee recommended the hospital await the actions of the licensing board.

"That decision may dictate further action by our Hospital Board," Ms. Spears said.

In May, the board of Midwest City Regional Hospital declined in a routine two-year review to renew Patel's privilege to practice at the hospital. Art Hyde, director of marketing and public relations, said the decision was based mainly on the hospital bylaws which call for good moral judgment and good ethical behavior.

IN AND BEFORE THE OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel., OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION,	)	
Plaintiff,	)	
v.	)	Case No. 90-09-1129
NARESHKUMAR PATEL, M.D., Medical License No. 14640,	)	
Defendant.	)	

SUBPOENA

TO: Harriett Muzljakovich
8th Floor, Room 803
State Department of Public Health
Oklahoma City, Oklahoma

GREETINGS: You are hereby commanded to appear before the Oklahoma State Board of Medical Licensure and Supervision who is meeting at 5104 N. Francis, Suite C, Oklahoma City, Oklahoma on the 26th day of June, 1992 at 1:00 p.m. to testify as a witness in an action pending before said Board wherein the State of Oklahoma is plaintiff and Nareshkumar Patel, M.D. is defendant. You are to testify on the part of Defendant, Nareshkumar Patel, M.D. and not depart without leave of the Board of Medical Licensure and Supervision.

WHEREOF FAIL NOT UNDER PENALTY OF LAW.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Board of Medical Licensure and Supervision of the State of Oklahoma this 25th day of June, 1992.

59 O.S. 1991, Sec. 503 and Sec. 504

S/E. Lonian
EMILY KAYE LONIAN, JUDGE

AMERICAN MEDICAL DISPOSAL

141 N.E. 46th Street
P.O. Box 54914
Oklahoma City, Oklahoma 731
405/557-0024

EXHIBIT A
☐ State ☑ Def.

SERVICE AGREEMENT

No. 002125 PF KP 14640

LING INFORMATION

Customer Name: Outpatient Services for Women

Address 6112 N.W 63

City OKC State Ok Zip 73132

Phone: 722-9500 Contact: Janice

GENERATOR ACCOUNT NO.

LOCATION CODE:

TRANSACTION TYPE:

☑ NEW ACCOUNT
☐ NEW SERVICE LOCATION
☐ REINSTATE CUSTOMER
☐ CHANGE SERVICE LEVEL
☐ OTHER CHANGE

SERVICE LOCATION INFORMATION

Customer Name: Same

Address

City State Zip

Phone: Contact:

DESCRIPTION

Service Begins On: 4 1/6 192

Customer Tax Exemption Number (If Applicable):

Service/Schedule:

Medical Waste Service

15.00 per box per P/u

$100.00 for 1st P/u

term: 1 yr

ACCEPTANCE

By signing in the space provided below, the customer acknowledges having read and that it is bound by the Terms and Conditions on the reverse side of this page

AMERICAN MEDICAL DISPOSAL

Accepted By [signature]
SIGNATURE

Title [signature]
DATE

CUSTOMER

Accepted By [signature]
SIGNATURE

Title owner
DATE

White Copy - Original Canary Copy - Customer

Terms and Conditions

ARTICLE I - DISPOSAL SERVICES

[illegible] shall provide to Contractor and Contractor shall collect and remove [illegible] ...omer's premises, treat and/or dispose of all Biomedical Waste generated by [illegible] in accordance with the terms of this Agreement. The term "Biomedical Waste" as used herein shall include only those wastes (i) defined by the United States Environmental Protection Agency (USEPA) as infectious wastes in its Guide for Infectious Waste Management #EPA 530 SW 86-014, May 1986, and any other wastes identified as infectious or similar wastes in any other applicable federal, state, county or municipal laws, regulations and guidelines, and (ii) "Chemotherapy Waste" (also known as antineoplastic waste). The term "Chemotherapy Waste" as used herein means discarded items which have been contaminated by chemotherapeutic drugs or antineoplastic agents, provided that such items, including vials and syringes, shall be empty or contain only such trace amounts of chemotherapeutic drugs as are allowable under applicable federal, state, county or municipal laws, regulations and guidelines so as to be considered waste. The term Biomedical Waste specifically excludes corrosive, reactive [illegible] toxic material or waste listed as an antineoplastic agent in Section 10:00 of the American Hospital Formulary Service published by the American Society of Hospital Pharmacists) and other hazardous wastes and substances as defined [illegible] state, county [illegible]

Customer is solely responsible for properly and lawfully packaging and storing Biomedical Waste. Customer shall store Biomedical Waste in containers supplied or approved by Contractor. The storage of Biomedical Waste shall be confined to an area of Customer's premises to which only authorized personnel shall have access.

Contractor reserves the right to decline to accept for collection, transportation, treatment and/or disposal any Biomedical Waste which, in Contractor's judgment, it cannot transport, treat [illegible] in a lawful manner or without a risk of harm to persons or the environment. Improperly packaged, leaking, overweight or damaged containers are subject to rejection or to off-specification charges for repackaging and/or special handling. No containers will be picked up that are wet or leaking.

ARTICLE II - TITLE

Title to Biomedical Waste collected from Customer shall be transferred to and vest in Contractor at the same time that the Biomedical Waste is fully loaded into Contractor's truck [illegible] the Biomedical Waste [illegible] other than Biomedical Waste shall remain with Customer.

ARTICLE III - SERVICES AND RATES

Contractor will provide the collection, transportation, treatment and/or disposal services enumerated above, at the rates currently in effect, plus all [illegible] adjustments and related charges. Contractor will provide all necessary equipment to perform such services and all such equipment shall comply with all applicable federal, state, county, and municipal laws, regulations, guidelines and permits. Contractor reserves the right to [illegible] hereunder subject to Customer's approval upon thirty (30) days notice from Contractor prior to the effective date of the adjustment.

Changes in the rates, type, size, and amount of equipment, and the frequency of service may be mutually agreed to orally or in writing by the parties without [illegible] Consent to oral changes shall be evidenced by the practices and actions of the parties.

ARTICLE IV - PAYMENT OF CHARGES

All monthly charges are due and payable within thirty (30) days of the date of invoice. Customer agrees to pay a charge for all past due amounts in an amount [illegible] thereof during which such payments remain unpaid or the maximum rate allowed by applicable law. Should any portion of any account remain unpaid for more than sixty (60) days from date of the invoice, Contractor shall have the option, with notice to Customer, to suspend service under this Agreement unless and until payment has been made for all services performed by Contractor under this Agreement [illegible] past due. Upon such suspension, Contractor may remove from Customer's premises all containers belonging to Contractor. Upon receipt of payment, containers will be redelivered and Customer will be charged a [illegible]

ARTICLE V - FORCE MAJEURE

Except for the obligation to pay for services rendered, neither party hereto shall be liable for its failure to perform hereunder, in whole or in part, due to contingencies beyond its reasonable control including, but not limited to, strikes, riots, war, fire, occurrences of [illegible] compliance with any law, regulation, guideline or order of any governmental body or any instrumentality thereof, whether now existing or hereafter created.

ARTICLE VI - ASSIGNMENT

This Agreement is assignable with the written consent of both parties and shall be binding upon and inure to the benefit of the parties hereto and their respective [illegible] assignment by operation of law, nor required in the event of an assignment to an affiliate of Contractor.

ARTICLE VII - SAVINGS CLAUSE

If any one or more of the provisions contained in this Agreement shall, for any reason, be held to be invalid, illegal or unenforceable in any respect, [illegible] illegality or unenforceability shall not affect any other provision of this Agreement, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein, unless such finding shall impair [illegible] in which event [illegible]

ARTICLE VIII - INSURANCE

Contractor and Customer shall procure and maintain the following insurance coverages and limits for the duration and purpose of this Agreement: Workers' Compensation - Statutory; Employers' Liability - $100,000 each occurrence; Comprehensive General Liability (including Contractual Liability) - $1,000,000 each occurrence combined single limit; Comprehensive Automobile Liability (Contractor only) - $1,000,000 each occurrence combined single limit; Environmental Impairment Liability Insurance (Contractor only) as required by applicable law or regulation. To the extent permitted by law, the above insurance requirements may be met in whole or in part by a plan of self-insurance.

Contractor and Customer agree to furnish the other, upon request, certificates of insurance attesting to the insurance coverages and limits above. Each such [illegible] requiring the insurer to notify the other [illegible] days prior to cancellation of any policy covered thereunder.

ARTICLE IX - TERM, SUSPENSION AND TERMINATION

The initial term of this Agreement shall be for a period of one (1) [illegible] and shall automatically continue thereafter for successive terms of one (1) [illegible] as hereinafter provided. Contractor and Customer [illegible] the right to terminate this Agreement as of the end of the initial term or any successive term effective upon thirty (30) days prior written notice to the other.

In the event Customer fails to pay Contractor any amounts due hereunder, or otherwise fails to perform this Agreement, and Contractor refers such matter to an attorney [illegible] in addition to other amounts [illegible] by Contractor as a result of such action, including costs of court and, to the extent permitted by law, reasonable attorneys' fees.

The provisions of Articles I, X and XI shall survive the termination of this Agreement without regard to the reason for termination. Such termination shall not [illegible] rights and obligations of the parties [illegible]

ARTICLE X - INDEMINITY

Contractor will indemnify and hold Customer harmless from any and all loss, damages, suits, penalties, costs, liabilities and expenses (including, but not limited to, reasonable investigation and legal expenses) arising out of any claim for [illegible] including Customer's property, and injuries to or death of persons, including Customer's employees, caused by or resulting from Contractor's negligence or willful misconduct or Contractor's breach of this Agreement. The foregoing indemnity [illegible] favor of Customer under this Article X shall be inapplicable to the extent that the loss, damages, suits, penalties, costs, liabilities and/or expenses result from the Customer's [illegible] of waste other than Biomedical Waste [illegible] Customer claims indemnity under this Article X, Contractor shall have the right, but not the duty, to defend Customer in (and control the defense of) any litigation arising [illegible] which Customer claims that Contractor [illegible]

Customer hereby agrees to indemnify and hold Contractor harmless from any and all loss, damages, suits, penalties, costs, liabilities and expenses (including, but not limited to, reasonable investigation and legal expenses) [illegible] damage to property, including Contractor's property, and injuries to or death of persons, including Contractor's employees, (i) caused by or resulting from Customer's negligence or willful misconduct, or (ii) caused by [illegible] Contractor of waste other than Biomedical Waste or any other breach of this Agreement by Customer.

With respect to any claim for indemnification, the party claiming a right to indemnity shall (i) give written notice thereof within a reasonable period following the event or occurrence as to which the right to indemnification [illegible] party (including its employees, agents and counsel) reasonable access to any of its employees, property and records for the purpose of conducting an investigation of such claim and for the purpose of obtaining statements [illegible] and taking such other steps as may be necessary to preserve evidence of the occurrence on which the claim is based. If the party claiming a right to indemnity denies the other party reasonable access as set forth above, [illegible] shall assume sole responsibility for the claim for which indemnification is sought and shall not be entitled to indemnity.

ARTICLE XI - COMPLIANCE WITH LAW AND RECORD KEEPING

In the performance of all services to be provided hereunder, Contractor and Customer agree to comply with all applicable permits, all applicable federal, state, county and municipal [illegible] ordinances and all lawful orders [illegible] governmental authority, including but not limited to, social security and income tax withholding laws, unemployment compensation laws, environmental safety [illegible] reporting requirements.

[illegible] have obtained all necessary permits, licenses, zoning and other federal, state or local authorizations required to perform [illegible]

Contractor and Customer shall keep and retain adequate books and records and other documentation including personnel records, correspondence, instructions [illegible] copies of all manifests [illegible] consistent with and for the periods required by applicable regulatory requirements and guidelines pertaining to performance of the services required by this Agreement.

ARTICLE XII - NOTICES

Except as otherwise provided in Article III, all notices required or desired to be given hereunder shall be given in writing to the parties at their respective addresses [illegible]

ARTICLE XIII - INDEPENDENT CONTRACTOR

Contractor's relationship with Customer under this Agreement shall be that of independent contractor. Contractor is to exercise its own discretion [illegible] employees except insofar as may be reasonably necessary to ensure performance and compliance with this Agreement. The employees, methods, equipment and facilities used by Contractor shall at all times be under its exclusive direction [illegible] in this Agreement shall be construed to designate Contractor, or any of its employees, as employees, agents, joint venturers or partners of Customer.

ARTICLE XIV - AMENDMENT AND WAIVER

Except as otherwise provided in Article III, this Agreement may be amended from time to time only by an instrument in writing signed by the parties to this Agreement at the time of such amendment. No provision of this Agreement can be waived except by a written instrument signed by the party waiving such provision, nor shall failure to object to any breach of a provision of this Agreement waive the right to object to a subsequent breach of the same or any other provision.

ARTICLE XV - ENTIRE AGREEMENT

This Agreement (including any attachments, exhibits, and amendments hereto) constitutes the entire understanding between the parties hereto and cancels and supersedes all prior negotiations, representations, understandings and agreements, either written or oral, with respect to the subject matter hereof.

Executed as of the day and year first above written.

PF KP
14640

STIPULATION REGARDING THE TESTIMONY
OF RONALD J. CLIFFORD

If called to testify as a witness at the hearing, Ronald J. Clifford would testify that he is a resident of Seminole, Oklahoma; that he is the Administrator of the Seminole Municipal Hospital located in Seminole, Oklahoma; that Dr. Patel is a member of the active medical staff of Seminole Municipal Hospital; that Dr. Patel complied with all the rules and regulations of the hospital; and, that he is aware of his reputation in the community for truth, honesty, and veracity, and that his reputation for the same is excellent.

STIPULATION REGARDING THE TESTIMONY OF
MICHAEL P. WARWICK, ESQ.

If called to testify as a witness, Michael P. Warwick, Esq., would testify that he is an attorney-at-law duly licensed to practice in the State of Oklahoma whose law offices are located in the City of Shawnee, State of Oklahoma; that he was retained by Dr. Patel to represent Dr. Patel in an action to foreclose a real estate mortgage; that his affidavit accurately sets forth his representation of Dr. Patel in the pending real estate foreclosure action; that Dr. Patel was the equitable owner of the real property where the fetal tissue was disposed of on April 14, 1992; and, that other persons on this property on April 14, 1992 were there without any apparent or legal authority to be on said premises.

STIPULATION REGARDING THE TESTIMONY
OF PAT THOMASON

If called to testify as a witness at the hearing, Ms. Pat Thomason would testify that she is a resident of Tecumseh, Oklahoma; that she is the former Administrator of the Mission Hills Hospital located in Shawnee, Oklahoma; that Dr. Patel was a member of the active medical staff of Mission Hills Hospital while she was its Administrator; that Dr. Patel complied with all the rules and regulations of the hospital; and, that she is aware of his reputation in the community for truth, honesty, and veracity, and that his reputation for the same is excellent.

STIPULATION REGARDING THE TESTIMONY
OF CONNIE HERRMAN

If called to testify as a witness at the hearing, Ms. Connie Herrman, CRN, would testify that she is a resident of Shawnee, Oklahoma; that she is a Certified Registered Nurse Anesthetist; that she has observed Dr. Patel as a member of the active medical staff and is aware of his capabilities as a physician and surgeon; that she is aware of Dr. Patel's compliance with the rules and regulations of the hospital where he practice medicine and surgery; and, that she is aware of his reputation in the community for truth, honesty, and veracity, and that his reputation for the same is excellent.

STIPULATION REGARDING THE TESTIMONY
OF GEORGE WILLIAMSON, M.D.

If called to testify as a witness at the hearing, Dr. George Williamson would testify that he is a resident of Shawnee, Oklahoma; that he is a physician and surgeon; that he has known Dr. Patel for a number of years; that he is familiar with his abilities as a physician and surgeon; and, that he is aware of his reputation in the community for truth, honesty, and veracity, and that his reputation for the same is excellent.

STIPULATION REGARDING THE TESTIMONY OF PATTY EDWARD

If called to testify as a witness at the hearing, Patty Edward would testify that she is the Director of Nursing at the Seminole Municipal Hospital in Seminole, Oklahoma; that she knows Dr. Patel as a result of him being a member of the active medical staff of the Seminole Municipal Hospital; that Dr. Patel has complied with all the rules and regulations of that hospital; and, that she is aware of his reputation in the community for truth, honesty, and veracity, and that his reputation for the same is excellent.

STIPULATION REGARDING THE TESTIMONY
OF BILL BRASHER

If called to testify as a witness at the hearing, Bill Brasher, CRN, would testify that he is a resident of Seminole, Oklahoma; that as a Certified Registered Nurse Anesthetist, he is familiar with Dr. Patel's abilities as a physician and surgeon; that he is aware of Dr. Patel's reputation in the community for truth, honesty, and veracity, and that his reputation for the same is excellent.

DANIEL J. GAMINO & ASSOCIATES, P.C.
ATTORNEYS AND COUNSELORS AT LAW
3315 N.W. 63RD STREET
OKLAHOMA CITY, OK 73116

DANIEL J. GAMINO

(405) 840-3741

June 9, 1992

Stanley M. Ward
Attorney at Law
629 24th Ave. SW
Norman, OK 73069

RE: Board of Medical Licensure & Supervision
v. Nareshkumar Patel, M.D.
Case No. 90-09-1129

Dear Mr. Ward:

This will acknowledge receipt of a copy of the Answer to Complaint you filed in the above-captioned case.

If you think it would assist, I would be glad to meet with you and see if we can enter into some stipulations or other agreements to expedite this hearing now scheduled for 1:00 p.m. on June 26, 1992. I would be glad to show you the photographs and evidence I plan to admit.

If you have any questions, please contact me.

Sincerely,

DANIEL J. GAMINO

DJG:dc

cc: Carole Smith

RECEIVED
JUN 10 1992
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

RE 06-10-92 DJG

The
University of Oklahoma
Oklahoma City Campus - Health Sciences Center

DEPARTMENT OF SURGERY
Transplant Surgery Section
College of Medicine

RECEIVED
NOV 30 1989
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

PZF
4
PENGAD-Bayonne, N. J.

November 29 1989

D C. Mosshart
Medical Investigator II
Oklahoma State Board of
Medical Licensure and Supervision
P.O. Box 18256
Oklahoma City, Oklahoma 73154

Dear Sirs:

This letter should provide additional information in the care of Ebony Stephens in addition to my operative report dictated 6/10/89, transcribed 6/12/89, regarding surgery done 6/10/89.

My opinions are based on my current thoughts of how pregnancy terminations are performed, in that, a currette or hook in combination with a suction apparatus is used to evacuate intrauterine contents transvaginally.

The intraperative findings of Ebony Stephens (described in op report) would best be explained by the following events, in my opintion: A currette or hook was passed through the cervix after dilatation and apparently through the left horn of the gravid uterus making contact with the sigmoid colon. Then the serosal and muscular layers of the colon were penetrated leaving the mucosa intact. The mucosa was then separated with aid of suction, and pulled back into the uterus and out through the cervix and vagina leaving the intact serosal and muscular layers of the descending and sigmoid colon in situ. Therefore, I believe the colonic mucosa was turned inside-out. Inside the loop of mucosa we could see at the introitus was material which probably was feces in its usual intraluminal position.

This injury has never been described to my knowledge. Uterine perforation is apparently a known complication of dilatation and evacuation, but colonic involvement is unusual to my knowledge.

Sincerely,

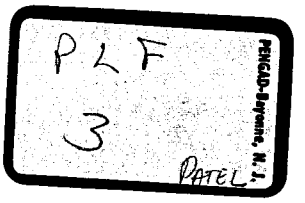
Richard J. C. Felton MD

Richard J. C. Felton, M.D.
Resident, Department of Surgery

RF/ba
transcribed: 11/29/89

(1)

KLAHOMA MEMORIAL HOSPITALS & CLINICS
State of Oklahoma Teaching Hospitals
P.O. Box 26307
klahoma City, Oklahoma 73126



PERATIVE RECORD

Name

Unit No. 83-34-64-6

Date of Operation 6-10-89

Date Transcribed 6-12-89

Preoperative Diagnosis: 1. Perforated uterus, secondary to dilatation and evacuation with disruption of the left colon consisting of separation of the colonic left colon and sigmoid mucosa from the muscular layer.

Postoperative Diagnosis: 1. Same.

Name of Operation: 1. Exploratory laparotomy, removal of clot and fetus and uterus from the abdominal cavity, closure of the gravid uterus, extended left hemicolectomy, left transverse end colostomy, rectal pouch, Hartmann's pouch, and copious irrigation of abdominal cavity.

Surgeon (Attending)	Resident	Assistants
A. Hollingsworth, M.D.	N. Felton, M.D.	K. Bennett, M.D. C. Bondurant, M.D.

INDICATIONS FOR PROCEDURE: The patient is a 15-year-old black female who reported to the Oklahoma Memorial Hospital emergency room approximately 2 hours after an attempted dilatation and evacuation of a reported 20-week intrauterine pregnancy. After the procedure was done elsewhere, bowel was noted in the vagina, and due to this, the patient was rushed to the Oklahoma Memorial Hospital emergency room. The patient arrived with significant abdominal pain and a systolic blood pressure of 80 to 100. On examination, the patient had peritoneal signs and significant abdominal pain, and on examination of the vagina, bowel loops were seen protruding from the introitus. The patient's hematocrit was 25, and white blood cell count was 26,000. The patient's hematocrit dropped to 19.9 preoperatively. There was no significant bleeding from the vagina; however, because of the appearance of bowel, uterine perforation was suspected, and the patient was scheduled for an emergent operation in conjunction with the obstetrician-gynecologists who examined the patient preoperatively as well. The indications for surgery were explained to the parents, as well as options of bowel resection, colostomy, etc. The patient's mother was present, and understood the risks, and was willing to proceed with emergent surgical intervention.

OPERATIVE FINDINGS: The patient had gross hemoperitoneum of approixmately 1500 to 2,000 cc of blood and clot. An intact fetus, umbilical cord and placenta was seen extrinsic to the uterus, and a 6-cm uterine laceration was seen in the left cornu of the uterus. The right arm of the fetus was missing

in a traumatic fashion, and also the left tube and ovary were missing in a traumatic fashion as well. Also, the patient had a proctoscopy preoperatively. This showed the possibility of a rectal tear with blood in the rectum which was known by rectal examination. Once the patient's abdomen was opened, the loop of bowel going through the uterus and protruding from the introitus was retracted back into the abdomen with some difficulty. Upon examination, it became apparent that this bowel extending through the uterus and out the introitus was in fact left colon and sigmoid colon mucosa, whereas the serosal and muscular layers of the colon were left in situ and remained in the abdominal area. There was significant submucosal hemorrhage extending up to the splenic flexure and down to the rectum. There was no gross fecal soilage noted; however, the smell of feces was evident upon opening the abdomen.

OPERATIVE PROCEDURE: The patient was taken to the Operating Room and placed on the operating table in the supine position where general anesthesia was induced in the usual fashion without difficulty. After the patient was asleep, the pelvis was examined, and loops of colon and loops of bowel which later became confirmed as colonic mucosa were noted, which appeared to contain stool. These loops were protruding from the vaginal orifice. On examination of the rectum with a proctoscope, the mucosa appeared to have a small rent approximately 15 cm, and minimal stool was noted. Minimal bleeding was noted coming from the introitus. The patient was taken out of stirrups after the initial procedure was done. A Foley catheter was repositioned which had been previously placed in the emergency room, and the patient's abdomen was prepared with Betadine scrub and solution. Preoperative antibiotics consisting of Mefoxin and Flagyl were given as well while the patient was in the emergency room and preoperatively. Using an infraumbilical midline incision, the abdomen was opened, and gross peritoneal blood was noted as described above. The fetus was noted extrinsic to the uterus, and it, the umbilical cord and the placenta were removed intact from the abdomen. The uterus was inspected, and the contents remained free, and there was mild to moderate bleeding at this time. The abdomen was explored, and the left colon was found as described in the above paragraph, and again appeared to have multiple linear lacerations in the serosa and muscular layers with a avulsion of the mucosa and contents out through the uterus and out through the introitus. This prolapsed segment of left colonic and sigmoid mucosa was retracted back into the abdomen with some difficulty after dilation of the cervix. At this time, the uterus was closed with 3 layers of 2-0 chromic suture in a locking fashion which afforded good hemostasis. The pedicle of the left tube and ovary was also oversewn with 2-0 chromic to afford hemostasis as well.

The right upper limb of the fetus and the left tube and ovary were not found during exploration. At this point, the colon was examined in its entirety, and the colon was noted to be normal from the left portion of the transverse colon to the cecum. The small bowel was run in its entirety, and there were no injuries noted to it. The ureter on the left was found and examined, and noted to be intact. The right ureter was palpated as well, and noted to be intact. There was hemorrhage up to the level of the splenic flexure.

Using Metzenbaum scissors, the left colon was taken down along its peritoneal reflexion along the white line of Toldt to gain mobility of the mesentery. A

(2)

point in the left transverse colon was chosen, which appeared normal, and using small hemostat clamps and ties, some of the pericolic vessels were taken down. The colon was divided at this point using the disposable GIA stapler. Then using a series of multiple clamps, the left colon and sigmoid was taken down between clamps using 3-0 stick ties on the proximal end. Once the mesentery was taken down to the level of the peritoneal reflection and the rectum, the 2 layers of rectum, that is, the serosal and muscular layer and mucosal layer which were 2 distinct layers at this time, were transected, and the specimen was passed to the back table. After this was done, there was left transverse stapled colon and 2 layers of rectum. The rectum was then trimmed back down toward viable bleeding tissue, which was approximately at the level of the sacrum. At this point, there continued to be separation between the mucosa and the muscular layer, and these were put in approximation with Allis clamps. Using a 3-0 Prolene, the muscular layer and the mucosa of the rectal stump was closed in 2 layers, the first layer continuous running and the second layer inverting stitch. After this was done, the Hartmann's pouch was created. Prior to closure of this stump, 1 liter of triple antibiotic solution was used to irrigate antegrade out the rectum to clean the distal stump. Prior to this, the abdominal cavity was copiously irrigated with 2 liters of saline to wash out any blood or contamination. The abdomen was again inspected. The small bowel was again examined. The remainder of the transverse and right colon were examined, and no injuries were found. The rectal stump was noted to be intact. Using blunt dissection, a space was made behind the rectum, and a large Jackson-Pratt drain was passed down into this space, and extending out the left lower quadrant. In a point in the left upper quadrant over the rectus muscle, a small hole was made in the skin, and this was carried down through the rectus muscle and into the abdominal cavity, and the distal end of the colon was pulled out through this. Using 4 4-0 silk sutures, the serosa of the colon was secured to the posterior fascia. Using 3 4-0 silk sutures, the serosa of the colon was secured to the anterior fascia from the outside. At this point in the procedure, the patient was noted to be oozing diffusely from several sites, and it was thought that the patient was cold with the possibility of disseminated intravascular coagulopathy. No significant bleeding sites were noted, but just generalized ooze. At this point in the procedure, the abdomen was copiously irrigated with 3 liters of normal saline solution. She had been noted to be bleeding diffusely, and PT/PTT, fibrinogen and fibrin split products were sent at this time. At this time, the abdomen was closed with a one-layer running #1 Prolene suture. The skin was closed with 5 interrupted 3-0 nylon, and the subcutaneous tissue was packed with 2-inch roller gauze soaked in Betadine solution. The staple line in the colostomy was removed with the electrocautery, and the colostomy was matured with interrupted 4-0 Vicryl stitches. Sterile dressings were placed. The patient was cleaned, extubated, and transferred to the Intensive Care Unit in stable but guarded condition.

ESTIMATED BLOOD LOSS: 3400 cc. The patient received 6 units of packed red blood cells, 2 units of fresh frozen plasma. Total urine output was 360 cc.

SPECIMENS: The left colon and sigmoid colon, the fetus, umbilical cord and placenta, and distal rectal stump, its trimmed edge were sent as specimen.

(3)

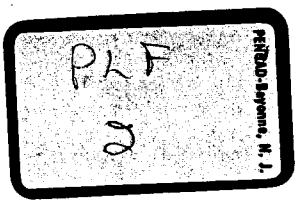
[illegible] Hollingsworth, M.D.
Associate Professor
Department of General Surgery
[illegible]jj
[illegible]: 6-10-89
[illegible]S: 6-12-89

RJ Felton MD
Richard Felton, M.D.
Resident
Department of General Surgery

1460

The
University of Oklahoma
Oklahoma City Campus - Health Sciences Center

DEPARTMENT OF OBSTETRICS AND GYNECOLOGY
College of Medicine



June 13, 1989

Mike Fairless
Board of Medical Licensure
Division of Investigation
P.O. Box 18256
Oklahoma City, OK 73154

Dear Mr. Fairless:

This letter is the follow-up to our conversation on 6-13-89. I am reporting the case of a Ms. Ebony Stephens. She is a 15 year old black female who was pregnant at approximately 20 weeks gestation when she was brought into the emergency room at Oklahoma Medical Center on 6-10-89. I was the attending physician on call that day for the Obestetrics and Gynecology Department and as such was called in to examine the patient along with the gynecologic residents and the general surgical team. On arrival at the emergency room Ms. Stephens had a slightly protuberant abdomen with marked fundal tenderness. Her vital signs were stable. Examination of the vagina revealed bowel extending out of the introitus of the vagina. The bowel was difficult to recognize because it lacked its normal outer sheath. There was some blood in the vagina but no active bleeding from the vagina was identified. The patient was irritable and lethargic, but was able to communicate. At laparotomy with the general surgeons the abdominal cavity contained a liter of blood by my estimation. The uterus had a vertical transmural rent from the posterior left cornual region down to the lower uterine segment. The baby and placenta were found floating in the intra-abdominal blood. When the blood was removed the general surgeons identified a rent in the anterior portion of the sigmoid colon. Through this rent bowel mucosa was identified. The mucosa was extending from the rent in the bowel wall through the posterior wall of the uterus and out the vagina. The bowel was replaced into the abdominal cavity with the help of one surgeon pushing bowel back into the vagina and through the cervix and the other surgeons retracting the bowel into the abdominal cavity. Closer inspection of the external bowel wall revealed that hemorrhage extended up to the splenic flexure of the descending colon. Further inspection also revealed that the left ovary and tube had been avulsed. The surgery was then directed at repair of the identified areas. The patient ultimately had a transmural uterine closure and suture ligation of the

(1)

infundibulopelvic ligament. The damaged part of the colon was resected and the patient was given a temporary colostomy.

The reason I am reporting this case is because I am concerned about a breach in acceptable medical judgement. I am concerned that this patient had an attempted dilatation and evacuation of a uterus that was 20 weeks pregnant. I feel that the preponderance of evidence in the medical literature indicates that a second trimester abortion, particularly beyond the 16th week of gestation, is optimally done using some type of labor induction type of abortion. These types of abortions are also commonly referred to as instillation abortions. The complication that Ms. Stephens suffered does happen with a dilation and evacuation. It is certainly less common with an instillation abortion procedure. If a dilatation and evacuation is chosen at this gestational age I also feel that it would be advisable to do this procedure in a hospital setting so that complications such as this one could be dealt with in a more timely fashion.

It is my understanding that the site of this abortion was Outpatient Services for Women, 6005 N.W. 63rd, Suite A-200, Oklahoma City, Oklahoma 73132, (405) 722-9500. It is also my understanding that Dr. Patel was the acting physician. I want to emphasize that my impression regarding these two facts needs to be checked in documented medical records from that clinic.

I thank you very much for the consideration of this matter.

Sincerely,

Russell R. Suda, Sr., M.D.
Assistant Professor
Department of Obstetrics and Gynecology

RRS:bks

(2)

OKLAHOMA MEMORIAL HOSPITALS & CLINICS
State of Oklahoma Teaching Hospitals
P.O. Box 26307
Oklahoma City, Oklahoma 73126

PLF 1 PATEL

OPERATIVE RECORD

Name

Unit No. 83-34-64-6

Date of Operation 6-10-89

Date Transcribed 6-13-89

Preoperative Diagnosis: 1. Uterine perforation while undergoing outpatient dilation and evacuation ~~by Dr. Patel~~ in Oklahoma City at approximately 20 weeks gestation with extrusion of large bowel through the uterine perforation, cervix and out the vagina.

Postoperative Diagnosis: 1. Same.

Name of Operation:
1. Exploratory laparotomy.
2. Removal of extruded products of conception including fetus and placenta from abdominal cavity.
3. Repair of uterine laceration.

Surgeon (Attending)	Resident	Assistants
Dr. Suda	Dr. Harris	

Indications: This is a 15 year old black female, gravida 1, para 0 who was undergoing an outpatient dilation and evacuation ~~by Dr. Patel~~ in Oklahoma City, having had laminaria placed on the day previous. During the procedure, her uterus had perforated and bowel and omentum were extruded through the uterus out into the vagina. The patient was then brought by ambulance to Oklahoma Memorial Hospital for further care. Dr. Richard Felton and Dr. Keith Bennett of the General Surgery Service collaborated in her care and the patient was taken to the operating room jointly by the gynecological and surgical services for a combined procedure. Prior to surgery consent was obtained from the patient's mother and risks of infection, bleeding, death, possible colostomy, possible hysterectomy and other procedures were explained.

PROCEDURE: After stabilization and two unit packed red blood cell transfusion, general endotracheal anesthesia was induced and bilateral breath sounds were auscultated. The abdomen was prepared and draped in the usual fashion. A proctoscopy was performed by General Surgery and showed perforation of the colon in the upper rectum and a large amount of blood. The patient was placed in hanging stirrups and pelvic examination at that time showed bowel extruding through the cervix and what appeared to be a component of large bowel as well as possibly some small bowel. The patient's legs were then placed back down on the table. The patient remained supine and a midline vertical skin incision was made from above the symphysis to just below the umbilicus. The fascia was then incised with scissors in a vertical fashion

(1)

and the rectus muscles were divided. The peritoneum was grasped between Kocher clamps, elevated and incised with a large amount of dark clot and fresh blood spilling from the wound. At least 1500-2000 ~~liters~~ cc's of blood was seen in the patient's abdomen and pelvis. Immediately upon entering the abdominal cavity an extruded male fetus which was well formed was noted to be free in the abdominal cavity and the placenta was adherent only to the edge of a large uterine laceration which measured 8 cm. The placenta and fetus were removed. The fetus weighed 390 gm with head circumference of 18 cm and a crown-rump length of 20. The fetus' right arm appeared to have been avulsed away and was not noted during the operative procedure. The fetus had no fetal heart beat noted at the time the mother's abdominal cavity was opened surgically. The uterine laceration which measured 8 cm on the left lateral posterior wall of the uterus was then inspected. The uterus was copiously irrigated with saline and the large bowel which was extruded through the cervix was then pulled back into the abdominal cavity. The uterus was irrigated again with warm sterile saline and then closed in a three layered fashion. The first layer was #1 chromic in a running locked stitch followed by #1 chromic in an imbricating fashion. The serosal surface of uterus was then closed with 2-0 chromic in a baseball stitch. Adequate hemostasis was achieved. The left fallopian tube and ovary had been avulsed away from the uterus and the infundibulopelvic ligament was freely bleeding. This had been ligated off with 2-0 silk and on inspection of the abdominal cavity the ovary and tube were not found. The right ovary and tube appeared to be normal. A small rent in the area of the peritoneal reflection where the tube had been torn off was then repaired with 2-0 chromic in a running fashion.

The remainder of the procedure was then carried out by General Surgery and will be dictated by them.

DISPOSITION: Placenta and fetus were sent to pathology and the Medical Examiner was contacted in regard to the case but this was judged not to fall under their purview per Dr. Fred Jordan.

ADDENDUM: The patient's mother was informed that should the patient get pregnant again, she will need to be followed closely for prenatal care, and that there will be incresed risk of uterine rupture in the third trimester should labor ensue. She was also informed that the patient must have a cesarean section for any pregnancy delivery. She will receive written instructions to this effect to keep with her in her records at home for future reference when she leaves the hospital

Lee [illegible] Suda, Sr., M.D.
Attending Physician
Dept. of OB/GYN

Lauranne Harris, M.D.
Resident
Dept. of OB/GYN

DICT: 6-10-89
TRNS: 6-13-89

2

OUTPATIENT SERVICES FOR WOMEN
INSTRUMENTS

Insrument set for Dilatation & Suction Currettage
- Single teeth tenaculm
- Vaginal speculum
- 6 dilators of gradually increasing size
- 6 pieces of 4 x 4 gauze
- 2 Ring forceps

Insrument to be wrapped separete
- Uterine sound
- Glass syringe with extension
- Uterine currettes
- Large ovum forcep
- Small ovum forcep
- Large dilator
- Dressing forcep
- Metzenbaum Scissor
- Bandaid Scissor

OUTPATIENT SERVICES FOR WOMEN
GUIDELINES IN CASE OF FIRE

1. Turn off all electric lights and all electric equipments.

2. Evacuate all patients from premises to safer place.

3. Ask someone to call fire department and police department.

4. If any one is injured or burned, follow emergency guidelines.

OUTPATIENT SERVICES FOR WOMEN
GUIDELINES IN CASE OF EMERGENCY

1. In case of emergency follow the instruction given by physician.

2. If patient needs to be hospitalized, call ambulance van immediately.

3. Notify the emergency room physician at the hospital about condition of the patient and give neccessary information regarding possible complication. Physician will give all neccessary information to the E.R. physician.

4. Check vital signs and if neccessary, start I.V. fluids.

5. Help E.M.T.s to transport patient.

6. Physician will notify relative or parents about condition of the patient and give neccessary information.

7. In case of emergency, make sure pt. is continuously attended by physician or E.M.T. personnel.

OUTPATIENT SERVICES FOR WOMEN
GUIDELINES FOR LABORATORY TECHNITIAN

1. All laboratory employee must wear either white apron or scrub suite.
2. Do not handle any urine or blood specimen without wearing gloves.
3. Do not throw any vacutainer needle, syringes and/or blood tubes in the waste basket.
4. Discard all syringes, vacutainer needle and/or blood tubes in special container designed to handle infectious waste.
5. Wash your hands thouroughly after finishing laboratory tests of each patient.
6. If in doubt about any results, contact physician immediately.
7. Keep counter clean and dry with alcohol or any other disinfectant deterqent.
8. Write all lab report in patient chart as soon as it is done.

OUTPATIENT SERVICES FOR WOMEN
PATIENT COUNSELLING GUIDELINES

1. All patients are to be counselled in detail about termination of pregnancy regarding alternatives, risks and complications of procedure and anesthesia, importance of follow up examination and procedure to be used for termination of pregnancy.

2. Following alternatives are to be discussed with each patient.
   A. Continuation of pregnancy to term.
   B. Alternative to give baby up for adoption.
   C. Discuss the advantages and disadvantages of all alternatives.

3. Risk and complication of anesthesia.
   A. Local anesthesia is safer than general anesthesia.
   B. I.V. Sedation with Diazepam and Stadol is generally being used at this clinic.
   C. Discuss the importance of N.P.O.
   D. Discuss the risk of aspiration pneumonia, cardio-respiratory depression, hypersensitivity reactions to medicine and death following anesthesia.

4. Risks and complications of procedure.
   A. Infection
   B. Incomplete abortion
   C. Continuation of pregnancy
   D. Perforation and/or laceration of uterus and cervix
   E. Injury to other organs such as intestines, fallopian tubes, major and minor blood vessels, ovaries and any organ in abdominal cavity.
   F. Neccesity of hospitalization and major surgery.
   G. Haemorrhage and neccesity of blood transfusion.

5. Make sure that patient has undestand al risks and complications of anesthesia and procedure, has given thoughts about all alternatives and this is her own decision.

6. Patient is to be given opportunity to ask any questions regarding termination of pregnancy and its procedure. If counseller can not answer any question contact physician and ask him to discuss with patient.

7. Make sure patient has understand and sign all consent forms and any other neccessary papers.

OUTPATIENT SERVICES FOR WOMEN
RECOVERY ROOM SERVICE GUIDELINES

1. Receive patient from procedure room with appropriate charts.Ask for neccessary information from procedure room assistants.

2. Check vital signs every 15 minutes and notify physician if ~~neccessary~~. any abnormality.

3. Check for heavy vaginal bleeding and notify physician if neccessary.

4. Discuss about after care instruction paper and importance of follow up examination and neccessity of prescribed medications.

5. Observe the patient at least 30 minutes in the recovery room.Do not allow any patient to go if not stable.If in doubt,ask physician to evaluate the patient.

6. When ready for discharge,take patient to front desk,make her follow up appointment.

OUTPATIENT SERVICES FOR WOMEN
PROCEDURE ROOM ASSISTING GUIDELINES

1. All procedure room assistants should have knowledge about procedure and instruments to be used by the physician.

2. Assistants are required to wear surgical pant suites.

3. Thorough and frequent hand washing techniques are to be followed.

4. Before taking patient in the procedure room, check the chart and make sure that all laboratory reults are in the chart, check the vital signs, make sure that all consent forms are signed.

5. Open the outer wrap of insrument tray on mayo stand without touching inside of outer wrap.

6. Follow no touch technique and do not touch any sterile instrument.

7. At the end of procedure take the specimen and dirty instruments to central supply room.

8. Transport patient to the recovery room in wheel chair or assist her walking.

9. After each procedure clean room, sink and countertop.

10. At the end of the day restock the procedure room for next day. Clean the floor and operating table with germicidal disinfectant. Take waste basket out to dumpster.

11. Record all medicine used during procedure in the appropriate chart. Follow vital signs and help patient to make her comfortable during procedure.

OUTPATIENT SERVICES FOR WOMEN
GUIDELINES FOR HOUSEKEEPING

1. Do not throw any infectious waste in the garbage dumpster.
2. All infectious waste are to be discarded in the incinerator. Physician will make all arrangement for pickup.
3. Clean procedure room after each procedure thouroughly.
4. Keep business office and waiting room clean and well arranged.
5. At the end of the day, clean all rooms thouroughly with clorox and disinfectant detergent.
6. Keep all surgical scrub suites washed, dried and folded properly.
7. Take all garbage bags to dumpster and discard properly.
8. Inspect all procedure rooms, examination rooms, laboratory, and restrooms during clinic hours and at the end of day.
9. Vaccume all carpets and scrub all floors everyday. Wash your hands after finishing all work.

OUTPATIENT SERVICES FOR WOMEN
INFECTION CONTROL GUIDELINES

1. New employees are oriented to all phases of Central Service work and to the General Principles of Infection Control.

2. Central Service personnel should wear surgical type pant suits.

3. No personnel should be on the job with cold, fever, or infections of any kind.

4. All tables, countertops and sinks are to be clean with a germicidal detergent at the beginning and at the end of each working day.

5. Frequent and thorough handwashing should be accomplished by all Central Service personnel.

6. Clean and dirty supplies should never be placed together.

7. All supplies are double wrapped, sealed, and autoclaved as indicated.

8. Steam Sterilizer - The manufacturer's manual should be followed in the operation of the steam sterilizer and its cleaning.

APPLICATION FOR RENEWAL OF OKLAHOMA LICENSE

MEDICAL DOCTOR

This form must be completed and returned to this office with a renewal fee of $150 on or before Monday, May 01, 2000
Within 60 days of that date $275 must accompany this form. Reinstatement of suspended license is $400. Return this application with required fee to the following address: OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION
PO BOX 18256
OKLAHOMA CITY OK 73154-0256

Mark any changes to the addresses below. Please inform this office of all address changes.

14640
NARESHKUMAR GANDALAL PATEL
6112 NW 63RD STREET

OKLAHOMA C TY OK 73132

YOU MUST PROVIDE A ZIP+4 ZIP CODE

Practice Address:
6112 NW 63RD STREET

OKLAHOMA CITY OK 73132

YOU MUST PROVIDE A ZIP+4 ZIP CODE

DO YOU WISH TO APPLY FOR PHYSICIAN EMERITUS (FULLY RETIRED) STATUS? ____ YES _____ NO
If "YES":
A) Enclose a $50 processing fee. There will be no renewal fee.
B) Return to this Board your wallet card. A new card identifying you as Physician Emeritus will be issued to you.
The Following Restrictions apply to Physician Emeritus (FULLY RETIRED) Physicians:
A) You may continue to use the title "DOCTOR" and suffix "MD", but must indicate your retired status. EX: John Doe, MD (RET)
B) You cannot practice medicine in any form.
C) You cannot prescribe, dispense or administer drugs.

The following information is mandatory and information provided may be investigated further.

Since the last renewal or initial licensure (whichever is most recent):	YES	NO
Have you been the subject of disciplinary action by any governmental or licensing authority, federal, state, or local?		✓
Have you been charged with or convicted of a felony or misdemeanor?		✓
Are you now using any drug or chemical substance including alcohol which has an adverse impact on your ability to practice your profession?		✓
Do you have a mental disorder which has an adverse impact on your ability to practice your profession?		✓
Have you been reported to the National Practitioner Data Bank (NPDB)? If "yes", enclose a copy of the report received from the NPDB.		✓
Have you voluntarily surrendered any medical license or narcotic permit (State or Federal)?		✓
Have you been denied privileges, lost privileges or received discipline by any hospital or other professional medical organization?		✓
Has a malpractice claim been filed against you?		✓
Have you had a major illness or been hospitalized within the past year?		✓

You are required pursuant to 59O.S. S.S.355.1(B) to indicate your preference. Please read and check appropriate response.
Any Medical Doctor who desires to DISPENSE "dangerous drugs" as defined in the Pharmacy Law, must register annually with the Board. This is for dispensing only and does not include prescribing, administering, or the giving of samples. I WISH TO BE REGISTERED TO DISPENSE DANGEROUS DRUGS. ✓ YES _____ NO

SPECIALTIES: (List greater than 50% time spent in #1)
1. GEN
2.
3.
4.
5.

Other States in which your are licesed to practice Medicine:

BOARD CERTIFICATIONS (CURRENT): Add Boards by exact name and attach a copy of certificate if new certification.

POST-GRADUATE TRAINING (CURRENT):
Type of training: _____
Hospital: _____
Location: _____
Date entered: _____
Date expected to complete: _____

PRACTICE INFORMATION (CURRENT):
Employer: _____
City, State/Country: _____
Type of practice or specialty: _____
Date started: _____

I, the undersigned, have to the best of my knowledge, complied with the laws and rules regulating my profession. I hereby state that the information contained in this application is true and correct.

Signature of Applicant: _____

991120: MDRENEW

14640

FILE REVIEW REQUEST

Under the Oklahoma Public Information Access Procedures, I wish to review the public file of the following individual:

Dr. N. Patel

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file: Keith P. Cunnell
Please Print

Signature

Name of Organization or Business Represented if applicable:
Brady, Schandt & Falsetti

Copies of documents in the pubic file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: _____ Cost: _____

Paid: Cash_____ Check_____ Date_____
(Payable to: OSBMLS)

FILE REVIEW REQUEST

Under the Oklahoma Public Information Access Procedures, I wish to review the public file of the following individual:

Nareshkumar
~~Narshkumar~~ Patel # 14640

It is the policy of the Oklahoma State Board of Medical Licensure and Supervision to make available the public file of each individual who is/was licensed as a health professional in the State of Oklahoma. To ensure the integrity of the file, each individual requesting to review a file will be required to provide their name before access to the public file will be granted.

Person Reviewing file: Leslie Redcorn
Please Print

Signature

Name of Organization or Business Represented if applicable:

Copies of documents in the public file will be provided at a cost of .25 per page. Certification will be provided at a cost of $1.00 per page.

Copies made: 2 X .25¢ Cost: .50¢

Paid: Cash _____ Check _____ Date 9-17-23

MD2/FILEREV.PM3

FILED
SUPREME COURT
STATE OF OKLAHOMA
MAR 15 1991
JAMES W. PATTERSON
CLERK

CASE NO. 75,922

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Appellee

versus

NARESHKUMAR PATEL, M.D.
Medical License No. 14640

Appellant

APPELLEE'S ANSWER BRIEF

APPEAL FROM ADMINISTRATIVE AGENCY
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

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

March, 1991

INDEX

	Page(s)
INTRODUCTION	1
STATEMENT OF CASE	1
Statutes:	
59 O.S. Supp. 1990, §513	3
STATEMENT OF FACTS	3
PROPOSITION I	7
THE BOARD HEARD SUFFICIENT EXPERT MEDICAL TESTIMONY TO SUPPORT ITS FINDINGS.	
Cases:	
City of Stillwater v. Focht 574 P.2d 1091 (Okl. App. 1978)	9
Civil Service Commission of City of Tulsa v. Gresham 653 P.2d 920 (Okl. 1982)	9
Holley v. Shepard 744 P.2d 945 (Okl. 1987)	9
Storck v. City Service Gas Co. 575 P.2d 1364 appeal after remand 634 P.2d 1319 (Okl. 1977)	9
Wadley v. American Window Glass Co. 341 P.2d 564 (Okl. 1959)	9
Woods v. Fruehauf Trailor Corp. 765 P.2d 770 (Okl. 1988)	9
PROPOSITION II	10
THE OKLAHOMA ADMINISTRATIVE PROCEDURES ACT DOES APPLY TO BOARD ACTIONS.	

Statutes:

75 O.S. Supp. 1990, §250 et seq. -------- 10

PROPOSITION III ---------- 11

THE BOARD LAWFULLY DENIED PATEL'S UNTIMELY REQUEST TO VOIR DIRE INDIVIDUAL BOARD MEMBERS.

Statutes:

75 O.S. 1981, §316 ---------- 11,12,13

Cases:

Lowrey v. Hodges
555 P.2d 1016 (Okl. 1976) ---------- 13

PROPOSITION IV ---------- 14

THE BOARD LAWFULLY HEARD ALLEGATIONS OF PATEL'S UNPROFESSIONAL CONDUCT.

Statutes:

59 O.S. 1981, §509 ---------- 14-17
59 O.S. Supp. 1990, §503, 504, 505, 506, and 507 ---------- 14

Cases:

Fetzer v. Johnson
15 F.2d 145, cert. denied
273 U.S. 751, 47 S.Ct. 455
71 L.Ed. 873 ---------- 15

In Re Supreme Court Adjudication of Sufficiency of Initiative Petition in Tulsa Concerning a One Cent Sales Tax Increase for Funding Additional Police Personnel and Compensation
597 P.2d 1208 (Okl. 1979) ---------- 16

Kansas State Board of Healing Arts v. Foote
436 P.2d 828 (1968) ---------- 16

Moore v. Hayes
744 P.2d 934 (Okl. 1987) ---------- 15

State ex rel Oklahoma Tax Commission v. Daxon
607 P.2d 683 (Okl. 1980) ---------- 15

State ex rel Thompson v. Ekberg
613 P.2d 466 (Okl. 1980) ---------- 15

TWA v. McKinley
749 P.2d 108 (Okl. 1988) ---------- 15

Other:

Attorney General Opinion No. 76-279 ---------- 16

PROPOSITION V ---------- 17

THE BOARD'S FINAL ORDER IS SUPPORTED BY COMPETENT EVIDENCE.

Cases:

Board of Examiners of Veterinary Medicine v. Mohr
485 P.2d 235 (Okl. 1971) ---------- 18,19

Sebring v. Caporal
452 P.2d 777 (Okl. 1969) ---------- 19

PROPOSITION VI ---------- 19

THE BOARD'S FINAL ORDER COMPLIES WITH OKLAHOMA LAW.

Statutes:

75 O.S. 1981, §312 ---------- 19,20,22
75 O.S. 1981, §317 ---------- 22

Cases:

Bostick Tank Truck Service v. Nix
764 P.2d 1344 (Okl. 1988) ---------- 23

Fetzer v. Johnson
Supra ---------- 20

Jackson v. Independent School District No. 16 of Payne County
648 P.2d 26 (Okl. 1982) ---------- 20,21

Ricks Expiration Co.
v. Oklahoma Water Resources Board
695 P.2d 498 (Okl. 1984) ---------- 22,23

Seely v. Oklahoma Horse
Racing Commission
743 P.2d 685 (Ct. App. 1987) ---------- 22

State ex rel Commissioners of
the Land Office v. Tapenning
228 P.2d 374 (Okl. 1951) ---------- 23

TWA V. McKinley
Supra ---------- 20

CONCLUSION ---------- 23

CERTIFICATE OF MAILING ---------- 24

EXHIBITS A, B, and C

INTRODUCTION

For the purposes of clarity and brevity, the parties hereto will be referred to in this Answer Brief by shortened versions of their lawful names. Therefore, the Appellant herein and the Defendant below, Nareshkumar Patel, M.D., will be referred to as "PATEL." The Appellee herein and the Plaintiff below, Oklahoma Board of Medical Licensure and Supervision, will be referred to as "BOARD."

At all stages of the proceedings below, PATEL was represented by the law firm of Fagin & Fagin, P.C. All references to PATEL'S action below should include the realization that PATEL took each action with the aid and assistance of legal counsel.

STATEMENT OF CASE

On December 28, 1989, a Complaint and Citation were issued by the BOARD Secretary against PATEL. On January 2, 1990, PATEL was lawfully served with process. Hearing was intitially scheduled for February 3, 1990, before the BOARD en banc.

On January 22, 1990, PATEL timely filed his Answer. In addition, PATEL filed a Motion for Discovery Documents and for Bill of Particulars, and also a Motion for Postponement.

On January 29, 1990, Plaintiff's Response to Motion for Discovery Documents and for Bill of Particulars was filed, with numerous investigative and evidentiary documents attached.

On January 30, 1990, PATEL'S Motion for Postponement came on for hearing before the BOARD Secretary, as specifically allowed

by BOARD rules. At the hearing before the BOARD Secretary, PATEL voluntarily agreed to certain limitations on his medical practice and the hearing was postponed to June 9, 1990.

No other formal pretrial discovery was performed by either side.

On June 1, 1990, PATEL filed a Motion for Partial Continuance.

On June 9, 1990, the case came on for evidentiary hearing before the BOARD en banc. Prior to any testimony on the merits of the case, PATEL argued his Motion for Partial Continuance, and several oral motions (including motions to voir dire BOARD members, to dismiss the complaint, to sequester witnesses, and to exclude certain spectators).

Witnesses were called in support of the allegations of the Complaint. Defense witnesses were called by PATEL. Cross-examination and re-direct was held on each witness. Legal argument by counsel was allowed.

The BOARD deliberated on the evidence on the public record.

Following deliberation, the BOARD found evidence to support a finding that PATEL performed a surgical procedure on patient E.B.S. in an unprofessional manner and in an unprofessional setting, and that PATEL did not comply with laws and regulations relating to writing of prescriptions for controlled dangerous substances in (1) failing to maintain dispensing records for dangerous drugs, and (2) failing to keep complete and accurate records of the purchase and dispensing of controlled substances or narcotic drugs.

The BOARD imposed as a sanction a Formal Reprimand on PATEL and two additional affirmative conditions for PATEL to fulfill within his own medical office.

PATEL appealed to this Court directly under the legal authority of 59 O.S. Supp. 1990, Sec. 513.

STATEMENT OF FACTS

On or around June 10, 1989, a minor patient underwent an elective abortion procedure performed by PATEL. The procedure was done at PATEL'S clinic rather than a hospital. Serious complications developed. The patient was transferred by ambulance from PATEL'S clinic to Oklahoma Memorial Hospital.

The Acting Chief Resident at Oklahoma Memorial Hospital, Dr. Mary Lynn Stoffel testified specifically as to her actions, to-wit:

> "A. I received a call from the clinic that Dr. Patel owns that there was a patient who had suffered a complication. Their assessment was a possible perforation of the uterus with small bowel visualized in the vagina. And by their assessment the patient was stable, but would be transported by ambulance to our emergency room for assessment and treatment." (TR. Vol. I, Pg. 9, lines 23-25; Pg. 10, lines 1-5)
>
> ***
>
> "Q. What did you do when she arrived?
>
> A. I helped get her into her room, made sure her vital signs were stable. She did have an IV in place. I tried to very briefly ask some questions of her, reviewed very quickly the medical records that had been sent with her, questioned her mother who had accompanied her about the events and did a physical exam.
>
> Q. Can you advise the Board members of what you found in your exam?

A. In my exam she was a young black female who was lying on the stretcher, appeared to be in distress with pain, but was alert and could answer questions although she was in pain and had difficulty doing so. Her blood pressure was within an acceptable stable range. Her pulse was slightly tachycardic, but acceptable. She was not with a fever...I then tried to do a pelvic exam on her. She was not on a pelvic exam table. And putting a speculum in her vagina saw loops of what appeared to be small bowel in her vagina. I tried to discern whether they were coming out through the cervix versus from some other area of the vagina, and I could not tell, but it appeared to be coming through the cervix.

Q. After that examination, did you take further action on this patient?

A. Yes. Numerous blood tests were drawn immediately. As soon as she came in another IV line I believe was started. I quickly discussed her. And my attending physician also examined her and quickly reviewed all of the information we had available. We contacted the anesthesiology and the operating room and told them we were going to be bringing this patient up along with general surgery for an exploratory laparotomy.

Q. In your examination did you form any opinion of how far along this patient was in this pregnancy?

A. The fact that her uterus was palpable at her umbilicus led me to believe that she must be approximately 20 weeks pregnant." (TR. Vol I, Pg. 10, lines 14-25; Pg. 11, lines 1-6, lines 16-25; Pg. 12, lines 1-15).

Lengthy supplementary testimony and exhibits were offered by two other physicians on the patient E.B.S. by Richard Felton, M.D. (TR. Vol I, 100-122) and Russell Suda, M.D. (TR. 122-191). In order to save space, no effort is made here to summarize their testimony, except to observe that they both personally examined

patient E.B.S. and participated in the surgical procedure that was arranged by Dr. Stoffel. Their testimony and written Exhibits 1 through 4 are part of the record before the BOARD and are self-explanatory.

Additional evidence was offered on the separate issue of PATEL handling controlled dangerous substances. Testimony was offered by BOARD investigator D.C. Mosshart (TR. Exh. 2, Pg. 2-27). Mr. Mosshart testified that in the scope of his employment he personally visited PATEL'S clinic and observed certain conditions in regard to medications and obtained certain records of prescriptions relating to controlled dangerous substances. Mr. Mosshart prepared Exhibit No. 5 that was admitted into evidence. His testimony regarding that exhibit is very clear, to-wit:

> "Q. Do these two prescriptions on page 1 meet the requirements of Oklahoma law?
>
> A. No. Oklahoma law is such that these prescriptions are not written for a patient. Where the patient's name is, its "for clinic use only."
>
> Q. How should it be done?
>
> A. To purchase Schedule III, IV, and V controlled dangerous substances, they should be dated, a company name, an invoice with the amount, the strength and the drug.
>
> Q. That was not done in this case on these two occasions?
>
> A. No." (TR. Vol. II, Pg. 8, lines 8-22).
>
> "Q. Did you inquire at Dr. Patel's office as to the dispensing records that would support these documents?
>
> A. Yes I did.

Q. And what did you find?

A. He had no dispensing records. He said the dispensing would be probably in the individual patient records." (TR. Vol. II, Pg. 9, lines 11-18).

"Q. Did your investigation at the clinic indicate any kind of log where controlled dangerous substances were dispensed?

A. No, sir. None.

Q. What kind of log is required?

A. By state law on all Schedule III, IV and V controlled dangerous substances, you must keep the invoices readily available in one location and you must keep a separate dispensing ledger indicating date, patient name, drug, strength and amount dispensed.

Q. Was that available at the office at the time of your inspection?

A. No, it was not.

Q. Did you find any records, Mr. Mosshart, that would be complete and accurate in reflecting the disposition of those drugs?

A. No, sir. I did not.

Q. What kind of records do you normally expect to find?

A. Normally, if a doctor is a dispenser, they produce a set of invoices, a set of dispensing records, and then an inventory is done on the controlled substances or prescription drugs on hand, and it balances.

Q. What they purchased and what they dispensed balance out?

A. Yes, sir.

Q. Were those record in place at this office?

A. No, sir. The records were such it was--oh, it would have been impossible to have an audit and balanced the books." (TR. Vol. II, Pg. 10, lines 14, 15; Pg. 11, lines 1-25; Pg. 12, lines 1-11).

Additional testimony was taken regarding the "abandonment of patient" issue that was not found substantiated by the BOARD. Therefore, testimony relating to that incident is not set forth herein.

PROPOSITION I

THE BOARD HEARD SUFFICIENT EXPERT MEDICAL TESTIMONY TO SUPPORT ITS FINDINGS.

Herein, PATEL argues that the BOARD committed reversible legal error in denying PATEL'S second motion for continuance that was titled Motion for Partial Continuance. PATEL argues at length in Proposition I that it was error to not allow one of his expert witnesses to testify (Dr. Burnhill).

The record below clearly indicates that the BOARD heard expert medical testimony and read medical reports from at least three different physicians for the Plaintiff. Dr. Mary Lynn Stoffel, Dr. Richard Felton, and Dr. Russell B. Suda all testified at length regarding the facts at issue and their professional opinion thereon. Exhibits 1 through 4 are their operative reports and related findings.

In addition to his own testimony, PATEL produced expert medical testimony from Dr. Norman Hanks, Dr. Sidney Loughlin, Dr. Gary Fraley, Dr. James Majors, Bill Brasher, CRNA, Janis Heer, LPN, Pat Thomason, RN, and Bob Lehman, CRNA.

The BOARD agrees in general with the legal authority cited by PATEL indicating it is necessary for the BOARD to hear expert testimony and to not simply rely on the expertise of its individual members. However, the record below clearly indicates

that the BOARD did hear and consider substantial expert medical testimony from both parties, in addition to medical reports introduced into evidence. This is not a case where the BOARD acted in a vacuum of expert evidence. To the contrary, the BOARD heard numerous physicians and health professionals offer their expert opinions and observations.

It must be considered that the only defense witness that did not testify, Dr. Burnhill, was not a witness as to any fact in issue. Dr. Burnhill was proffered only as another medical expert witness who had apparently reviewed some of PATEL'S records and arrived at some professional opinion.

Indeed, during closing argument of the case, PATEL withdrew his previous offer of Dr. Burnhill, and indeed urged the BOARD to proceed to decide the case without taking testimony from Dr. Burnhill. Upon making that statement during closing argument, PATEL'S counsel waived any objection that he might have preserved tc the denial of his earlier offered Motion for Partial Continuance. The statement from PATEL'S counsel during closing argument is very clear in withdrawing the need for Dr. Burnhill to testify, to-wit:

> "So if you want to hear some direct testimony about the Ebony Stephens matter, you hear it from Dr. Burnhill. If you look at those 15 pages of qualifications on his curriculum vitae, you can determine whether or not what he has to say will be worthwhile hearing, or whether you suspect it will be worthwhile hearing.
>
> But I really do not see any reason that you have to wait to hear from Dr. Burnhill. I urge you to go back when you make your decision to recognize that what you have before you does not justify taking away Dr.

> Patel's right to practice medicine, or to sanction him in any way that will affect his right to earn a living." (TR. Vol. III, Pg. 126, lines 22-25; Pg. 127, lines 1-8). (Emphasis added).

Taken in its most favorable light, Dr. Burnhill's possible testimony would be merely cumulative and duplicitous of medical testimony already in the record on behalf of PATEL from several professional sources. The BOARD is not legally bound to hear every witness offered by either party. The decision of when to close a hearing is not up to the parties, and a hearing can be closed over the protest of the parties and despite the parties desire to take additional testimony, Wadley v. American Window Glass Co., 341 P.2d 564 (Okl. 1959). Testimony may be lawfully excluded for reasons of remoteness and if it is not of sufficient probative value, Civil Service Commission of City of Tulsa v. Gresham, 653 P.2d 920 (Okl. 1982). And case law is well-settled that a court may lawfully exclude any evidence that is cumulative and repetitious, Woods v. Fruehauf Trailor Corp., 765 P.2d 770 (Ckl. 1988); Holley v. Shepard, 744 P.2d 945 (Okl. 1987); Storck v. City Service Gas Co., 575 P.2d 1364 appeal after remand 634 P.2d 1319 (Okl. 1977); and City of Stillwater v. Focht, 574 P.2d 1091 (Okl. App. 1978).

Finally, PATEL made absolutely no showing of any effort on his part to preserve the witnesses' testimony by video deposition or normal deposition at any time during the six months from service of the Complaint to the postponed hearing on June 9, 1990. Nor did PATEL show that Dr. Burnhill was lawfully subpoenaed and was in violation thereof. Each party has an equal responsibility

to marshal its witnesses for trial. And the fact offered by PATEL'S own counsel, that Dr. Burnhill could not be present because he was giving a commencement address, implies that Dr. Burnhill had a longstanding conflict on his schedule for the date of June 9, 1990, yet PATEL did not seek a second continuance on that basis until eight days before the hearing.

The BOARD heard expert medical testimony from at least seven physicians, plus several other allied health professionals. The record below clearly reveals their respective professional observations and opinions. Testimony of PATEL'S other witness, Dr. Burnhill, would only be cumulative and unduly repetitious. And PATEL made absolutely no showing of last minute surprise or violation of subpoena by Dr. Burnhill. Nor did PATEL ever attempt to preserve Dr. Burnhill's testimony by the common practice of taking a trial deposition. And during closing argument, PATEL withdrew his offer of Dr. Burnhill's testimony.

In the case at bar, the BOARD heard substantial expert medical testimony. And the record shows the BOARD heard sufficient medical testimony to support its findings.

PROPOSITION II

THE OKLAHOMA ADMINISTRATIVE PROCEDURES ACT DOES APPLY TO BOARD ACTIONS.

BOARD agrees that its actions are governed by applicable sections of the Oklahoma Administrative Procedures Act, 75 O.S. Supp. 1990, Sec. 250 et seq. The BOARD has never denied coverage by the APA or claimed any exemption therefrom in this litigation.

PROPOSITION III

THE BOARD LAWFULLY DENIED PATEL'S UNTIMELY REQUEST TO VOIR DIRE INDIVIDUAL BOARD MEMBERS.

Herein, PATEL argues that it was reversible error to deny his oral request made on the day of hearing to voir dire individual BOARD members on their personal views and philosophies regarding abortion.

PATEL overlooks the fact that abortion is a lawful medical procedure. No state or federal law prohibits or criminalizes any action of PATEL in regard to performing an abortion. PATEL merely assumes that the BOARD is somehow prejudiced against any physician who performs that procedure.

PATEL was not on trial for performing an abortion. The issue before the BOARD was how and in what manner a surgical procedure was performed. PATEL was cited, in part, for performing a procedure in an unprofessional manner and in an unprofessional setting. The nature of the procedure was incidental. The issue before the BOARD was whether the manner and setting of the procedure was unprofessional.

Under 75 O.S. 1981, Sec. 316, BOARD members must withdraw from an individual proceeding only if they cannot accord a fair and impartial hearing, to-wit:

> "A hearing examiner or agency member shall withdraw from any individual proceeding in which he cannot accord a fair and impartial hearing or consideration."

But PATEL failed to quote the remainder of Sec. 316. Therein, the method of requesting disqualification is mandated, to-wit:

> "Any party may request the disqualification of a hearing examiner or agency member, on the ground of his inability to give a fair and impartial hearing, by filing an affidavit, promptly upon discovery of the alleged disqualification, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. The issue shall be determined promptly by the agency, or, if it affects a member or members of the agency, by the remaining members thereof, if a quorum." (Emphasis added).

PATEL utterly failed to comply with the mandate of Sec. 316 to "promptly" raise the issue by affidavit. The record below was uncontroverted that PATEL was served with process on January 2, 1990. Initial hearing before the Board Secretary seeking a continuance was held on January 29, 1990. At PATEL'S request, evidentiary hearing was continued to June 9, 1990, and held on that date. During that six-month period, the Complaint was never amended. The Complaint dealt, in part, at all times with PATEL'S acts and omissions on patient E.B.S. Yet during that entire six-month period, PATEL filed no affidavit and made absolutely no claim for disqualification of any BOARD member. If PATEL really felt there was "the likelihood of the board members being prejudiced from the outset against Dr. Patel," then PATEL had ample time to exercise his remedies under Sec. 316 to file an affidavit and to obtain the BOARD'S hearing on same. In the event BOARD members disqualified themselves, there was still ample time to seek assistance from the Governor in appointing members pro tem as set forth in the remainder of Sec. 316. But none of those things ever occurred.

The BOARD submits that PATEL did not file the required affidavit because he did not possess the required grounds to be stated therein "with particularity." PATEL'S mere suspicion or paranoia was not sufficient to support the required affidavit. Instead of complying with Sec. 316 in a timely fashion and instead of fulfilling the statutory conditions precedent, PATEL chose to demand voir dire on the day of the hearing. Such action is not in compliance with the letter or spirit of Sec. 316 and is not timely.

PATEL'S only scintilla of "evidence" of "prejudice" on the abortion issue is two short statements made by one of the eight BOARD members. Neither of Dr. Fetzer's "statements" constitute grounds to find him unable to accord a fair and impartial hearing as required by Sec. 316. Dr. Fetzer's brief statements do not even approach the magnitude of the statement by the Water Resources Board hearing examiner in Lowrey v. Hodges, 555 P.2d 1016 (Okl. 1976), when he said, before he ever took any evidence, that a permit would probably be recommended at the end of the proceedings. And in that case, this court did not grant judicial relief of the administrative proceeding.

In the case at bar, no prejudice is established by the BOARD against PATEL. PATEL made no effort to comply with the conditions precedent in Sec. 316 to properly raise the disqualification and obtain ruling thereon. And the BOARD lawfully denied PATEL'S untimely request to voir dire individual BOARD members.

PROPOSITION IV

THE BOARD LAWFULLY HEARD ALLEGATIONS OF PATEL'S UNPROFESSIONAL CONDUCT.

Herein, PATEL argues that his oral motion to dismiss paragraphs 2 and 3 of the BOARD'S Complaint were unlawfully denied because the BOARD did not have authority over those matters because they were not enumerated in 59 O.S. 1981, Sec. 509.

Paragraphs 2 and 3 of the BOARD'S Complaint below provided as follows, to-wit:

> "2. That on or around June 10, 1989, Defendant did perform a surgical procedure on patient E.B.S., and said procedure was performed in an unprofessional manner and in an unprofessional setting.
>
> 3. That on or around December, 1988, or January, 1989, Defendant abandoned a patient and left the premises of his clinic to take a friend to the airport and left the patient in a post-operative condition in the treatment room under anesthesia, and the patient's blood pressure dropped and the patient required emergency medical assistance."

The BOARD possesses statutory power to investigate, hold hearings, subpoena witnesses, and impose sanctions for "unprofessional conduct," 59 O.S. Supp. 1990, Secs. 503, 504, 505, 506, and 507. The BOARD is absolutely unlimited in what may constitute unprofessional conduct. Title 59 O.S. 1981, Sec. 509, provides in pertinent part as follows, to-wit:

> "The words "unprofessional conduct" as used in Sections 481 through 514 of this Title are hereby declared to include, <u>but shall not be limited to</u>, the following acts..." (Emphasis added).

Section 509 then enumerates 17 examples of unprofessional conduct. But that list is not exclusive. The plain language of Sec. 509 clearly indicates that the laundry list of unprofessional conduct is not limiting. Especially in a field as broad and scientifically changing as medicine, it would be absolute folly to attempt to compile any exhaustive list of what specific acts or omissions may constitute unprofessional conduct. The many medical specialties and sub-specialties, along with the geometrically increasing body of scientific knowledge, cannot be compressed into any one list, no matter how long.

It is a cardinal rule of statutory construction that all words of a statute must be read and be accorded their plain meaning, to-wit:

> "In construing a statute, the whole must be considered, and all parts given their obviously intended meaning, and no part stricken down, unless in irreconcilable conflict with remainder." Fetzer v. Johnson, 15 F.2d 145, cert. denied 273 U.S. 751, 47 S.Ct. 455, 71 L.Ed. 873.
>
> "Statutes must be interpreted in a manner which renders every word and sentence operative rather than a manner which would render a specific statutory provision nugatory." TWA v. McKinley, 749 P.2d 108 (Okl. 1988); Moore v. Hayes, 744 P.2d 934 (Okl. 1987); State ex rel Thompson v. Ekberg, 613 P.2d 466 (Okl. 1980).
>
> "Statutes should be construed if possible so that every word, phrase, clause and sentence are arbitrable, rather than a construction which renders some words or phrases idle and nugatory." State ex rel Oklahoma Tax Commission v. Daxon, 607 P.2d 683 (Okl. 1980).

> "Every statute must be interpreted to give meaning to every provision." In Re Supreme Court Adjudication of Sufficiency of Initiative Petition in Tulsa Concerning a One Cent Sales Tax Increase for Funding Additional Police Personnel and Compensation, 597 P.2d 1208 (Okl. 1979).

And the plain language in Sec. 509 that "the words unprofessional conduct...are hereby declared to include, but shall not be limited to," certain acts means exactly that. The list is not inclusive. The list is merely examples of different forms of unprofessional conduct.

Oklahoma Attorney General Opinion No. 76-279 also addressed the scope of Sec. 509. That opinion by Assistant Attorney General Dave McCurdy exhaustively reviewed Sec. 509 and the legislative intent therein. That opinion concluded, to-wit:

> "It is, therefore, the opinion of the Attorney General that your question be answered as follows: The Board of Medical Examiners, pursuant to 59 O.S. Supp. 1975, Sec. 509, can suspend or revoke the license of any physician or surgeon for incompetence or negligence."

That opinion quoted with approval the Kansas Supreme Court in the case Kansas State Board of Healing Arts v. Foote, 436 P.2d 828 (1968), where the court upheld the licensing board's order of revocation on the grounds of incompetency even though incompetency was not listed as a statutory ground nor was it among the 15 acts enumerated in the Kansas statute as constituting unprofessional conduct. The Kansas Supreme Court stated, to-wit:

> "Considering the entire policy expressed in the act, we believe the legislature, by enumerating certain acts and classifying them as unprofessional conduct, did not thereby

In Proposition V, PATEL merely gives his own partisan view of the testimony offered by Dr. Stoffel, Dr. Felton and Dr. Suda. PATEL'S effort in this proposition to denigrate the three Plaintiff's witnesses' testimony by his own one-sided summaries and by presentation of random quotations snipped from nearly 200 pages of expert medical testimony is ludicrous. Such expert testimony must be considered as a whole. The testimony must be considered together in the same light that the BOARD received it. PATEL'S fragmentary approach is not fair to this Court or to the three Plaintiff's witness physicians who testified to the BOARD.

A review of the testimony offered by Dr. Stoffel, Dr. Felton and Dr. Suda and Exhibits 1-4 prepared by two of those same witnesses, clearly contain facts which support the BOARD'S finding that PATEL performed a procedure on a particular patient in an unprofessional manner and in an unprofessional setting. Even PATEL'S vigorous cross-examination did not change those facts and opinions presented to the BOARD.

Oklahoma case law is well-settled that the decision of an administrative agency must be supported on appeal unless it is clearly erroneous or not derived from facts in evidence. Previous appeals before this Court have set forth the necessary benchmarks in reviewing evidence presented to a board below, to-wit:

> "Under this section, District Court on review of revocation of license to practice veterinary medicine may set aside order upon determining among other things, that order was clearly erroneous in view of reliable, material, probative and substantial competent evidence disclosed by the record but without

> substituting its judgment as to the weight of the evidence." Board of Examiners of Veterinary Medicine v. Mohr, 485 P.2d 235 (Okl. 1971).
>
> "Decision of banking board denying application for banking charter was erroneous in view of reliable, probative and substantial competent evidence that proposed bank was economically feasible, that the capital structure of proposed bank was adequate, that future earnings of such bank were favorable and that there was public necessity for proposed bank." Sebring v. Caporal, 452 P.2d 777 (Okl. 1969).

In the case at bar, testimony presented orally and in writing by Dr. Stoffel, Dr. Felton and Dr. Suda supports the BOARD'S findings that PATEL performed a procedure on a specific patient in an unprofessional manner and in an unprofessional setting. The BOARD'S Final Order is supported by competent evidence in the record and must be sustained on appeal.

PROPOSITION VI

> THE BOARD'S FINAL ORDER COMPLIES WITH OKLAHOMA LAW.

Herein, PATEL argues that the BOARD'S Final Order does not comply with Oklahoma law because it does not contain a listing of all facts underlying the BOARD'S findings, and PATEL argues that the Final Order is insufficient and therefore the entire BOARD action must be reversed.

Title 75 O.S. 1981, Sec. 312, provides in pertinent part as follows, to-wit:

> "A final order adverse to a party in an individual proceeding shall be in writing or stated in the record. A final order shall include findings of fact and conclusions of law, separately stated. Findings of fact if set forth in statutory language, shall be

> accompanied by a concise and explicit statement of the underlying facts supporting the findings." (Emphasis added).

PATEL misreads Sec. 312. PATEL alleges that Sec. 312 requires statements of all underlying facts to support any findings. That is not the language of Sec. 312. Section 312 requires underlying facts to be listed if findings of fact are set forth in statutory language. If findings of fact are not in statutory language, then no requirement exists that all underlying facts be listed separately.

As already argued above, all words of a statute must be read and accorded their plain meaning, Fetzer v. Johnson, supra, and TWA v. McKinley, supra. Therefore, Sec. 312 requires underlying facts to be listed only if findings of fact are set forth in statutory language.

Predictably, PATEL cites as lead case law authority the appellate decision of Jackson v. Independent School District No. 16 of Payne County, 648 P.2d 26 (Okl. 1982). That case is radically different on the facts from the case at bar. In Jackson the Stillwater Board of Education did not renew the contract of a sixth grade teacher. Despite a timely request, neither the teacher's superintendent, nor the board, would give any reason for such action. The teacher requested and received a formal board hearing. After hearing evidence, the board voted to affirm the superintendent's actions in not renewing the contract. But the board failed to give any reason, orally or in writing, for its action.

Obviously, when faced with a complete absence of findings of fact or conclusions of law, no appellate court can intelligently review the administrative decision and ascertain if facts upon which the order is based create a reasonable basis for the order. In that case, it is no surprise that the Board of Education action was found in violation of due process.

Clearly, the Jackson court was concerned about possible "Star Chamber techniques," page 32. The court concluded, to-wit:

> "The crux of the matter is that democracy implies respect for the elementary rights of the person, however suspect or undeserving, a democratic government must practice fairness--and fairness can rarely be obtained by secret, one-sided determination of facts decisive of rights." (Emphasis added).

A review of the record in the case at bar clearly indicates that the BOARD action below was far removed from any kind of "secret, one-sided" determination. In the case at bar, PATEL received written allegations of specific unprofessional conduct in January, 1990. That same month, PATEL and counsel filed for and received all evidentiary material of the Plaintiff. PATEL requested and received a continuance of more than four months. The eventual BOARD hearing consisted of witnesses sworn, examined and cross-examined only on the issues raised in the Complaint. The BOARD deliberated in open session, discussed possible motions in open session, and voted in open session. The BOARD'S written Final Order memoralized that transaction.

The transcript below and the Final Order clearly enable an appellate court to intelligently review the BOARD'S decision and ascertain if it was based on the evidence presented in the record.

That is the purpose behind the Sec. 312 requirement for a written Final Order.

PATEL'S quibbling with the language employed in the Final Order at bar is not persuasive. The Final Order does clearly set forth the BOARD'S action taken, contains separate findings of fact and conclusions of law, and terms of sanctions imposed.

Finally, it must be noted that PATEL waived any possible objection to the BOARD'S Final Order and may not now raise same. The Final Order was drafted by Plaintiff's counsel and submitted to PATEL for review and signature on June 20, 1990 (see Exh. A). Plaintiff counsel sent a follow-up letter on June 29, 1990 (see Exh. B). PATEL'S counsel signed the Final Order and returned it with a cover letter of July 6, 1990 (see Exh. C). PATEL'S counsel offered no objection to the BOARD'S Final Order, offered no additional language, change or correction to the Final Order as originally submitted. PATEL further did not file any post-hearing motion seeking clarification or restatement of the BOARD order in whole or in part. PATEL did not request any specific findings of fact or conclusions of law for inclusion in the Final Order as authorized by Sec. 312, nor did PATEL file any motion for reopening, rehearing or reconsideration on the Final Order issue as authorized by 75 O.S. 1981, Sec. 317.

Oklahoma case law is well-settled in administrative hearings, as in District Court, that any possible error must be preserved with specific objection and cannot be raised for the first time on appeal, Seely v. Oklahoma Horse Racing Commission, 743 P.2d 685 (Ct. App. 1987); Ricks Expiration Co. v. Oklahoma

Water Resources Board, 695 P.2d 498 (Okl. 1984); Bostick Tank Truck Service v. Nix, 764 P.2d 1344 (Okl. 1988); and State ex rel Commissioners of the Land Office v. Tapenning, 228 P.2d 374 (Okl. 1951).

Since the record below discloses no objection by PATEL to the Final Order, PATEL failed to preserve that objection and PATEL cannot now be heard to complain for the first time concerning any alleged defect in the BOARD'S Final Order.

Even a cursory review of the BOARD'S Final Order with the transcript of testimony shows that the Final Order accurately memoralizes the BOARD'S findings, conclusions and sanction imposed. The BOARD'S findings were all based on evidence presented in the record. PATEL offered no objection thereto when the order was signed and filed of record. Taking all these facts into consideration, the BOARD'S Final Order complies with Oklahoma law and is not any basis for reversal.

CONCLUSION

For the foregoing reasons and authorities cited therefor, the Oklahoma Board of Medical Licensure and Supervision prays that Appellant take nothing by his appeal, that the BOARD'S action below be affirmed in all respects, and for such other and further relief as the Court may grant.

Respectfully submitted,

DANIEL J. GAMINO OBA #3227
Daniel J. Gamino & Associates, P.C.
3315 NW 63
Oklahoma City, OK 73116
(405) 840-3741
ATTORNEY FOR APPELLEE

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 15 day of March, 1991, to:

ARNOLD D. FAGIN
MICHAEL L. MULLINS
Fagin & Fagin, P.C.
2650 First Oklahoma Tower
210 West Park Ave.
Oklahoma City, OK 73102

DANIEL J. GAMINO

June 20, 1990

Arnold D. Fagin
Fagin & Fagin
2650 First Oklahoma Tower
210 West Park Ave.
Oklahoma City, OK 73102

RE: Board of Medical Licensure & Supervision
v. Nareshkumar Patel, M.D.
Case No. 87-7-514

Dear Mr. Fagin:

Enclosed please find original of a Final Order prepared following hearing on June 9, 1990. Please review this Order, sign same and return it to me for processing.

Thank you for your assistance.

Sincerely,

DANIEL J. GAMINO

DJG:dc

Enclosure

cc: Carole Smith

EXHIBIT A

June 29, 1990

Arnold D. Fagin
Fagin & Fagin
2650 First Oklahoma Tower
210 West Park Ave.
Oklahoma City, OK 73102

RE: Board of Medical Licensure & Supervision
v. Nareshkumar Patel, M.D.
Case No. 87-7-514

Dear Mr. Fagin:

By letter dated June 20, 1990, I mailed to you original of a Final Order. To date I have had no response from you. Please review this Order, sign same and return it to me for processing.

Thank you for your assistance.

Sincerely,

DANIEL J. GAMINO

DJG:dc

cc: Carole Smith

EXHIBIT B

FAGIN & FAGIN, P.C.

ATTORNEYS AT LAW
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OKLAHOMA CITY, OKLAHOMA 73102
(405) 239-6771
Fax: (405) 239-6771

ARNOLD D. FAGIN
CHARLES L. FAGIN
PAMELA SUE HOLTZCLAW
R. AMANDA McINNIS

MAX M. FAGIN
1904-1984

July 6, 1990

Hand Delivered

Oklahoma State Board of
Medical Licensure and Supervision
5104 North Francis, Suite C
Oklahoma City, OK 73118

Re: State of Oklahoma, ex rel, Oklahoma State Board of Medical Licensure and Supervision v. Nareshkumar Patel, M.D., Medical License No. 14640, Case No. 87-7-514

Dear Sir or Madam:

This firm represents Dr. Patel, defendant in above captioned cause.

Enclosed herewith please find the original Final Order entered in this case. This Final Order has been approved and executed by Mr. Gamino, counsel for plaintiff, and by counsel for defendant.

By agreement with Mr. Gamino, I am submitting the Final Order for final approval and execution by Dr. Gerald C. Zumwalt, Secretary of the Board, and for filing with the Board thereafter. At the time he executes same, the date should be placed at page 2 and also at page 3 on the Certificate of Mailing. When you file this Order, after signature, would you please mail a certified copy to Arnold D. Fagin at the address shown on page 3 of the Final Order.

The filed copy which we receive back from you must be certified so that it may be attached as a supplemental exhibit to the Petition in Error filed with the Oklahoma Supreme Court this date by Dr. Patel's counsel.

EXHIBIT C

Simultaneously herewith, we are also filing our Designation of Record with the Board. The transcript is in the process of being prepared by the Board's court reporter. Our office has visited with you by telephone regarding the preparation of that portion of the Designation of Record consisting of pleadings and filings with your Board. It is our understanding that, according to your procedures, you will prepare and file same with the Supreme Court when the Supreme Court Clerk requests same of you.

Thank you for your assistance and cooperation.

Yours very truly,

CHARLES L. FAGIN
For the Firm

CLF/lk
Enclosures

cc: Daniel J. Gamino, Esq.

Deaconess Hospital

5501 N. Portland, Oklahoma City, OK 73112-2097, (405) 949-6109
John P. Ellis, Administrator

June 17, 1992

[redacted] postage

Oklahoma State Board of
Medical Licensure and Supervision
Post Office Box 18256
Oklahoma City, Oklahoma 73154

Re: Nareshkumar G. Patel, M.D.
SSN 560-51-2048
OK Medical License No. 14640

Dear Sir or Madam:

I am writing to request a copy of the medical licensure file of Nareshkumar G. Patel, M.D.

Please forward the information to the attention of the undersigned and invoice this facility.

Thank you for your consideration.

Sincerely,

John P. Ellis
Administrator

JPE:cld

RECEIVED
JUN 22 1992
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

Sent 6-24-92

2

EXHIBIT 1
☐ State ☒ Def.
PF KP
14640

SEMINOLE MUNICIPAL HOSPITAL
SMH
"CARING PROFESSIONALS"

606 West Evans
Seminole, Oklahoma 74868
405/382-0600

September 5, 1990

Naresh Patel, M.D.
1902 Gordon Cooper Drive
Shawnee, OK 74801

Dear Dr. Patel:

It is my understanding that for some time Seminole Municipal Hospital has been disposing, by incineration, of certain biological waste products from your office. I need inform you that this practice must be discontinued as of September 1, 1990, due to Federal and State legislated requirements.

Thank you for your understanding. If you have any questions or need additional information, please let me know.

Very truly yours,

Ron

Ronald J. Clifford
Chief Executive Officer

RJC:dro

COPY

NEUROSURGERY ASSOCIATES

CHARLES F. ENGLES, M.D.

711 STANTON L. YOUNG BLVD., SUITE 204
OKLAHOMA CITY, OKLAHOMA 73104
TELEPHONE 405/235-0559

CHARLES F. ENGLES, M.D.
LONNIE J. LAMFRICH, M.D.
W. EMERY REYNOLDS, M.D.
RICHARD V. SMITH, M.D.
DANIEL R. STOUGH, M.D.
H.B. TATE, M.D.

PRACTICE LIMITED TO
NEUROLOGICAL SURGERY

May 18, 1992

State Borad of Medical Examiners
5104 N. Francis
Oklahoma City, Oklahoma 73118

Re: Nareshkumar G. Patel, M. D.

Gentlemen:

I am sure you are aware of the citations made by the Board regarding Dr. Patel. It is my understanding that he will be required to appear before the Board of Medical Examiners in late June for citations and charges of unprofessional conduct.

Will Rogers said, "All I know is what I read in the papers". I am sure your medical investigators have far more concrete and comprehensive information than the newspapers. If the evidence and information presented to the Board by the medical investigators supports what I have read in the newspapers concerning Dr. Patel's judgment and conduct, then I would urge the Board to render the severest penalty possible.

Sincerely yours,

Charles F. Engles, M. D.

CFE:jej

RECEIVED
MAY 30 1992
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

PF 07-23-92 bs

14674C

June 5, 1992

John W. Rohal, Assistant Director
State Medical Board of Ohio
77 South High Street, 17th Floor
Columbus, Ohio 43266-0315

Re: Nareskumar Patel

Dear Mr. Rohal:

Thank you for your letter of June 1, 1992, received this date, in which inquire into the current status of the license of the above captioned individual.

At the present time the subject has been cited to appear before the Board of Medical Licensure and Supervision this month. Enclosed are copies of the complaint, citation and answer filed by the defendant. Previously, the defendant was cited and appeared before the Board approximately 2 years ago, at which time he was reprimanded. Enclosed is the Board Order from that hearing. Part of the Order was overturned by the Superme Court of the State of Oklahoma; enclosed is a copy of that judgement.

If we may be of further assistance, please do not hesitate to contact the undersigned.

Sincerely,

Carole A. Smith
Executive Director

CAS

Encl.

PF06-05-92 ls

14640

STATE MEDICAL BOARD OF OHIO

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

June 1, 1992

Carole A. Smith, Executive Director
Oklahoma State Board of Medical Licensure & Supervision
P.O. Box 18256
Oklahoma City, OK 73154-0256

RE: Nareshkumar G. Patel, M.D.

Dear Ms. Smith:

We are in receipt of information that Dr. Patel is under criminal investigation for attempting to dispose of at least 60 fetuses in a field near Shawnee, Oklahoma, on or about April 15, 1992.

Since he is also licensed in the State of Ohio, we would appreciate receiving any information you can provide regarding this matter.

Also, enclosed is a copy of the Reprimand Dr. Patel entered into with our Board effective March 24, 1992.

Thanking you in advance for your assistance in this matter, I remain

Very truly yours,

John W. Rohal
Assistant Director

RECEIVED
JUN 5 1992
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

JWR:jh
Enclosure

PF 06-05-92 ds

92 MAR 18 PM 12:00
STATE MEDICAL BOARD

THE STATE MEDICAL BOARD OF OHIO
REPRIMAND OF
NARESHKUMAR G. PATEL, M.D.

Be it known, the STATE MEDICAL BOARD OF OHIO is a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

NARESHKUMAR G. PATEL, M.D., acknowledges this REPRIMAND being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

This REPRIMAND is entered into on the basis of the following stipulations, admissions and understandings:

A. The STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22 (B)(22), Ohio Revised Code, to limit, revoke suspend a certificate, refuse to register or reinstate an applicant or reprimand or place on probation the holder of a certificate for the limitation, revocation or suspension by another state of a license or certificate to practice issued by that state for an action that would also have been a violation of this Chapter, to wit: Sections 4731.22 (B)(2) and (B)(6), Ohio Revised Code.

B. THE STATE MEDICAL BOARD OF OHIO acknowledges this REPRIMAND in lieu of formal proceedings based upon the violation of Section 4731.22(B)(22), Ohio Revised Code, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this REPRIMAND.

C. NARESHKUMAR G. PATEL, M.D., is licensed to practice medicine and surgery in the State of Ohio.

D. NARESHKUMAR G. PATEL, M.D., ADMITS that on or about July 17, 1990 he was FORMALLY REPRIMANDED and ordered to fulfill certain conditions by Final Order of the Oklahoma State Board of Medical Licensure and Supervision in order to retain his Oklahoma License. (The Final Order is attached hereto and fully incorporated herein.)

This REPRIMAND is entered into on the basis of the following stipulations, admissions and understandings:

WHEREFORE NARESHKUMAR G. PATEL, M.D. should be and is hereby REPRIMANDED and the following conditions are placed on his Ohio license to practice medicine and surgery:

1. NARESHKUMAR G. PATEL, M.D. must provide written documentation which illustrates that he is in compliance with the conditions placed on his Oklahoma license to practice medicine and surgery.

If, in the discretion of the Secretary of the STATE MEDICAL BOARD OF OHIO, DOCTOR NARESHKUMAR G. PATEL appears to have violated or breached any terms or conditions of this REPRIMAND, the STATE MEDICAL BROAD OF OHIO reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before or after the effective date of this REPRIMAND.

NARESHKUMAR G. PATEL, M.D., acknowledges that he has had an opportunity to ask questions concerning the terms of this Agreement and that all questions asked have been answered in a satisfactory manner.

NARESHKUMAR G. PATEL, M.D., hereby releases THE STATE MEDICAL BOARD OF OHIO, its Members, Employees, Agents, Officers and Representatives jointly and severally from any and all liability arising from the within matter.

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

This information may be reported to appropriate organizations, data banks and governmental bodies. This REPRIMAND shall become effective upon the last date of signature below.

NARESHKUMAR G. PATEL, M.D.

3/12/92
DATE

HENRY G. CRAMBLETT,M.D.
Secretary

3/20/92
DATE

TIMOTHY S. JOST, ESQ.
Supervising Member

3/24/92
DATE

ODELLA LAMPKIN, ESQ.
Assistant Attorney General

3/24/92
DATE

PF mc

IN AND BEFORE THE OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

FILED
JUN 5 1992
OKLAHOMA STATE BOARD OF MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, ex rel., OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION, Plaintiff,	)	
v.	)	Case No. 90-09-1129
NARESHKUMAR PATEL, M.D., Medical License No. 14640, Defendant.	)	

ANSWER TO COMPLAINT

Defendant Nareshkumar Patel, M.D., answers the Complaint and alleges and states as follows:

1. In answer to the allegations of Paragraph 1, admits that he holds Oklahoma Medical License No. 14640, and denies that he is in violation of the Oklahoma Medical Practice Act, 59 Oklahoma Statutes 1991, Section 509.

2. In answer to the allegations of Paragraph 2, admits that on April 14, 1992, he did transport human fetuses and tissue to a site in Pottawatomie County, Oklahoma, and that he did burn the same; denies that those activities took place in a vacant lot; and, further alleges that said tissue and fetuses were burned on a large tract of private property under the control of defendant.

3. Denies the allegations of Paragraph 3.

4. Denies the allegations of Paragraph 4.

AFFIRMATIVE DEFENSES

5. The Complaint fails to set forth a claim of unprofessional conduct on which any disciplinary action can be taken against this defendant.

6. The charging statute, to-wit, 59 Oklahoma Statutes, Section 509, enumerates specific grounds of professional misconduct, and the alleged actions of defendant in the Complaint do not violate this statute.

7. On or about April 14, 1992, there was no statute in the State of Oklahoma which prescribed the method of disposition of human fetuses and tissue, and defendant's disposition of the same was done in a reasonable and prudent manner consistent with defendant's religious beliefs and tenents, and was neither immoral nor against good conscience by all persons of this state.

WHEREFORE, defendant Nareshkumar Patel, M.D., prays that such Complaint against him be dismissed and that no disciplinary action be taken against him, and that a determination be made by the State Board of Medical Examiners that the alleged acts are not in violation of the Oklahoma Medical Practice Act, 59 Oklahoma Statutes, Section 509.

STANLEY M. WARD, OBA#9351
Attorney-at-Law
629 24th Avenue S.W.
Norman, Oklahoma 73069
(405) 360-9700
ATTORNEY FOR DEFENDANT

VERIFICATION

STATE OF OKLAHOMA)
) ss.
COUNTY OF CLEVELAND)

I, NARESHKUMAR PATEL, M.D., being of lawful age and first duly sworn, state that: I am the defendant in the above-referenced matter; that I have read and reviewed the information contained herein; and, that to be the best of my knowledge, the information contained herein is true and correct.

NARESHKUMAR PATEL, M.D.

Subscribed to and sworn to before me this 4th day of June, 1992.

Carol Marie Clark
Notary Public

My Commission Expires: June 12, 1993.

OFFICIAL SEAL
CAROL MARIE CLARK
Notary Public Oklahoma
Cleveland County
Comm. Expires 6-12-93

DANIEL J. GAMINO & ASSOCIATES, P.C.
ATTORNEYS AND COUNSELORS AT LAW
3315 N.W. 63RD STREET
OKLAHOMA CITY, OK 73116

DANIEL J. GAMINO

(405) 840-3741

May 29, 1992

Stan Twardy
Attorney at Law
1400 N. Shartel
Oklahoma City, OK 73103

RE: Board of Medical Licensure & Supervision
v. Nareshkumar Patel, M.D.

Dear Mr. Twardy:

This will confirm your telephone call of May 28, 1992, advising you may represent Dr. Patel in the above-captioned case. You requested an extension of time to file any answer to the Complaint. I will agree to an extension of time and this letter will serve as documentation of that agreement.

However, hearing on this matter is scheduled for June 27, 1992, and I will object to any continuance or postponement of the hearing date. In the event you decide to represent Dr. Patel, I will be glad to meet with you as soon as possible to discuss informally evidence and procedures to be followed. Please be reminded that motions relating to this case or any other case on the Board's docket will be heard at 9:00 a.m. on June 12, 1992, by Mr. Hoover.

I look forward to working with you on this matter.

Sincerely,

DANIEL J. GAMINO

DJG:dc

cc: Carole Smith

RECEIVED
JUN 2 1992
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

PF 06-02-92 ds

PF mc

IN AND BEFORE THE OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

FILED

JUN 5 1992

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, ex rel., OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION, Plaintiff,	)	
v.	)	Case No. 90-09-1129
NARESHKUMAR PATEL, M.D., Medical License No. 14640, Defendant.	)	

ANSWER TO COMPLAINT

Defendant Nareshkumar Patel, M.D., answers the Complaint and alleges and states as follows:

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4. Denies the allegations of Paragraph 4.

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5. The Complaint fails to set forth a claim of unprofessional conduct on which any disciplinary action can be taken against this defendant.

6. The charging statute, to-wit, 59 Oklahoma Statutes, Section 509, enumerates specific grounds of professional misconduct, and the alleged actions of defendant in the Complaint do not violate this statute.

7. On or about April 14, 1992, there was no statute in the State of Oklahoma which prescribed the method of disposition of human fetuses and tissue, and defendant's disposition of the same was done in a reasonable and prudent manner consistent with defendant's religious beliefs and tenents, and was neither immoral nor against good conscience by all persons of this state.

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STANLEY M. WARD, OBA#9351
Attorney-at-Law
629 24th Avenue S.W.
Norman, Oklahoma 73069
(405) 360-9700
ATTORNEY FOR DEFENDANT

DANIEL J. GAMINO & ASSOCIATES, P.C.
ATTORNEYS AND COUNSELORS AT LAW
3315 N.W. 63RD STREET
OKLAHOMA CITY, OK 73116

DANIEL J. GAMINO

(405) 840-3741

March 18, 1991

Carole Smith
Board of Medical Licensure
& Supervision
P.O. Box 18256
Oklahoma City, OK 73154

RE: Board of Medical Licensure & Supervision
v. Nareshkumar Patel, M.D.,
Supreme Court Case No. 75,922

Dear Ms. Smith:

Please find enclosed a copy of the Appellee's Answer Brief I prepared and filed in the Oklahoma Supreme Court on March 15, 1991. Pursuant to Court Rules, counsel for Dr. Patel has 20 days to prepare a Reply Brief. At that point the briefing schedule will be finished and the case will be submitted to the Oklahoma Supreme Court for disposition. After you review this if you have any questions or comments, please advise.

Sincerely,

DANIEL J. GAMINO

DJG:vm

Enclosures

RECEIVED
MAR 20 1991
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

PF 03-29-91 ltr

PIERCE COU HENDRICKSON JOHNSTON & AYSINGER

CLAYTON B. PIERCE (1889-1981)
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GERALD P. GREEN
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JAMES B. OURANT
D. LYNN BABB

SCOTT M. RHODES
INGNA JANE HARNESS
RUSSELL L. HENDRICKSON
JOHN ROGER HURT

ADMINISTRATIVE DIRECTOR:
JERROLD ABRAMOWITZ †

*ALSO ADMITTED IN WASH. D.C., IL AND VA. †ALSO ADMITTED IN OH

LAWYERS

CLAYTON B. PIERCE MEMORIAL BUILDING
1109 N. FRANCIS
OKLAHOMA CITY, OKLAHOMA 73106
[MAIL - P.O. BOX 26350 - OKLA. CITY, OK 73126]
TEL: (405) 235-1611
FAX (405) 235-2904

KATHLEEN J. ADLER
CHARLES A. BRANDT
LINDA PRINE BROWN
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STEVEN W. DANIELS**
PETER A. ERDOES
TODD A. ESTES
D. CRAIG JOHNSTON
ROBERT S. LAFFERRANDRE
SCOTT A. LAW
ANNE LIVINGSTON

E. MARISSA MAXEY
FRANCES E. PATTON
JAMES M. REID
G. CALVIN SHARPE
CURTIS L. SMITH
PAUL G. SUMMERS
S. MARC WALLS
PETER L. WHEELER

OF COUNSEL:
JUNE L. CHUBBUCK*
JANET C. POPE

**ALSO ADMITTED IN CA *ALSO ADMITTED IN IL

May 29, 1992

VIA FAX

Law Office of Daniel J. Gamino
3315 N. W. 63rd Street
Oklahoma City, Oklahoma 73116

Attention: Donna Cavin

RE: State of Oklahoma, ex rel, Oklahoma State Board of Medical Licensure and Supervision vs. Nareshkumar Patel, M.D., Case No. 90-091129

Dear Donna:

This will confirm my telephone conversation with you at approximately 11:00 a.m. today. You advised that Mr. Gamino was in Ada, Oklahoma, for the day, but that you had his authority to agree that the answer date of Dr. Patel, May 29, 1992, could be extended through next week. It was agreed that an answer will be filed sometime during next week on behalf of Dr. Patel.

I advised you that this law firm will not be representing Dr. Patel in this matter but that we did agree on his behalf to arrange for an expansion of the answer time. This fax transmission is also being transmitted to the Licensure Board.

Very truly yours,

PIERCE COUCH HENDRICKSON
JOHNSTON & BAYSINGER

Calvin W. Hendrickson

CWH:jmc

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5-29-92
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

PF 06-05-92

P.02

05. 29. 92 11:57AM *P C H J & B

14640

PIERCE COUCH HENDRICKSON JOHNSTON & BAYSINGER

CLAYTON B. PIERCE (1889-1981)
JOHN R. COUCH
CALVIN W. HENDRICKSON
MELVIN F. PIERCE
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PETER L. WHEELER

OF COUNSEL:
JUNE L. CHUBBUCK*
JANET C. POPE

**ALSO ADMITTED IN CA *ALSO ADMITTED IN IL

May 29, 1992

VIA FAX

Law Office of Daniel J. Gamino
3315 N. W. 63rd Street
Oklahoma City, Oklahoma 73116

Attention: Donna Cavin

RE: State of Oklahoma, ex rel, Oklahoma State Board of Medical Licensure and Supervision vs. Nareshkumar Patel, M.D., Case No. 90-091129

Dear Donna:

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Very truly yours,

PIERCE COUCH HENDRICKSON
JOHNSTON & BAYSINGER

Calvin W. Hendrickson

CWH:jmc

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5-29-92
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

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PETER L. WHEELER

OF COUNSEL:
JUNE L. CHUBBUCK*
JANET C. POPE

**ALSO ADMITTED IN CA *ALSO ADMITTED IN IL

May 29, 1992

VIA FAX

Law Office of Daniel J. Gamino
3315 N. W. 63rd Street
Oklahoma City, Oklahoma 73116

Attention: Donna Cavin

RE: State of Oklahoma, ex rel, Oklahoma State Board of Medical Licensure and Supervision vs. Nareshkumar Patel, M.D., Case No. 90-091129

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Very truly yours,

PIERCE COUCH HENDRICKSON
JOHNSTON & BAYSINGER

Calvin W. Hendrickson

CWH:jmc

RECEIVED
5-29-92
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

DF 06-05-92

STATE OF OKLAHOMA)
) SS.
SUPREME COURT)

MANDATE

FILED
DISTRICT COURT
OKLAHOMA COUNTY, OK
1992 APR 24 P 2:11
TOM PETUSKEY, COURT CLERK
BY [illegible] DEPUTY

MEDICAL LICENSURE & SUPERVISION, ST. BOAD OF

VS.) NO. 75,822
) OKLAHOMA COUNTY
) DISTRICT COURT
) 877514

PATEL, NARESHKUMAR, MD., #14640

THE SUPREME COURT OF OKLAHOMA:

TO THE HONORABLE JUDGE OF THE DISTRICT COURT OF OKLAHOMA COUNTY IN SAID STATE OF OKLAHOMA.

WHEREAS, THE COURT OF APPEALS OF THE STATE OF OKLAHOMA, DID ON THE 17TH DAY OF MARCH, 1992 RENDER A MEMORANDUM OPINION IN THE ABOVE ENTITLED CAUSE, APPEALED FROM THE DISTRICT COURT OF OKLAHOMA COUNTY.

AFFIRMED IN PART; REVERSED IN PART
AND REMANDED WITH DIRECTIONS

NOW, THEREFORE, YOU ARE HEREBY COMMANDED TO CAUSE SUCH AFFIRMANCE AND REVERSAL TO SHOW OF RECORD IN YOUR COURT AND TO ISSUE SUCH PROCESS AND TAKE SUCH OTHER AND FURTHER ACTION AS MAY BE IN ACCORD WITH RIGHT AND JUSTICE AND SAID OPINION.

WITNESS, THE HONORABLE MARIAN P. OPALA, CHIEF JUSTICE OF THE SUPREME COURT OF THE STATE OF OKLAHOMA, AT THE CITY OF OKLAHOMA CITY, THIS 16TH DAY OF APRIL, 1992.

JAMES W. PATTERSON, CLERK

RECEIVED
MAY 1 1992
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

[signature] DEPUTY.

DF 05-04-92 [illegible]

VERIFICATION

STATE OF OKLAHOMA)
) ss.
COUNTY OF CLEVELAND)

I, NARESHKUMAR PATEL, M.D., being of lawful age and first duly sworn, state that: I am the defendant in the above-referenced matter; that I have read and reviewed the information contained herein; and, that to be the best of my knowledge, the information contained herein is true and correct.

NARESHKUMAR PATEL, M.D.

Subscribed to and sworn to before me this 4th day of June, 1992.

Carol Marie Clark
Notary Public

My Commission Expires: June 12, 1993.

OFFICIAL SEAL
CAROL MARIE CLARK
Notary Public Oklahoma
Cleveland County
Comm. Expires 6-12-93

DANIEL J. GAMINO & ASSOCIATES, P.C.
ATTORNEYS AND COUNSELORS AT LAW
3315 N.W. 63RD STREET
OKLAHOMA CITY, OK 73116

DANIEL J. GAMINO

(405) 840-3741

February 10, 1992

Carole Smith
Board of Medical Licensure
and Supervision
P.O. Box 18256
Oklahoma City, OK 73154

RE: Board of Medical Licensure & Supervision
v. Nareshkumar Patel, M.D.
Supreme Court Case No. 75,922

Dear Ms. Smith:

Please find enclosed a copy of an order of February 6, 1992, from Supreme Court Justice Marian Opala advising that this case has been assigned to the Court of Appeals, Oklahoma City Division.

As you recall, all legal briefing has already been done on this case. Usually this assignment to the Court of Appeals occurs and then the Court of Appeals renders its decision in approximately three or four months. I will keep you advised as this matter progresses. If you have any questions, please contact me.

Sincerely,

DANIEL J. GAMINO

DJG:dc

Enclosure

RECEIVED
FEB 11 1992
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

AF 02-12-92

tt 7-10-91 mh
14640

DANIEL J. GAMINO & ASSOCIATES, P.C.
ATTORNEYS AND COUNSELORS AT LAW
3315 N.W. 63RD STREET
OKLAHOMA CITY, OK 73116

DANIEL J. GAMINO

(405) 840-3741

April 8, 1991

Carole Smith
Board of Medical Licensure
and Supervision
P.O. Box 18256
Oklahoma City, OK 73154

RE: Board of Medical Licensure & Supervision
v. Nareshkumar Patel, M.D.
Supreme Court Case No. 75,922

Dear Ms. Smith:

Please be advised that on April 4, 1991, I received a Reply Brief of Appellant in the above-captioned case. The filing of his brief will bring the briefing in this case to a conclusion.

Now the Supreme Court will decide whether to decide this case itself or to farm-out its decision to one of the Courts of Appeal.

I will keep you advised as this matter progresses. If you have any questions, please contact me.

Sincerely,

Daniel J. Gamino

DANIEL J. GAMINO

DJG:dc

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED
SUPREME COURT
STATE OF OKLAHOMA
DEC -7 1990
JAMES W. PATTERSON
CLERK

NARESHKUMAR PATEL, M.D. Medical License No. 14640, Appellant, v. STATE OF OKLAHOMA, ex rel, OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION, Appellees.	)	CASE NO. 75,922

NOTICE OF COMPLETION OF RECORD ON APPEAL

I hereby certify that the record on appeal has been completed on this date and is ready for transmission to the Oklahoma Supreme Court; that the record on appeal includes the pleadings, transcript, and exhibits from the hearing at the Oklahoma Board of Medical Licensure and Supervision, and that I have this date given notice in writing to that effect to all parties to the action through their counsel of record.

DATED this 7 day of December, 1990.

/s/ Carole A. Smith
CAROLE A. SMITH, Executive Director
OKLAHOMA BOARD OF MEDICAL
LICENSURE AND SUPERVISION

SEAL:

RECEIVED
DEC 10 1990
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

CERTIFICATE OF HAND-DELIVERY AND
CERTIFICATE OF MAILING

I hereby certify that on this 7 day of December, 1990, I hand-delivered a true and correct copy of the Notice of Completion of Record on Appeal to the Supreme Court of Oklahoma, James Patterson, 1 State Capitol, Oklahoma City, Oklahoma 73105, and

I further certify that on this date I mailed copies of the pleadings, transcripts and exhibits to the following counsel:

ARNOLD D. FAGIN
Fagin & Fagin
2650 First Oklahoma Tower
210 West Park Ave.
Oklahoma City, OK 73102

David D. Fagin

RECEIVED
DEC 12 1990
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

4. Nancy Standerfer

Qualifications	:	Certified Medical Assistant
		Technical courses for allied health nursing
Experience	:	Medical assistant in Doctor's office
		Nurse aid in blood bank
Skills	:	Vital signs
		Counselling
		Draw blood
		Intramuscular Injections
		Hematocrit & Rh typing
		Take X Rays
Job Discription	:	Vital signs and counselling
		Perform Laboratory tests like HCT.& Rh type
		Sterilise Instruments
		Answer telephone & make appointments

5. Cherrie Auld

Qualifications	:	Certified E.M.T.
		Allied health nursing aid course
Experience	:	Medical assistant in doctor's office
Skills	:	Vital Signs
		Intramuscular Injections
Job Discription	:	Vital signs
		Assist in Exam room
		Assist in recovery room
		Transport patient
		Sterilise insruments

6. Kim Rasor

Qualifications	:	High school
Experience	:	Nurse aid in Nursing Home
		Assistant in Pharmacy
Skills	:	Typing
		Filing
		Vital Signs
		House keeping
Job Discription	:	Answer telephone
		Appointments
		Filing
		Transport patient
		Housekeeping

7. Trina Gertz

Qualifications	:	High school
Job Discription	:	Answer telephone
		Appointments
		Filing
		Transport paient
		Housekeeping

8. Chandrikamani Murlidharan

Job Discription : Wash & clean insruments
Wrap insrument sets as insructed
Wrap seperate insruments as insructed
Sterilise instruments as insructed
Transport patient
Wash & dry scrub dress
Housekeeping

ON AND BEFORE THE STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel, OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION,	)	
Plaintiff,	)	
v.	)	
NARESHKUMAR PATEL, M.D. Medical License No. 14640	)	CASE NO. 87-07-514
Defendant	)	

NOTICE OF HEARING

PLEASE BE ADVISED THAT HEARING ON THIS CASE WILL BE HELD at 10:00 am, on the 9th day of June, 1990, at the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma.

DATE this 26 day of April, 1990.

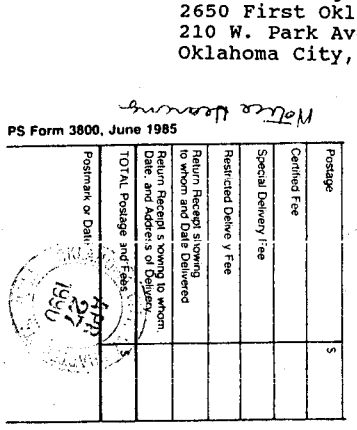
Carole A. Smith, Executive Director
State Board of Medical Licensure
and Supervision

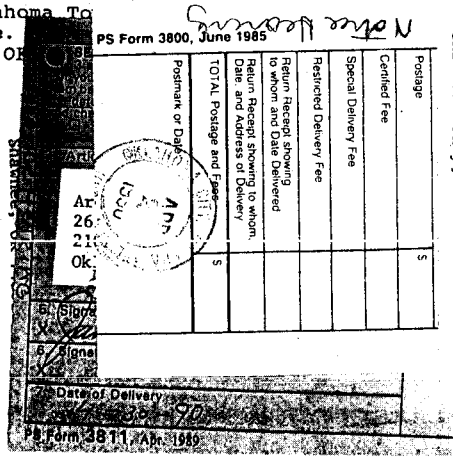
CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 27 day of April, 1990 to:

Nareshkumar Patel, M.D.
1902 S. Gordon Cooper Dr.
Shawnee, Ok 74801-9368

cc: Arnold D. Fagin
2650 First Oklahoma To
210 W. Park Ave.
Oklahoma City, OK





P 777 475 467
RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

Arnold D. Fagin
2650 First Oklahoma Tower
210 W. Park Ave.
Oklahoma City, OK 73102

P-F
JGG

IN AND BEFORE THE OKLAHOMA STATE BOARD OF

MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

RECEIVED
JUN 1 1990
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

STATE OF OKLAHOMA, ex rel, OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION,	)	
Plaintiff,	)	
v.	)	Case No. 87-7-514
NARESHKUMAR PATEL, M.D., Medical License No. 14640,	)	
Defendant.	)	

FILED
JUN 1 1990
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

MOTION FOR PARTIAL CONTINUANCE

COMES NOW, the Defendant, Nareshkumar Patel, M.D., Medical License No. 14640, by his counsel, Arnold D. Fagin and hereby requests that at the administrative hearing scheduled for June 9, 1990, the Board not make any decision adverse to Defendant without hearing the testimony of Michael S. Burnhill, M.D., D.M.Sc., Defendant's primary expert witness (see vita of Dr. Burnhill attached hereto and incorporated as Exhibit A). Because Dr. Burnhill is scheduled to give the Obstetric-Gynecology Commencement Address at the University of Medicine and Dentistry in New Jersey this same weekend, and due to the graduation ceremony and related activities, he will be unable to be present on that date. Thus, he will be unable on June 9 to offer testimony on behalf of Defendant which testimony will be very beneficial and significant to his defense to the allegations contained in the Complaint filed by Plaintiff herein.

For the above reason, Defendant respectfully requests that at this administrative hearing the Board not make any decision adverse to Defendant until such time as Defendant's primary expert witness, Dr. Michael S. Burnhill, can be available to offer testimony in this matter.

Dated this 1st day of June, 1990.

FAGIN & FAGIN, P.C.

BY: _____
ARNOLD D. FAGIN, OBA #2799
2650 First Oklahoma Tower
210 West Park Avenue
Oklahoma City, Oklahoma 73102
Telephone: (405)239-6771

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF DELIVERY

The undersigned hereby certifies that a true and correct copy of the above and foregoing instrument was hand delivered to Gerald C. Zumwalt, M.D., Secretary, Oklahoma State Board of Medical Licensure and Supervision, 610 Northwest Expressway, Oklahoma City, Oklahoma 73118, and to Daniel J. Gamino, 3315 Northwest 63rd Street, Oklahoma City, Oklahoma 73116, on the 1st day of June, 1990.

_____
ARNOLD D. FAGIN

RECEIVED
JUN 1 1990
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

f

RECEIVED
APR 4 1990
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

IN AND BEFORE THE OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel, OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION,	)	
Plaintiff,	)	
v.	)	
NARESHKUMAR PATEL, M.D. Medical License No. 14640,	)	CASE NO. 87-7-514
Defendant.	)	

ORDER OF CONTINUANCE

The Defendant's Motion for Postponement came on for hearing by the Secretary of the Oklahoma Board of Medical Licensure and Supervision on January 30, 1990, at 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and Arnold D. Fagin and Charles Fagin, Attorneys, appeared in person with the Defendant.

The Board Secretary reviewed the pleadings, heard statements of counsel, and being fully advised in the premises therefore finds as follows:

FINDINGS OF FACT

1. That Defendant's Motion for Postponement was filed on January 22, 1990. Plaintiff's Objection was filed on January 29, 1990.

2. That the Board Secretary has jurisdiction over the subject matter raised by the Motion for Postponement.

3. That the Defendant has timely filed his Answer to the Complaint, generally and specifically denying each and every material allegation contained therein and reserving the right to amend his Answer as discovery is completed.

4. That the Defendant restates and reaffirms those denials on the record.

5. That notwithstanding the foregoing and without admitting any allegations of unprofessional conduct or waiving any defenses available to him, the Defendant voluntarily agrees to conditions set forth below.

6. The Board staff objects to postponement on the basis set forth below.

CONCLUSION OF LAW

1. Any motion for postponement may be heard and ruled upon by the Board Secretary under Rule V, and the Secretary's decision shall be relayed to the Board en banc at its next meeting.

ORDER

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

1. That the Defendant voluntarily agrees to the following terms and conditions until such time as the case is heard by the Board en banc, to-wit:

(a) Defendant will not perform any abortions after the first trimester of pregnancy.

(b) Defendant will not dispense on site, or allow anyone on his staff, to dispense on site any drugs or pharmaceutical agents except Methergine, and Defendant shall keep separate records of all medications prescribed and all medications prescribed shall have prescriptions filled at an appropriate pharmacy.

(c) Defendant shall not schedule or perform any elective surgery at any hospital. And if the Defendant has any question as to whether any surgery is elective, he shall obtain consultation by a Board-certified OBGYN.

(d) Defendant may perform emergency surgery when a second M.D. is present as a surgical assistant and scrubbed in, with emergency surgery to include treating an in-complete abortion and a D&C.

2. That Defendant's Motion for Postponement is granted and the matter is continued until the 9th day of June, 1990.

3. The Secretary specifically finds that the Defendant has not admitted or confessed to any allegations of unprofessional conduct and that Defendant specifically reserves all defenses available to him.

4. That no evidence as to unprofessional conduct was introduced on this date, nor does the Board Secretary make any finding, ruling, or conclusion as to the case not encompassed in this Order.

5. That a copy of this Order of Continuance should be forwarded to counsel of both parties.

6. Objection of the staff is noted and exception granted.

EFFECTIVE on January 30, 1990.

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

Approved as to Form:

Daniel J. Gamino

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

DID NOT SIGN

ARNOLD D. FAGIN
Fagin & Fagin
2650 First Oklahoma Tower
210 West Park Ave.
Oklahoma City, OK 73102
(405) 239-6771
ATTORNEY FOR DEFENDANT

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 13 day of April, 1990, to:

ARNOLD D. FAGIN
Fagin & Fagin
2650 First Oklahoma Tower
210 West Park Ave.
Oklahoma City, OK 73102

Janet L Owens

EMPLOYEES OF OUTPATIENT SERVICES FOR WOMEN

1. Tonja Robinson
   - Qualifications : LPN, Ultrasound Technician
   - Experience : Ob-Gyn and Surgery nurse at Mission Hill Hospital,Shawnee ; Scrub nurse at Mission Hill Hospital,Shawnee and Seminole Mun. Hospital,Seminole ; Ultrasound technitian at Seminole Municipal Hospital,Seminole.
   - Skills : Vital signs
     Assist minor surgery
     Circulating nurse in procedure room
     Perform ultrasound examination
     Give Intramuscular Injections
     Draw blood and start I.V.
     Manage office
   - Job Discription : Vital signs
     counselling
     Assist in procedure room
     Postoperative care in recovery room

2. Lenna Kelly
   - Qualifications : LPN
   - Experience : Nurse in Doctors office
     Floor nurse in various hospitals
     Scrub nurse in Free standing surgery center
   - Skills : Vital signs
     Assist in surgery
     Start I.V. and draw blood
     Intramuscular Injections
   - Job Discription : Counselling
     Assist physician in procedure room
     Postoperative care & counselling
     Supervise other employees

3. Kathy Hunter
   - Qualifications : LPN
   - Experience : Floor nurse in various hospitals
   - Skills : Vital signs
     Counselling
     Intramuscular Injections
   - Job Discription : Counselling
     Postoperative care in Recovery room
     Supervise other employees in recovery room

11640

DANIEL J. GAMINO & ASSOCIATES, P.C.
ATTORNEYS AND COUNSELORS AT LAW
3315 N.W. 63RD STREET
OKLAHOMA CITY, OK 73116

DANIEL J. GAMINO

(405) 840-3741

February 7, 1991

Carole Smith
Board of Medical Licensure
and Supervision
P.O. Box 18256
Oklahoma City, OK 73154

RE: Nareshkumar Patel, M.D.
v. Board of Medical Licensure & Supervision
Supreme Court Case No. 75,922

Dear Ms. Smith:

Counsel for Dr. Patel filed their Brief in Chief on February 4, 1991. Under Supreme Court rules, we have 40 days to prepare and file a response. Counsel for Dr. Patel is arguing that the Board wrongfully refused to grant his motion for continuance to allow for testimony of his expert, that the Board is under the Administrative Procedures Act, that it was error to refuse Dr. Patel's request to voir dire individual members of the Board on their feelings on abortion, that the Board was in error when it denied Dr. Patel's motion to dismiss the allegations of unprofessional conduct, that the Board's order is not supported by competent evidence, and that the Board failed to make an explicit statement of facts underlying its findings. I will address all those matters in our Answer Brief.

If you have any questions, please contact me.

Sincerely,

DANIEL J. GAMINO

DJG:dc

RECEIVED
FEB 11 1991
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

PF 1-16-90 mh

Board of Medical Licensure & Supervision
State of Oklahoma

P.O. Box 18256
Oklahoma City, Oklahoma 73154-0256

5104 N. Francis, Suite C
Oklahoma City, Oklahoma 73118-6020

January 11, 1991

Cheryl B. Ratner, Senior Investigator
Office of Professional Medical Conduct
Department of Health, Corning Tower
The Governor Nelson A. Rockefeller
Empire State Plaza
Albany, New York 12237

Nareshkumar G. Patel, M.D.
Oklahoma License# 14640

Dear Ms. Ratner:

Please find enclosed as per your request dated January 3, 1991, certified copies of Final Order, Complaint and Citation on the above-named physician.

If we can be of further assistance please contact this office.

Sincerely,

Nina Hagler

Nina Hagler
Director of Investigation

NRH:jlo

14690 PFJ

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

SUPREME COURT
STATE OF OKLAHOMA
FEB 25 1991
MARGIE W. PATTERSON
CLERK
FILED
FEB 25 1991
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, ex rel, OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION,	)	
Appellee,	)	
v.	)	
NARESHKUMAR PATEL, M.D.,	)	
	)	CASE NO. 75,922
Appellant.	)	

RESPONSE TO AMENDED PETITION IN ERROR
(AND PRELIMINARY STATEMENT)

A. OBJECTION TO APPEAL?

Is this appeal subject to dismissal for lack of jurisdiction?

_____ Yes X No

If you answer is yes, state the reason briefly not to exceed one 8-1/2" x 11" double-spaced page.

EXHIBIT "A" attached: N/A

B. IF OTHER THAN ENTIRE TRANSCRIPT IS DESIGNATED BY APPELLANT ESTIMATE NUMBER OF ADDITIONAL PAGES NEEDED. None

C. IS APPELLEE WILLING TO PARTICIPATE IN AN ATTEMPTED SETTLEMENT OF THE APPEAL BY PREDECISIONAL CONFERENCE UNDER COURT OF APPEALS RULE 3.7 IF OFFERED THE OPPORTUNITY?

X (Yes) _____ (No)

D. WOULD APPELLEE BE WILLING TO ACCELERATE PROCEDURES FOR THIS APPEAL UNDER SUPREME COURT RULE? (Fast Track) See "G." Petition in Error.

X (Yes) _____ (No)

If not agreeable, why not? N/A

E. APPELLEE'S BRIEF STATEMENT AS TO CASE

Attach as EXHIBIT "B" not more than one 8-1/2" x 11" double-spaced page a brief statement of the case or other comment as to court or mode of decision.

F. DATE: February 25, 1991. Verififed by:

DANIEL J. GAMINO OBA #3227
DANIEL J. GAMINO & ASSOCIATES, P.C.
3315 NW 63
Oklahoma City, OK 73116
(405) 840-3741
ATTORNEY FOR APPELLEE

G. AFFIDAVIT OF MAILING TO APPELLANT AND ADMINISTRATIVE AGENCY ON DATE FILED IN SUPREME COURT.

I hereby certify that a true and correct copy of the above and foregoing Response was mailed this 25 day of February, 1991, to counsel for the Appellant, by depositing it in the U.S. Mails, postage prepaid thereon, to:

ARNOLD D. FAGIN
MICHAEL L. MULLINS
Fagin & Fagin, P.C.
2650 First Oklahoma Tower
210 West Park Ave.
Oklahoma City, OK 73102

I further certify that a copy of the above and foregoing Response was filed in the office of the OKLAHOMA BOARD OF MEDICAL LICENSURE AND SUPERVISION on the 25 day of February, 1991.

DANIEL J. GAMINO

EXHIBIT B

E. APPELLEE'S BRIEF STATEMENT AS TO CASE

Formal, evidentiary hearing was held on this case before the Oklahoma Board of Medical Licensure and Supervision en banc on June 9, 1990.

Defendant-Appellant's preliminary Motion for Partial Continuance, Motion to Sequester Witnesses, Motion to Voir Dire Board Members, and Motion to Dismiss were all argued and ruled upon by the Board-Appellee.

After the presentation of evidence, exhibits and legal argument, the Board-Appellee found that Defendant-Appellant did perform a surgical procedure on patient E.S.B. and said procedure was performed in an unprofessional manner and in an unprofessional setting, and the Board-Appellee found that Defendant-Appellant did not comply with applicable State laws and regulations relating to the writing of prescriptions for controlled dangerous substances in that the Defendant-Appellant failed to maintain dispensing records for dangerous drugs, and further the Defendant-Appellant failed to keep complete and accurate records of the purchase and dispensing of controlled drugs or narcotic drugs.

146 40

DANIEL J. GAMINO & ASSOCIATES, P.C.
ATTORNEYS AND COUNSELORS AT LAW
3315 N.W. 63RD STREET
OKLAHOMA CITY, OK 73116

DANIEL J. GAMINO (405) 840-3741

February 27, 1991

Carole Smith
Board of Medical Licensure
and Supervision
P.O. Box 18256
Cklahoma City, OK 73154

RE: Board of Medical Licensure & Supervision, Appellee
v. Nareshkumar Patel, M.D., Appellant
Supreme Court Case No. 75,922

Dear Ms. Smith:

Please find enclosed a copy of Response to Amended Petition in Error (and Preliminary Statement) filed in the above-captioned appeal.

As you are aware, our Answer Brief is due on this case on or before March 15, 1991. I will keep you advised as this matter progresses. If you have any questions, please contact me.

Sincerely,

DANIEL J. GAMINO

DJG:dc

Enclosure

RECEIVED
MAR 1 1991
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

RE 12-18-91 Ltd

Client copy

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FEB 25 1991

STATE OF OKLAHOMA, ex rel, OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION,	)	
Appellee,	)	
v.	)	
NARESHKUMAR PATEL, M.D.,	)	
Appellant.	)	CASE NO. 75,922

RESPONSE TO AMENDED PETITION IN ERROR
(AND PRELIMINARY STATEMENT)

A. OBJECTION TO APPEAL?

Is this appeal subject to dismissal for lack of jurisdiction?

_____ Yes X No

If you answer is yes, state the reason briefly not to exceed one 8-1/2" x 11" double-spaced page.

EXHIBIT "A" attached: N/A

B. IF OTHER THAN ENTIRE TRANSCRIPT IS DESIGNATED BY APPELLANT ESTIMATE NUMBER OF ADDITIONAL PAGES NEEDED. None

C. IS APPELLEE WILLING TO PARTICIPATE IN AN ATTEMPTED SETTLEMENT OF THE APPEAL BY PREDECISIONAL CONFERENCE UNDER COURT OF APPEALS RULE 3.7 IF OFFERED THE OPPORTUNITY?

X (Yes) _____ (No)

D. WOULD APPELLEE BE WILLING TO ACCELERATE PROCEDURES FOR THIS APPEAL UNDER SUPREME COURT RULE? (Fast Track) See "G." Petition in Error.

X (Yes) _____ (No)

If not agreeable, why not? N/A

RECEIVED
MAR 1
OKLAHOMA STATE BOARD OF MEDICAL LICENSURE

E. APPELLEE'S BRIEF STATEMENT AS TO CASE

Attach as EXHIBIT "B" not more than one 8-1/2" x 11" double-spaced page a brief statement of the case or other comment as to court or mode of decision.

F. DATE: February 25, 1991. Verififed by:

DANIEL J. GAMINO OBA #3227
DANIEL J. GAMINO & ASSOCIATES, P.C.
3315 NW 63
Oklahoma City, OK 73116
(405) 840-3741
ATTORNEY FOR APPELLEE

G. AFFIDAVIT OF MAILING TO APPELLANT AND ADMINISTRATIVE AGENCY ON DATE FILED IN SUPREME COURT.

I hereby certify that a true and correct copy of the above and foregoing Response was mailed this 25 day of February, 1991, to counsel for the Appellant, by depositing it in the U.S. Mails, postage prepaid thereon, to:

ARNOLD D. FAGIN
MICHAEL L. MULLINS
Fagin & Fagin, P.C.
2650 First Oklahoma Tower
210 West Park Ave.
Oklahoma City, OK 73102

I further certify that a copy of the above and foregoing Response was filed in the office of the OKLAHOMA BOARD OF MEDICAL LICENSURE AND SUPERVISION on the 25 day of February, 1991.

DANIEL J. GAMINO

RECEIVED
MAR 1 1991
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

EXHIBIT B

E. APPELLEE'S BRIEF STATEMENT AS TO CASE

Formal, evidentiary hearing was held on this case before the Cklahoma Board of Medical Licensure and Supervision en banc on June 9, 1990.

Defendant-Appellant's preliminary Motion for Partial Continuance, Motion to Sequester Witnesses, Motion to Voir Dire Board Members, and Motion to Dismiss were all argued and ruled upon by the Board-Appellee.

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RECEIVED
MAR 1 1991
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FEB 25 1991

STATE OF OKLAHOMA, ex rel, OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION,	)	
Appellee,	)	
v.	)	
NARESHKUMAR PATEL, M.D.,	)	
Appellant.	)	CASE NO. 75,922

ENTRY OF APPEARANCE
AS COUNSEL OF RECORD

COMES NOW Daniel J. Gamino, of the firm Daniel J. Gamino & Associates, P.C., and enters his appearance as counsel of record for the Appellee, State of Oklahoma, ex rel, Oklahoma State Board of Medical Licensure and Supervision.

Respectfully submitted,

DANIEL J. GAMINO OBA #3227
DANIEL J. GAMINO & ASSOCIATES, P.C.
3315 NW 63
Oklahoma City, OK 73116
(405) 840-3741
ATTORNEY FOR APPELLEE

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 25 day of February, 1991, to:

ARNOLD D. FAGIN
MICHAEL L. MULLINS
Fagin & Fagin, P.C.
2650 First Oklahoma Tower
210 West Park Ave.
Oklahoma City, OK 73102

RECEIVED
MAR 1 1991
OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION

DANIEL J. GAMINO

DANIEL J. GAMINO & ASSOCIATES, P.C.
ATTORNEYS AND COUNSELORS AT LAW
3315 N.W. 63RD STREET
OKLAHOMA CITY, OK 73116

DANIEL J. GAMINO

RECEIVED
JUL 20 1990
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

July 18, 1990

Carole Smith
Board of Medical Licensure & Supervision
P.O. Box 18256
Oklahoma City, OK 73154

RE: Nareshkumar Patel, M.D.
v. Board of Medical Licensure and Supervision
Supreme Court No. 75922

Dear Ms. Smith:

Please find enclosed a copy of the Petition in Error and Preliminary Statement filed in the above-captioned case on July 6, 1990, by Mr. Fagin on behalf of Dr. Patel.

I am in the process of preparing our response which is due on or before July 26, 1990. Please begin assembling the record as ordered by Mr. Fagin on the Designation of Record.

I will keep you advised as this matter progresses.

Sincerely,

DANIEL J. GAMINO

DJG:vm

Enclosure

RECEIVED
JUL 20 1990
OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION

FILED
JUL 6 1990
OKLAHOMA STATE BOARD OF MEDICAL LICENSURE & SUPERVISION

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

NARESHKUMAR PATEL, M.D.,
Medical License No. 14640,

Appellants

versus

STATE OF OKLAHOMA, ex rel.,
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION,

Appellee.

Case No. #75922

FILED
SUPREME COURT
STATE OF OKLAHOMA
JUL - 6 1990
JAMES W. PATTERSON
CLERK

PETITION IN ERROR (AND PRELIMINARY STATEMENT)

A. TRIAL COURT HISTORY

COURT: Oklahoma State Board of Medical Licensure and Supervision

CASE NO.: 87-7-514

COUNTY: N/A

JUDGE: Oklahoma State Board of Medical Licensure and Supervision, en banc

DATE JUDGMENT OR ORDER APPEALED PRONOUNCED: June 9, 1990

POST-TRIAL MOTION? No.

DATE OF DISPOSITION OF POST-TRIAL MOTION OR MOTIONS: N/A

B. DISPOSITION IN TRIAL COURT

NATURE OF JUDGMENT OR ORDER APPELLANT SEEKS TO REVERSE:

Administrative Board rulings which include:

1. Finding of fact that Defendant, Nareshkumar Patel, M.D., performed a surgical procedure on patient, E.S.B., in an unprofessional manner and in an unprofessional setting and was therefore in violation of the Oklahoma Medical Practice Act.

2. Conclusion of law that Appellant's Motion for Partial Continuance should be overruled.

3. Conclusion of law overruling Appellant's Motion to have persons interested in the proceedings who may be testifying in the pending civil action against him removed from the hearing.

4. Conclusion of law denying Appellant's Motion to voir dire Board members on their personal feelings about abortion.

5. Conclusion of law overruling Appellant's Motion to Dismiss the Complaint and Citation.

RELIEF SOUGHT BY APPELLANT: Dismissal of charges.

RELIEF GRANTED: None.

RELIEF SOUGHT BY APPELLEE:

Appellee sought rulings from the Board of Medical Licensure and Supervision which would determine:

1. That Nareshkumar Patel, M.D., was in violation of the Oklahoma Medical Practice Act for unprofessional conduct and for failure to keep complete and accurate records of purchase and disposal of controlled drugs or narcotic drugs.

2. That on or around June 10, 1989, Dr. Patel did perform a surgical procedure on patient, E.S.B., and said procedure was performed in an unprofessional manner and in an unprofessional setting.

3. That on or about December of 1988 or January of 1989, Dr. Patel abandoned a patient.

4. That Dr. Patel did not comply with applicable state laws and regulations relating to the writing of prescriptions for controlled dangerous substances, in failing to maintain dispensing records for dangerous drugs and in failing to keep complete and accurate records of the purchase and dispensing of controlled drugs or narcotic drugs.

and accurate records of the purchase and dispensing of controlled drugs or narcotic drugs.

RELIEF GRANTED: That Defendant, Nareshkumar Patel, M.D., was found to be in violation of the Oklahoma Medical Practice Act for unprofessional conduct toward patient, E.S.B., and for failure to keep complete and accurate records of the purchase and disposal of controlled drugs or narcotic drugs.

(See Exhibit "A" - Copy of Final Order approved and executed by all counsel; the Final Order has been forwarded to the Secretary of the Oklahoma State Board of Medical Licensure and Supervision for execution but has not been signed and filed; upon completion and filing of the Final Order with the Oklahoma State Board of Medical Licensure and Supervision, a certified copy will be filed as a Supplemental Exhibit to the Petition in Error).

C. SUMMARY OF CASE

Exhibit "B" attached

D. ISSUES AND ERRORS PROPOSED TO BE RAISED ON APPEAL

Exhibit "C" attached.

ANY RELATED OR PRIOR APPEALS: _____ Yes ____X____ No

Court Reporters' estimate of number of transcribed pages: 600-800.

E. IS APPELLANT WILLING TO PARTICIPATE IN AN ATTEMPTED SETTLEMENT OF THE APPEAL BY PREDECISIONAL CONFERENCE UNDER COURT OF APPEALS RULE 3.7 IF OFFERED THE OPPORTUNITY? ___X___ Yes _____ No

F. IS APPELLANT AGREEABLE TO ACCELERATE PROCEDURES FOR THIS APPEAL UNDER COURT RULE? (Fast Track) __X__ Yes _____ No

G. NAME OF COUNSEL

(With telephone number and address)

ATTORNEY FOR APPELLANT:

Name: ARNOLD D. FAGIN

Firm: Fagin & Fagin, P.C.

Address: 2650 First Oklahoma Tower
210 West Park Avenue
Oklahoma City, OK 73102

Telephone: (405) 239-6771

ATTORNEY FOR APPELLEE

Name: DANIEL J. GAMINO

Firm: Daniel J. Gamino & Associates, P.C.

Address: 3315 N.W. 63rd Street
Oklahoma City, OK 73116

Telephone: (405) 840-3741

H. DATE: July 6 1990 Verified by:

ARNOLD D. FAGIN, OBA #2799
FAGIN & FAGIN, P.C.
2650 First Oklahoma Tower
210 West Park Avenue
Oklahoma City, Oklahoma 73102
Telephone: (405) 239-6771

I. AFFIDAVIT OF DELIVERY TO APPELLEE AND SECRETARY OKLAHOMA STATE BOARD OF MEDICAL LICENSURE ON DAY OF FILING IN SUPREME COURT.

I hereby certify that a true and correct copy of the above and foregoing Petition in Error was hand-delivered this 6th day of July, 1990, to Daniel J. Gamino, Daniel J. Gamino & Associates, P.C., 3315 N.W. 63rd Street, Oklahoma City, Oklahoma 73116.

I further certify that copy of the above and foregoing Petition in Error was hand-delivered to Gerald C. Zumwalt, M.D., Secretary, Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Oklahoma City, Oklahoma 73118, on the 6th day of July 19 90.

ARNOLD D. FAGIN

EXHIBIT "B"

On June 9, 1990, an evidentiary hearing was held before the Oklahoma State Board of Medical Licensure and Supervision en banc (hereinafter "Board") on a complaint against Nareshkumar Patel, M.D. Prior to the presentation of the evidence, Defendant by and through his attorney, moved the Board for a partial continuance requesting that the Board make no adverse decision until the testimony of Defendant's primary expert witness, Dr. Michael Burnhill could be offered, as Dr. Burnhill could not be present to testify on that date. Said Motion was arbitrarily denied in that Dr. Patel was no risk to the public and Dr. Burnhill's testimony was clearly relevant to the issues before the Board. Further, though the rule of sequestration was invoked, the Board's investigator, D. C. Mosshart, was allowed to remain in the hearing room throughout the proceeding and later offer testimony to the Board. The Board also failed to grant Defendant's Motion to Dismiss though the Complaint failed to state any of the statutory grounds for a finding of unprofessional conduct as pertained to the treatment of patient, E.S.B.

After hearing all of the evidence, the Board found that on or about June 10, 1989, Dr. Patel did perform a surgical procedure on patient, E.S.B., and said procedure was performed in an unprofessional manner and in an unprofessional setting and concluded that Dr. Patel is in violation of the Oklahoma Medical Practice Act for unprofessional conduct in his actions on patient, E.S.B. Such a finding is unsupported by any evidence presented at the hearing and is clearly erroneous. It is from this decision Dr. Patel appeals.

EXHIBIT "C"

ISSUES AND ERRORS PROPOSED TO BE RAISED ON APPEAL

1. That Appellant's Motion for Continuance was arbitrarily denied as Appellant posed no risk to the public and Dr. Burnhill's testimony was clearly relevant to the issues before the Board.

2. That Appellant's Motion to Dismiss should have been granted in that there is no statutory authority supporting an allegation of unprofessional conduct on the grounds stated in the Complaint.

3. That there was absolutely no evidence to justify a finding that Appellant performed a surgical procedure on patient, E.S.B., in an unprofessional manner and in an unprofessional setting.

4. That Appellant's Motion to exclude from the hearing persons interest in the proceeding who may testify against him in the pending civil action involving the same identical complaint on patient, E.S.B., should have been sustained.

5. That Appellant's Motion to voir dire the Board members on their personal feelings about abortion should have been sustained.

PFH
14640

FAGIN & FAGIN, P.C.

ATTORNEYS AT LAW
2650 FIRST OKLAHOMA TOWER
210 WEST PARK AVENUE
OKLAHOMA CITY, OKLAHOMA 73102
(405) 239-6771
Fax: (405) 239-6771

ARNOLD D. FAGIN
CHARLES L. FAGIN
PAMELA SUE HOLTZCLAW
R. AMANDA McINNIS

MAX M. FAGIN
1904-1984

July 6, 1990

Hand Delivered

Oklahoma State Board of
Medical Licensure and Supervision
5104 North Francis, Suite C
Oklahoma City, OK 73118

Re: State of Oklahoma, ex rel, Oklahoma State Board of Medical Licensure and Supervision v. Nareshkumar Patel, M.D., Medical License No. 14640, Case No. 87-7-514

Dear Sir or Madam:

This firm represents Dr. Patel, defendant in above captioned cause.

Enclosed herewith please find the original Final Order entered in this case. This Final Order has been approved and executed by Mr. Gamino, counsel for plaintiff, and by counsel for defendant.

By agreement with Mr. Gamino, I am submitting the Final Order for final approval and execution by Dr. Gerald C. Zumwalt, Secretary of the Board, and for filing with the Board thereafter. At the time he executes same, the date should be placed at page 2 and also at page 3 on the Certificate of Mailing. When you file this Order, after signature, would you please mail a certified copy to Arnold D. Fagin at the address shown on page 3 of the Final Order.

The filed copy which we receive back from you must be certified so that it may be attached as a supplemental exhibit to the Petition in Error filed with the Oklahoma Supreme Court this date by Dr. Patel's counsel.

RECEIVED
JUL 7 1990
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

FAGIN & FAGIN, P.C.
ATTORNEYS AT LAW

Simultaneously herewith, we are also filing our Designation of Record with the Board. The transcript is in the process of being prepared by the Board's court reporter. Our office has visited with you by telephone regarding the preparation of that portion of the Designation of Record consisting of pleadings and filings with your Board. It is our understanding that, according to your procedures, you will prepare and file same with the Supreme Court when the Supreme Court Clerk requests same of you.

Thank you for your assistance and cooperation.

Yours very truly,

CHARLES L. FAGIN
For the Firm

CLF/lk
Enclosures

cc: Daniel J. Gamino, Esq.

RECEIVED
JUL 7 1990
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

P 436 936 046

RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

Arnold D. Fagin
2650 First Oklahoma Tower
210 West Park Ave.
Okla. City, OK 73102

Postage	$ .20
Certified Fee	.85
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	.70
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	$ 2.00
Postmark or Date	

PS Form 3800, June 1985

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.
1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:
Arnold D. Fagin
2650 First Oklahoma Tower
210 West Park Ave.
Okla. City, OK 73102

4. Article Number P 436 936 046

Type of Service:
☐ Registered ☐ Insured
☐ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X

6. Signature — Agent
X

7. Date of Delivery
JUL 18 1990

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

P 436 936 052

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

Nareshkumar Patel, M.D.
1902 S. Gordon Cooper Dr.
Shawnee, OK 74801

Postage	$ .25
Certified Fee	.85
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	.90
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	$ 2.00
Postmark or Date	

PS Form 3800, June 1985

● **SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.**
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.
1. ☐ Show to whom delivered, date, and addressee's address. *(Extra charge)* 2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:
Nareshkumar Patel, M.D.
1902 S. Gordon Cooper Dr
Shawnee, OK 74801

4. Article Number P 436 936 052

Type of Service:
☐ Registered ☐ Insured
☐ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Address
X

6. Signature — Agent
X

7. Date of Delivery 2-18-90

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED

JUL 6 1990

OKLAHOMA STATE BOARD OF MEDICAL LICENSURE & SUPERVISION

NARESHKUMAR PATEL, M.D., Medical License No. 14640,	)	
Appellants	)	
versus	)	Case No.
STATE OF OKLAHOMA, ex rel., OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION,	)	
Appellee.	)	

FILED
SUPREME COURT
STATE OF OKLAHOMA
JUL - 6 1990
MICKEY W. PATTERSON
CLERK

PETITION IN ERROR (AND PRELIMINARY STATEMENT)

A. TRIAL COURT HISTORY

COURT: Oklahoma State Board of Medical Licensure and Supervision

CASE NO.: 87-7-514

COUNTY: N/A

JUDGE: Oklahoma State Board of Medical Licensure and Supervision, en banc

DATE JUDGMENT OR ORDER APPEALED PRONOUNCED: June 9, 1990

POST-TRIAL MOTION? No.

DATE OF DISPOSITION OF POST-TRIAL MOTION OR MOTIONS: N/A

B. DISPOSITION IN TRIAL COURT

NATURE OF JUDGMENT OR ORDER APPELLANT SEEKS TO REVERSE:

Administrative Board rulings which include:

1. Finding of fact that Defendant, Nareshkumar Patel, M.D., performed a surgical procedure on patient, E.S.B., in an unprofessional manner and in an unprofessional setting and was therefore in violation of the Oklahoma Medical Practice Act.

2. Conclusion of law that Appellant's Motion for Partial Continuance should be overruled.

3. Conclusion of law overruling Appellant's Motion to have persons interested in the proceedings who may be testifying in the pending civil action against him removed from the hearing.

4. Conclusion of law denying Appellant's Motion to voir dire Board members on their personal feelings about abortion.

5. Conclusion of law overruling Appellant's Motion to Dismiss the Complaint and Citation.

RELIEF SOUGHT BY APPELLANT: Dismissal of charges.

RELIEF GRANTED: None.

RELIEF SOUGHT BY APPELLEE:

Appellee sought rulings from the Board of Medical Licensure and Supervision which would determine:

1. That Nareshkumar Patel, M.D., was in violation of the Oklahoma Medical Practice Act for unprofessional conduct and for failure to keep complete and accurate records of purchase and disposal of controlled drugs or narcotic drugs.

2. That on or around June 10, 1989, Dr. Patel did perform a surgical procedure on patient, E.S.B., and said procedure was performed in an unprofessional manner and in an unprofessional setting.

3. That on or about December of 1988 or January of 1989, Dr. Patel abandoned a patient.

4. That Dr. Patel did not comply with applicable state laws and regulations relating to the writing of prescriptions for controlled dangerous substances, in failing to maintain dispensing records for dangerous drugs and in failing to keep complete and accurate records of the purchase and dispensing of controlled drugs or narcotic drugs.

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(See Exhibit "A" - Copy of Final Order approved and executed by all counsel; the Final Order has been forwarded to the Secretary of the Oklahoma State Board of Medical Licensure and Supervision for execution but has not been signed and filed; upon completion and filing of the Final Order with the Oklahoma State Board of Medical Licensure and Supervision, a certified copy will be filed as a Supplemental Exhibit to the Petition in Error).

C. SUMMARY OF CASE

Exhibit "B" attached

D. ISSUES AND ERRORS PROPOSED TO BE RAISED ON APPEAL

Exhibit "C" attached.

ANY RELATED OR PRIOR APPEALS: _____ Yes ___X___ No

Court Reporters' estimate of number of transcribed pages: 600-800.

E. IS APPELLANT WILLING TO PARTICIPATE IN AN ATTEMPTED SETTLEMENT OF THE APPEAL BY PREDECISIONAL CONFERENCE UNDER COURT OF APPEALS RULE 3.7 IF OFFERED THE OPPORTUNITY? ___X___ Yes _____ No

F. IS APPELLANT AGREEABLE TO ACCELERATE PROCEDURES FOR THIS APPEAL UNDER COURT RULE? (Fast Track) __X__ Yes _____ No

G. NAME OF COUNSEL

(With telephone number and address)

ATTORNEY FOR APPELLANT:

Name: ARNOLD D. FAGIN

Firm: Fagin & Fagin, P.C.

Address: 2650 First Oklahoma Tower
210 West Park Avenue
Oklahoma City, OK 73102

Telephone: (405) 239-6771

ATTORNEY FOR APPELLEE

Name: DANIEL J. GAMINO

Firm: Daniel J. Gamino & Associates, P.C.

Address: 3315 N.W. 63rd Street
Oklahoma City, OK 73116

Telephone: (405) 840-3741

H. DATE: July 6 1990 Verified by:

ARNOLD D. FAGIN, OBA #2799
FAGIN & FAGIN, P.C.
2650 First Oklahoma Tower
210 West Park Avenue
Oklahoma City, Oklahoma 73102
Telephone: (405) 239-6771

I. AFFIDAVIT OF DELIVERY TO APPELLEE AND SECRETARY OKLAHOMA STATE BOARD OF MEDICAL LICENSURE ON DAY OF FILING IN SUPREME COURT.

I hereby certify that a true and correct copy of the above and foregoing Petition in Error was hand-delivered this 6th day of July, 1990, to Daniel J. Gamino, Daniel J. Gamino & Associates, P.C., 3315 N.W. 63rd Street, Oklahoma City, Oklahoma 73116.

I further certify that copy of the above and foregoing Petition in Error was hand-delivered to Gerald C. Zumwalt, M.D., Secretary, Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Oklahoma City, Oklahoma 73118, on the 6th day of July 19 90.

ARNOLD D. FAGIN

EXHIBIT "B"

On June 9, 1990, an evidentiary hearing was held before the Oklahoma State Board of Medical Licensure and Supervision en banc (hereinafter "Board") on a complaint against Nareshkumar Patel, M.D. Prior to the presentation of the evidence, Defendant by and through his attorney, moved the Board for a partial continuance requesting that the Board make no adverse decision until the testimony of Defendant's primary expert witness, Dr. Michael Burnhill could be offered, as Dr. Burnhill could not be present to testify on that date. Said Motion was arbitrarily denied in that Dr. Patel was no risk to the public and Dr. Burnhill's testimony was clearly relevant to the issues before the Board. Further, though the rule of sequestration was invoked, the Board's investigator, D. C. Mosshart, was allowed to remain in the hearing room throughout the proceeding and later offer testimony to the Board. The Board also failed to grant Defendant's Motion to Dismiss though the Complaint failed to state any of the statutory grounds for a finding of unprofessional conduct as pertained to the treatment of patient, E.S.B.

After hearing all of the evidence, the Board found that on or about June 10, 1989, Dr. Patel did perform a surgical procedure on patient, E.S.B., and said procedure was performed in an unprofessional manner and in an unprofessional setting and concluded that Dr. Patel is in violation of the Oklahoma Medical Practice Act for unprofessional conduct in his actions on patient, E.S.B. Such a finding is unsupported by any evidence presented at the hearing and is clearly erroneous. It is from this decision Dr. Patel appeals.

EXHIBIT "C"

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1. That Appellant's Motion for Continuance was arbitrarily denied as Appellant posed no risk to the public and Dr. Burnhill's testimony was clearly relevant to the issues before the Board.

2. That Appellant's Motion to Dismiss should have been granted in that there is no statutory authority supporting an allegation of unprofessional conduct on the grounds stated in the Complaint.

3. That there was absolutely no evidence to justify a finding that Appellant performed a surgical procedure on patient, E.S.B., in an unprofessional manner and in an unprofessional setting.

4. That Appellant's Motion to exclude from the hearing persons interest in the proceeding who may testify against him in the pending civil action involving the same identical complaint on patient, E.S.B., should have been sustained.

5. That Appellant's Motion to voir dire the Board members on their personal feelings about abortion should have been sustained.

PF

FAGIN & FAGIN, P.C.

ATTORNEYS AT LAW
2650 FIRST OKLAHOMA TOWER
210 WEST PARK AVENUE
OKLAHOMA CITY, OKLAHOMA 73102
(405) 239-6771
Fax: (405) 239-6771

ARNOLD D. FAGIN
CHARLES L. FAGIN
PAMELA SUE HOLTZCLAW
R. AMANDA McINNIS

MAX M. FAGIN
1904-1984

July 6, 1990

Oklahoma State Board of
Medical Licensure and Supervision
ATTN: Janet Owens
5104 N. Francis
Oklahoma City, Oklahoma 73118

RE: State of Oklahoma, ex rel. v. Nareshkumar Patel,
M.D., Medical License No. 14640
Case No. 87-7-514

Dear Janet:

Enclosed you will find the original and copy of the Designation of Record which I forward for filing. This original Designation of Record must be filed with the Board of Medical Licensure & Supervision in order to perfect the appeal we have filed in the Oklahoma Supreme Court. Please return a file-stamped copy to this office in the enclosed self-addressed postage paid envelope.

Thank you for your cooperation in this matter.

Janet
07-09-90 DONE

Yours very truly,

Debbie Lawson

DEBBIE LAWSON
Legal Assistant
For the Firm

/dl
Enc.

RECEIVED
JUL 9 1990
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

PF

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED

JUL 6 1990

OKLAHOMA STATE BOARD OF MEDICAL LICENSURE & SUPERVISION

Case No. 75922

NARESHKUMAR PATEL, M.D.,
Medical License No. 14640,

Appellants

versus

STATE OF OKLAHOMA, ex rel.,
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION,

Appellee.

FILED
SUPREME COURT
STATE OF OKLAHOMA
JUL - 6 1990
MARGARET PATTERSON
CLERK

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DATE OF DISPOSITION OF POST-TRIAL MOTION OR MOTIONS: N/A

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G. NAME OF COUNSEL

(With telephone number and address)

ATTORNEY FOR APPELLANT:

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Telephone: (405) 239-6771

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Name: DANIEL J. GAMINO

Firm: Daniel J. Gamino & Associates, P.C.

Address: 3315 N.W. 63rd Street
Oklahoma City, OK 73116

Telephone: (405) 840-3741

H. DATE: July 6 1990 Verified by:

ARNOLD D. FAGIN, OBA #2799
FAGIN & FAGIN, P.C.
2650 First Oklahoma Tower
210 West Park Avenue
Oklahoma City, Oklahoma 73102
Telephone: (405) 239-6771

I. AFFIDAVIT OF DELIVERY TO APPELLEE AND SECRETARY OKLAHOMA STATE BOARD OF MEDICAL LICENSURE ON DAY OF FILING IN SUPREME COURT.

I hereby certify that a true and correct copy of the above and foregoing Petition in Error was hand-delivered this 6th day of July, 1990, to Daniel J. Gamino, Daniel J. Gamino & Associates, P.C., 3315 N.W. 63rd Street, Oklahoma City, Oklahoma 73116.

I further certify that copy of the above and foregoing Petition in Error was hand-delivered to Gerald C. Zumwalt, M.D., Secretary, Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Oklahoma City, Oklahoma 73118, on the 6th day of July 19 90.

Arnold D. Fagin

ARNOLD D. FAGIN

EXHIBIT "B"

On June 9, 1990, an evidentiary hearing was held before the Oklahoma State Board of Medical Licensure and Supervision en banc (hereinafter "Board") on a complaint against Nareshkumar Patel, M.D. Prior to the presentation of the evidence, Defendant by and through his attorney, moved the Board for a partial continuance requesting that the Board make no adverse decision until the testimony of Defendant's primary expert witness, Dr. Michael Burnhill could be offered, as Dr. Burnhill could not be present to testify on that date. Said Motion was arbitrarily denied in that Dr. Patel was no risk to the public and Dr. Burnhill's testimony was clearly relevant to the issues before the Board. Further, though the rule of sequestration was invoked, the Board's investigator, D. C. Mosshart, was allowed to remain in the hearing room throughout the proceeding and later offer testimony to the Board. The Board also failed to grant Defendant's Motion to Dismiss though the Complaint failed to state any of the statutory grounds for a finding of unprofessional conduct as pertained to the treatment of patient, E.S.B.

After hearing all of the evidence, the Board found that on or about June 10, 1989, Dr. Patel did perform a surgical procedure on patient, E.S.B., and said procedure was performed in an unprofessional manner and in an unprofessional setting and concluded that Dr. Patel is in violation of the Oklahoma Medical Practice Act for unprofessional conduct in his actions on patient, E.S.B. Such a finding is unsupported by any evidence presented at the hearing and is clearly erroneous. It is from this decision Dr. Patel appeals.

EXHIBIT "C"

ISSUES AND ERRORS PROPOSED TO BE RAISED ON APPEAL

1. That Appellant's Motion for Continuance was arbitrarily denied as Appellant posed no risk to the public and Dr. Burnhill's testimony was clearly relevant to the issues before the Board.

2. That Appellant's Motion to Dismiss should have been granted in that there is no statutory authority supporting an allegation of unprofessional conduct on the grounds stated in the Complaint.

3. That there was absolutely no evidence to justify a finding that Appellant performed a surgical procedure on patient, E.S.B., in an unprofessional manner and in an unprofessional setting.

4. That Appellant's Motion to exclude from the hearing persons interest in the proceeding who may testify against him in the pending civil action involving the same identical complaint on patient, E.S.B., should have been sustained.

5. That Appellant's Motion to voir dire the Board members on their personal feelings about abortion should have been sustained.

RECEIVED
JUN 1 1990
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

MICHAEL S. BURNHILL, M.D., D.M. Sc.

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(201) 635-2592

BUSINESS ADDRESS: Department of OB/GYN
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FILED
JUN 1 1990
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

BORN: March 7, 1928, Brooklyn, New York

CHILDREN: Lauren Ariel Burnhill, 11/11/61
David Ascher Burnhill, 9/25/64

MARITAL STATUS: Married August 31, 1985
Jacqueline Darroch Forrest

EDUCATION:

Syracuse University, 1949, B.A. Magna cum laude

University of Vermont, College of Medicine, 1953 M.D., cum laude

Visiting Fellow, Studies in Demography, Office of Population Research, Princeton University, 1966-67

Doctor of Medical Science, OB/GYN, Downstate Medical Center, SUNY, 1972

Continuing Education Course: "Basic Science of Human Sexual Dysfunction" - Department of Psychiatry, New York Medical College, October 1972-June 1973

CURRENT POSITIONS:

Professor of Obstetrics and Gynecology, UMDNJ-Robert Wood Johnson Medical School

Director of OB/GYN Ambulatory Care, UMDNJ-Robert Wood Johnson Medical School

Chairman, Continuing Medical Education Committee, UMDNJ-Robert Wood Johnson Medical School

Medical Records Committee, Member, Robert Wood Johnson University Hospital

University-Wide Advisory Committee on Continuing Education, Member, UMDNJ-Robert Wood Johnson Medical School

Peer reviewer for the International Journal of Gynecology and Obstetrics

Chairman, Education Committee, Association of Reproductive Health Professionals and Member of the Board of ARHP

Chairman, Surgical Services Committee and Member of the National Medical Committee, Planned Parenthood Federation of America

Medical Records Forms Subcommittee, Chairman, Robert Wood Johnson University Hospital

Ambulatory Care Committee Member for OB/GYN, Robert Wood Johnson University Hospital

Library Committee, Chairman, Robert Wood Johnson University Hospital

Predoctoral Curriculum Committee, UMDNJ-Robert Wood Johnson Medical School

Medical Committee of Planned Parenthood of New York City

Nominating Committee, UMDNJ-Robert Wood Johnson Medical School

RECENT POSITIONS:

Board of Planned Parenthood Federation of America, Member

President, Association of Reproductive Health Professionals, 1987-88 - Member of the Board 1988-Present

Emergency Room Ad Hoc Committee Member, UMDNJ-Robert Wood Johnson Medical School

Curriculum Committee at Camden, UMDNJ-Rutgers Medical School

Vice-President, National Abortion Federation

Associate Professor of OB/GYN, The Johns Hopkins University

Director of Junior Medical Students Clerkship, Education Consultant, JHPIEGO, 1978-1979

Director, Johns Hopkins Program in International Education, Gynecology and Obstetrics, July 1977-April 1978

As director, was responsible for planning, programming and directing an organization that supervised training and educational programs at the Johns Hopkins Hospital, George Washington University and in Third World countries.

Medical Director, Preterm Washington and Preterm Institute, December 1973-July 1977

As director of Preterm Washington, was responsible for the complete medical supervision of an outpatient reproductive health care center that delivered 7,000 pregnancy terminations a year, 600 vasectomies, and almost 10,000 contraceptive visits. During this period of time, responsibilities included developing the systems which led to improved history-taking, the use of a recordkeeping system to assist in research and publication of papers, the development of written and visual aids for training patients and co-professionals.

ACADEMIC APPOINTMENTS:

1960-1968	Clinical Instructor in Obstetrics and Gynecology, College of Medicine, Downstate Medical Center, Brooklyn, NY
1968-1971	Assistant Professor in Obstetrics and Gynecology, State University of New York, Downstate Medical Center
1971-1972	Associate Professor in Obstetrics and Gynecology, Downstate Medical Center
January 1973 - December 1973	Clinical Associate Professor in Obstetrics and Gynecology, Cornell University Medical Center
March 1974 - July 1977	Associate Clinical Professor, Obstetrics and Gynecology, George Washington University School of Medicine
October 1977 - September 1979	Associate Professor, Obstetrics and Gynecology, The Johns Hopkins University School of Medicine
September 1979 - September 1982	Professor, Obstetrics and Gynecology, UMDNJ-Rutgers Medical School

FELLOWSHIP:

November 1958 - January 1959	Reproductive Physiology, Montevideo, Uruguay (on leave from Mt. Sinai)
1967	Demographic Studies, Mid-Career Fellow, Ford Foundation

PROFESSIONAL TRAINING:

July 1960 - July 1968	Associate Attending Staff, Jewish Hospital, Brooklyn, NY
July 1960 - June 1972	Attending Staff, Obstetrics and Gynecology, Kings County Hospital, Brooklyn, NY
December 1968 - December 1972	Attending Staff, Obstetrics and Gynecology, Caledonia Hospital, Brooklyn, NY
January 1966 - June 1972	Attending Physician, University Hospital, Downstate Hospital, Brooklyn, NY
January 1973 - December 1973	Associate Attending Staff, Obstetrics and Gynecology, New York Hospital, New York, NY
March 1974 - September 1979	Attending Physician, Obstetrics and Gynecology, George Washington University Medical College
June 1978 - September 1979	Active Staff, Johns Hopkins Hospital
December 1979 - Present	Senior Attending Physician, Robert Wood Johnson University Hospital (formerly Middlesex General University Hospital), New Brunswick, NJ

MEDICAL LICENSES:

New York State - June 29, 1955 - #76625
Ohio - December 5, 1974 - #37970
Massachusetts - August 8, 1974 - #36933
District of Columbia - January 1974 - #6807
Virginia - December 6, 1976 - #27671
Maryland - September 15, 1977 - #D21270
New Jersey - July 1, 1979 - #36641

ACCREDITATION:

FACOG, December 1962
Certified, American Board of OB/GYN, May 1963
FACS, October 1964; Resigned 1977
AASECT, Certified Sex Educator, June 10, 1976
AASECT, Certified Sex Therapist, November 15, 1976

MILITARY SERVICE:

Lt. Jg to Lt. Commander, USNR, Mobile Construction Battalion 4, 1954-56, USNR, 1956-1965

OTHER POSITIONS:

Medical Director, Planned Parenthood, 22nd Street Center, New York, NY, June 1972-December

Medical Director, Preterm Washington, December 1973-July 1977

Medical Director, Preterm Institute, December 1973-July 1977

Chairman, Membership Committee, Association of Planned Parenthood Professionals, 1975-1976

Consultant, International Fertility Research Program, Population Study Center, Postconception, Fertility Control Committee, 1975-1976

Member, Legal Committee, D.C. Medical Society, September 1976-July 1977

Member, Adolescent Committee, D.C. Medical Society, September 1976-July 1977

Consultant, Public Health Association, 1977

Program Chairman, 1980 Association of Planned Parenthood Physicians

Consultant, International Fertility Research Program, Committee on IUDs, 1977-1978

Board of Trustees and Executive Committee, National Abortion Federation, 1979-1982

Association of Planned Parenthood Professionals, Vice-President, November 3, 1984-May 29, 1987, President-elect 1985-1986, President, 1987-1988, and Past President 1988-1989

HONORARY SOCIETIES:

Phi Beta Kappa
Alpha Epsilon Delta
Psi Chi Associate Member, Sigma XI
Honorary member-Peruvian Society of Obstetrics and Gynecology, October 16, 1978

MEMBERSHIP IN SCIENTIFIC SOCIETIES:

Brooklyn Gynecologic Society to 1974
American Medical Association to 1976
Kings County Medical Society to 1974
American Fertility Society
American Association of Sex Educators and Counselors
American Academy of Medical Directors to 1978

Association of Planned Parenthood Professionals
Washington Gynecological Society to January 1978
American Public Health Association
District of Columbia Medical Society to July 1977
New York Obstetrical Society 1985 -

RESEARCH GRANTS:

1959	$3,000-Physiology of the Pregnant Uterus, Population Council
1964	$3,000-Hysterosalpingography in the Utilization of IUCDs, Population Council
1965	$15,000-Immediate Postpartum Insertion of the Bow, Population Council
1966	$3,500-Renewal of Hysterosalpingography Grant, Population Council
1967	$3,000-Mid-Career Fellowship Support, Ford Foundation
1968	$7,500 - Use Effectiveness of Contraceptive Methods, Population Council
1974	$60,000-Microgram in Rh(D) Negative, D Negative Women Undergoing Induced Abortion, Ortho Corporation
1976	$11,000-Vaginitis Studies-Purdue Frederick Corporation
1983	$25,000-Prevention of Repeat Contraceptive Failure, Hunterdon Health Fund Grant
1984	$37,500-Renewal of Prevention of Repeat Contraceptive Failure, Hunterdon Health Fund Grant
1988	$10,000-Candida Self-Diagnosis Study, Ortho Pharmaceutical Corporation

PATENTS AND INVENTIONS:

1968	Polyurethane foam sponge for pelvic surgery Not marketed
1969	Disposable plastic Papanicolaou smear scraper Marketed by Schueler & Co.
April 15, 1969	U.S. Patent 3438369 - "Intrauterine Device" Not marketed

November 11, 1969	U.S. Patent 3477430 - "Intrauterine device, inserting mechanism therefore and method of inserting same" Marketed by American Caduceus Industries, Inc.
November 3, 1970	U.S. Patent 3537445 - "Intrauterine Device" Marketed by American Caduceus Industries, Inc.
October 2, 1973	U.S. Patent 3762414 - "Vaginal Sponge" Not Marketed
1973	Malleable stainless steel IUD remover Marketed by Rocket of London - R4.728
1977	Self Retaining Mini Lap Retractor Marketed by Rocket of London - RD.840
January 14, 1986	U.S. Patent 4564362 - "Vaginal Device" Not marketed
July 22, 1986	U.S. Patent 4601714 - "Vaginal Device" Not marketed

BIBLIOGRAPHY

CHAPTERS IN BOOKS

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2. Burnhill, M.S., Sherman, D.H., "Artificial Termination of Pregnancy," Davis Gynecology and Obstetrics, Vol. III, Chapter 48N, 1974, pages 1-22, Harper and Row, Publishers, Inc., Hagerstown, Maryland.

3. Burnhill, M.S., "Prescriptive Approaches to IUD Usage, "Chapter in Intrauterine Devices, Development, Evaluation and Program Implementation, ed. by Wheeler, R.G., Duncan, G.W., Spiedel, J.J., Academic Press, NY, 1974, pages 78-79.

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7. Burnhill, M.S., "Vaginal Second Trimester Abortion," Risks, Benefits and Controversies in Fertility Control, edited by Sciarra, J., Zatuchni, G., and Spiedel, J., Harper and Row, Publishers, Hagerstown, Maryland, pages 331-347, 1978.

8. Burnhill, M.S., "Reducing the Morbidity of Vacuum Aspiration Abortion," Chapter 18 in Pregnancy Termination, ed. by Zatuchni, G.I., Sciarra, J., Spiedel, J.J., Harper and Row, Publishers, Hagerstown, MD, pages 1360148, 1979.

9. Burnhill, M.S., "L'Interruzione Della Gravidanza Al Primo Trimestre Analisis Delle Technihe E Dei Servizi," L'Interruzione Volontaria Della Gravidanza, ed. 1982

10. Burnhill, M.S., "Evaluating Sexual Development: The First Pelvic Examination," Chapter in Sexual Development and Disorders in Childhood and Adolescence, by Russo, R.M., Medical Examination Publishing Co., Excerpta Medica Co., New Hyde Park, NY, 1983, pages 35-38.

11. Burnhill, M.S., "Sexual Aspects of Preventive Medicine: Sex Education and the Media," Chapter in Sexual Development and Disorders in Childhood and Adolescence, Russo, R.M., Medical Examination Publishing Co., Excerpta Medica Co., New Hyde Park, NY, 1983, pages 60-62.

12. Burnhill, M.S., "Abnormalities Due to Organic Causes: Menstrual Disorders of Adolescence," Chapter in Sexual Development and Disorders in Childhood and Adolescence, Russo, R.M., Medical Examination Publishing Co., Excerpta Medica Co., New Hyde Park, NY, 1983, pages 117-119.

13 Burnhill, M.S., "Abnormalities Due to Organic Cause: The Major Disorders of Adolescence," Chapter in Sexual Development and Disorders in Childhood and Adolescence, Russo, R.M., Medical Examination Publishing Co., New Hyde Park, NY, 1983, pages 120-121.

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15. Burnhill, M.S., "Teen-Age Pregnancy: Pregnancy - Management," Chapter in Sexual Development and Disorders in Childhood and Adolescence, Russo, R.M., Medical Examination Publishing Co., Excerpta Medica Co., New Hyde Park, NY, 1983, pages 213-215.

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17. Burnhill, M.S., Chapter in Clinics in Obstetrics and Gynecology: Termination of Pregnancy edited by John J. Laferla, M.D., W.B. Saunders Company, Philadelphia, PA, March 1986, "Risk Management in Pregnancy Termination," pp. 145-56.

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COMPLETED PUBLICATIONS IN SCIENTIFIC JOURNALS:

1. Burnhill, M.S., Danezis, J., Cohen, C., Uterine contractility during labor studied by intra-amniotic fluid pressure recordings. American Journal of Obstetrics and Gynecology, Vol. 83, No. 5, pages 561-71, March 1, 1962 (Part 1, Part 2)

2. Cohen, C., Danezis, J., Burnhill, M.S., A comparison of synthetic and natural oxytocin as determined by intra-amniotic fluid pressure recordings. American Journal of Obstetrics and Gynecology, Vol. 83, No. 6, pages 774-7, March 15, 1962.

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6. Birnberg, C.H., Burnhill, M.S., A new intrauterine contraceptive device. American Journal of Obstetrics and Gynecology, Vol. 89, No. 1, pages 137-8, May 1, 1964.

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8. Birnberg, C.H., Burnhill, M.S., Marco, J., The self-hold: An instrument to facilitate hysterography. Obstetrics and Gynecology, Vol. 25, No. 5, May 1965.

9. Burnhill, M.S., Birnberg, C.H., The contents of menstrual fluid. American Journal of Obstetrics and Gynecology, Vol. 92, No. 2, pages 183-4, May 15, 1965.

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15. Burnhill, M.S., Answer to IUCD Questions. OB/GYN Collected Letters of the International Correspondence Society of Obstetrics and Gynecology, Series VII, October 1, 1966, page 152.

16. Burnhill, M.S., Birnberg, C.H., Uterine perforation with intra-uterine contraceptive devices. Review of the literature and analysis of cases reported to National Committee on Maternal Health. American Journal of Obstetrics and Gynecology, 98:135, 1967.

17. Burnhill, M.S., Contraception with an intra-uterine bow placed immediately postpartum, Transactions of the Fourth Annual Meeting of the American Association of Planned Parenthood Physicians, April 27, 1966. Advances in Planned Parenthood, Vol. III, Excerpta Medica Foundation International Congress Series, No. 138, page 155.

18. Burnhill, M.S., Birnberg, C.H., Contraception with an intrauterine bow placed immediately postpartum: Report of a Study in Progress, Review of Recent Advances in the Field, Proceedings of the Fifth World Congress on Fertility and Sterility, Stockholm, June 22, 1966. Excerpta Medica International Congress Series, No. 133, page 1158.

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33. Miller, E. McFarland, V., Burnhill, M.S., Armstead, J., "Impact of the abortion experience on contraceptive acceptance." Advances in Planned Parenthood, XII:1, 15-28, 1977.

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48. Burnhill, M.S., "Management of Patient After Incomplete Abortion." International Correspondence Society of Obstetricians and Gynecologists, Vol. 23, No. 15, August 1982.

49. Testimony on "Abortion Deaths Produced by a Phenol Soap Compound" at Legal Ramifications of the Human Life Amendment before the Subcommittee on the Constitution of the Committee on the Judiciary United States Senate, Ninety-Eighth Congress, First Session, February 28 and March 7, 1983, pages 137-43 and 155-7[illegible].

50. Burnhill, M.S., "Quiz: Contraception and Sexual Behavior. Human Sexuality, Vol. 18, No. 2, February 1984, pages 65-69.

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64. Burnhill, M.S., "Litigation secondary to premature labor after an IUD related pregnancy." The American Journal of Gynecologic Health, Vol. II, No. 2, April/May/June 1988, pages 71-4.

65. Burnhill, M.S., "Insights on STD epidemics: A roundtable discussion", Parke-Davis Symposium, Moderator, Ft. Lauderdale, FL, proceedings on December 19, 1987.

66. Burnhill, M.S., Leiblum, S.R., "Women's Evaluation of Their Gynecological Care." The American Journal of Gynecologic Health, pg. 30-34, Vol. III, No. 1, January/February 1989.

67. Burnhill MS. "The Rise and Fall of the IUD." Am J Gynecol Health, May/June 1989;III:6-10.

68. Burnhill MS. "Inserting the IUDs Safely." Am J Gynecol Health, May/June 1989; III:11-16.

69. Burnhill MS, "Is There Really a Yeast Syndrome?". International Correspondence Society of Obstetricians and Gynecologists, Collected Letters, July 1989;Vol. 30, No. 7:11-12.
70. Burnhill MS, editor. "Safety of Intrauterine Contraceptive Devices Symposium." Infectious and Medical Disease Letters for Obstetrics and Gynecology, Vol. XI, No. 3, July-September 1989.

71. Burnhill, MS, contributor. "Recurrent Vulvovaginal Candidiasis." Syntex Laboratories and NAACOG, Palo Alto, CA., 1989.

72. Burnhill, MS, "Clinician's guide to counseling patients with chronic vaginitis." Cont OB/GYN, January 1990, Vol. 35, No. 1, pages 37-44.

MISCELLANEOUS PROFESSIONAL ACTIVITIES:

January 1959	"Physiology & Pharmacology of Relaxin," paper given for the Montivideo Obstetrical & Gynecological Society, Montivideo, Uruguay.
August 9-15, 1959	"Effects of Relaxin on Uterine Contractility Response to Oxytocin and Cervical Disability." Paper given at the 21st International Congress of Physiological Sciences. Buenos Aires, (Poseiro, JJ, Sica Blanco, Y, Cibils, LA, Negreiro Depaiva, CE, co-authors.)
June 11, 1962	"The Broken Needle, Localization, Prevention, Legal Responsibilities." Paper given for the Candidates Group, American College of Surgeons, Brooklyn, L.I. Chapter, Huntington, Long Island.
1962	"Educated Eating." A Physician's Approach to Lasting Weight Control, page 11, for office distribution.
March 19, 1964	"Psychosomatic Obstetrics and Gynecology." Talk given to the Kings County Chapter of the American Academy of General Practice.
1964	"Childbirth." Page 11, for office distribution.
1964	"How to feel well after having a baby." A guide to physical and mental well-being for the new mother, page 12, for office distribution.
February 17, 1965	"Methods of Reducing Complications and Side Effects from the Utilization of IUDs." Talk given at Parliament House for the Southeastern Region Planned Parenthood Federation of America, Birmingham, AL.
April 29-30, 1966	"Control of Fertility." Clinical Research Correlar, American Fertility Society, Chicago,. Hysterography in the study of intrauterine contraceptive devices. Exhibit presented at the American Fertility Meeting, April 27-30, 1966, and at the American College of Obstetrics and Gynecology, April 30-May 5, 1966, Chicago.
June 15, 1966	"The Past, Present and Future of IUDs." Talk given to staff, Queens Mother Hospital, Glasgow, Scotland.

October 1, 1966	"Mechanism of Action of Intrauterine Contraceptive Devices." Paper presented at the District II meeting of the American College of Obstetrics and Gynecology, Pocono Manor, PA.
March 28, 1967	"The Pill and Other Forms of Contraception." Panel discussion on WEVD with Dr. R.A. Schwartz and Dr. J. D'Urso.
April 14-20, 1967	"Fine Points in the Utilization of IUCDs." Exhibit presented at the American Fertility Meeting, and the American College of Obstetrics and Gynecology meeting.
Bi-Annually (1960-67)	Lectures on the Physiology of the Gravid Human Uterus. For house staff, Jewish Hospital of Brooklyn.
April 4, 1968	"Nutrition for Nursing Mothers." Spoke to the Brooklyn Chapter of the La Leche League.
April 18, 1968	"A Method of Estimating the Number of Abortions." Presented a paper at the Population Association of America annual meeting, Boston, MA.
May 22, 1968	"Effects of Long-Term Use of Anti-fertility Agents on Reproduction." Participated in a roundtable discussion at the 6th World Congress on Fertility and Sterility, Tel Aviv, Israel.
October 21-22, 1968	"Population." Luncheon Conferences, District II, ACOG, Conference on Obstetric. Gynecologic and Neonatal Nursing, The Baltimore, New York.
April 10, 1969	"The Ankor" and "Estimating the Number of Hospitalized Induced Abortions in the an Urban Ghetto." Papers presented at the Seventh Annual Meeting of the American Association of Planned Parenthood Physicians, San Francisco, CA.
April 11, 1969	"Abortion Ratios by Age, Parity, Color and Hospital Status, Summary of Findings." Paper presented at the Population Association of America, Atlantic City, NJ.
May 1, 1969	"The Intrauterine Contraceptive Device." Breakfast Conference at the Annual Meeting for the American College of Obstetrics and Gynecology, Bal Harbour, FL.
October 2, 1969	"Abortion Deaths Produced by Phenol Soap Compound." Paper presented at District I and II meetings, ACOG, Montreal, Canada.
March 20, 1970	"Intrauterine Contraceptive Devices." Luncheon Conference, American Fertility Society, Washington, DC.
March 24, 1970	"Population Dynamics." Staff Conference, Brooklyn Cumberland Hospital Medical Center.
April 14, 1970	"Induced Abortion Measuring its Extent and Effects." Luncheon Conference, Sixth World Congress of OB/GYN, New York, NY.
May 26, 1970	Participated in a roundtable meeting of a special medical advisory committee in IUDs at the Pathfinder Fund, Boston, MA.

August 6, 1970	"The Present Status of Intrauterine Contraceptive Devices." Paper presented at the UpJohn Company, Kalamazoo, MI.
September 14, 1970	"A Comparison of the Results of Induced Abortion in Czechoslovakia, Japan and Chile." Paper delivered at the Wilmington General Hospital, Wilmington, DE.
October 22, 1970	Spoke to the Brooklyn Chapter of the La Leche League on "Medical and Psychological Aspects of Nursing."
October 25, 1971	"Estimating the Number of Patients Hospitalized After Induced Abortion by Demographic Analysis of Hospitalized Abortion Patients." Paper presented at the 11th World Congress on Fertility and Sterility, Kyoto, Japan.
November 4, 1971	"Applications of Demographic Analysis to Obstetrical Problems." Paper presented at the Department of OB/GYN, Utah Medical School, Salt Lake City, Utah.
April 1972	"The Syndrome of Progressive Endometritis Associated with IUDs." Paper presented at Planned Parenthood Physicians of America meeting, Detroit, MI.
April 24, 1972	Appointed as a Consultant to the Medical Advisory Committee for the Battelle Pregnancy Termination Program.
May 22-24, 1972	Delivered 3 lectures on abortion, contraception and sterilization in San Salvador, El Salvador, at the invitation of the Association Salvadoreno Demografica.
May 2, 1973	"Standard Vacuum Aspiration." Lecture given at the Peter Brent Brigham Hospital, Boston, MA, part of a one-day conference on Abortion.
May 21, 1973	"Techniques of Early Abortion." Lectures given as part of a postgraduate course, "Techniques of Pregnancy Termination," American College of OB/GYN meeting, Bal Harbour, FL.
October 19, 1973	"Prescriptive Approaches to the Use of the IUD." Paper presented at the IUD Workshop, Battelle Research Foundation, Seattle, Washington.
October 1974	Northern Virginia Academy of Continuing Education, Credit Course for Physicians. "Human Sexuality," co-leader.
November 8, 1974	"The Pill and Future Horizons of Contraceptive Control." Course in Human Endocrinology, Lenox Hill Hospital, New York, NY.
1962-1965 and 1967-1977	Marital and Sex Counseling with Lois Burnhill, Reston, Virginia, and New York.
April 1975	George Washington University Medical School, "Human Sexuality and Sex Counseling." Course for Medical Students, Discussant and lecturer.
May 1975	Medical College of Virginia, "Intimate Behavior, Human Sexuality and Sex Counseling." Family Practitioners, Lecturer and Co-leader of small groups.
1974-75	George Washington University School of Medicine, developed and conducted weekly rounds for nurses dealing primarily with psychosomatic problems, death and dying, human sexuality.

October 11-15, 1975	International Family Planning Research Association, Inc., Seventh Annual Meeting. "The Role of the Paraprofessional as Counselors." Palm Springs, CA.
November 12, 1975	"Are You Understanding and Communicating with Your Patients?" Northern Virginia Chapter, Nurses Association of American College of OB/GYN, Accredited Workshop, Fairfax, VA.
November 19-20, 1975	Family Planning Symposium, Chairperson, Sessions 4 and 9, World Population Society Meeting, Washington, DC.
November 21, 1975	"Training for Population Activities." Paper presented at World Population Society Meeting, Washington, DC.
January 24, 1976	Northern Virginia Academy of Internal Medicine, Continuing Education Credit Course for Physicians, Family Practitioners, "Sex Counseling," Course Formulator and Lecturer.
February 25, 1976	Preterm-Cleveland and Case Western Reserve University, School of Medicine, Unwanted Pregnancy: A National Health Issue; "Humanistic Abortion: The Contributions of the Free-standing Abortion Centers to Women's Health." Continuing Medical Education Course.
March 14, 1976	Planned Parenthood Association of Mohawk Valley, Inc., Symposium on Infertility. "Childbearing After Abortion."
March 26-28, 1976	Maryland Rehabilitation Association, Course in Human Sexuality for Counselors working with the Physically and Mentally Handicapped, Co-developer and leader with Keith Smith and Lois Burnhill.
May 10-13, 1976	24th Annual Meeting, ACOG, Dallas, Texas, Exhibit: "Management Aspects of Patient Care in Free-standing Abortion Centers."
May 11, 1976	24th Annual Meeting, ACOG, Dallas, Texas, Paper: "Impact of the Abortion Experience on Contraceptive Acceptance."
May 11, 1976	24th Annual Meeting, ACOG, Dallas, Texas, Roundtable Discussion leader, "Psychologic Sequelae of Therapeutic Abortion."
June 4, 1976	George Washington University, "Symposium on Treatment of Rape Victims, Medical Aspects." Panel discussant.
September 20, 1976	Nurses' Association of the American College of OB/GYN Annual Conference, Washington, DC, "Role of Communication and Counseling in OB/GYN Nursing."
September 26 - October 1, 1976	First Annual Capon Springs POPULATION POLICY CONFERENCE sponsored by Population Food Fund. Presented paper "Impact of the Abortion Experience on Contraceptive Acceptance."

November 10-12, 1976	14th Annual Meeting, Association of Planned Parenthood Physicians. Presented paper "Data Processing to evaluate demographic trends and morbidity data in first trimester vacuum aspiration." Also was on faculty for course II "Abortion: Current Status and Future Trends."
March 15, 1977	Workshop on Risks, Benefits, and Controversies in Fertility Control, sponsored by PARFR, presented paper "Vaginal Techniques for Second Trimester Induced Abortions."
April 13, 1977	Ninth World Congress on Fertility and Sterility sponsored by American Fertility Society. Presented paper "Relationship between bacteriologic flora found in the cervical canal before and after laminaria insertion and postabortal infection."
May 9-12, 1977	25th Annual Meeting, Chicago, ILlinois, Exhibit: "Prevention of Rh sensitization after first trimester abortion using a reduced dose of Rh_o (D) immune globulin (human).
September 25-26, 1977	Annual Meeting, National Abortion Federation, Denver, Colorado, panel member: "Should microscopic pathology be routinely performed?", "Rh immune globulin faculty, postgraduate course: Medical aspects of abortion."
October 10-13, 1977	Annual meeting, APPP, Atlanta, Georgia. Paper presented "A study of repeat abortions.
December 6, 1977	Workshop on Reversal of Sterilization, PARFR, San Francisco, CA. Presented paper "The Practical Application of Sterilization Reversal."
March 11, 1978	Seminar on Mid-trimester abortion: "Evaluation of alternative methods." ACOG, District II, NY Academy of Medicine, NYC Department of Health, PP of NYC, New York, panelist.
March 24, 1978	"Improving Utilization of Intrauterine Contraceptive Devices." First Egyptian-American OB/GYN Conference, Cairo, Egypt.
April 27, 1978	"Issues and Impact of Abortion on Family Planning." Contraceptive Update, Family Planning Institute, Baltimore, MD.
May 24, 1978	"Informed Consent: Patient Counseling and Use of Auxiliary Health Personnel. International Workshop and Postgraduate Course - Pregnancy Termination Procedures, Safety and New Developments, Nassau, Bahamas, PARFR, Moderator for the panel.
May 25, 1978	"Reducing the Morbidity of Vacuum Aspiration Abortion." International Workshop and Postgraduate Course - Pregnancy Termination Procedures, Safety and New Developments, Nassau, Bahamas, PARFR.
June 23, 1978	"Developing Educational Programs for Third World Obstetricians - The Role of the U.S. Physician." Department of OB/GYN Alumni Program - The Mt. Sinai Hospital, NYC.

September 24, 1978	"Gross and Microscopic Diagnosis of Fetal Tissue." Paper presented at the 2nd Annual Meeting of the National Abortion Federation, San Francisco, CA.
September 25, 1978	"Handling of Abortion Complications." Ibid.
September 29, 1978	"The Relationship Between Abortion and Maternal Health." Civil Hospital of Guadalahara.
September 29, 1978	"Effect of Oxytocin on Uterine Contractility and Fetal Health." Obstetrics and Gynecology - Society of Guadalahara.
September 30, 1978	"Teaching Sexuality in the Medical School, and Psychosomatic Obstetrics and Gynecology." Postgraduate Workshop for the Doctorate in Gynecology at the Graduate School of the University of Guadalahara.
October 13, 1978	"Monitoring without a monitor." Paper presented at the Postgraduate workshop, IX Latin-American Congress of Obstetrics and Gynecology, Lima, Peru.
October 14, 1978	"Effects of Uterine Contractility on the Fetus." Ibid.
October 17, 1978	"Biologically active intra-uterine devices." Paper presented at the Panel of Intra-uterine Contraception, Ibid.
October 19, 1978	"Interruption of Pregnancy." Paper presented at the Symposium Regulation of Fertility, Ibid.
October 27, 1978	"Closed IUDs, Is There a Place for Them?" Paper presented at the 16th annual meeting of the Association of Planned Parenthood Physicians, San Diego, CA.
November 1, 1978	"Abortion, Where is it Today?" Workshop at the course Contraceptive Update 1978, Family Planning Training Institute, Baltimore, MD.
December 8, 1978	"Psychosexual Aspects of the Pelvic Examination and Contraception." Seminar at the AASECT Workshop: Advanced Studies in Human Sexuality, Columbia, SC.
April 21, 1979	"Provision of D&E by Planned Parenthood." A PPFA Abortion Provider's Seminar: Airport Marina Hotel, Dallas, Texas.
September 22, 1979	"Medical Aspects of Abortion: Workshop at the Conference on Choice." Sponsored by the United Presbyterian Church, Seaman's Church Institute, NYC, NY.
September 29, 1979	Program Chairman - "Clinical Problems in Second Trimester Abortions." A workshop presented at the Governor's Inn, Chapel Hill, NC.
October 12, 1979	"Early Recognition of Ectopic Pregnancy at a Free-standing Abortion Clinic." Paper presented at the Association of Planned Parenthood Physicians' 17th Annual Meeting, Hilton Hotel, Philadelphia, PA.

February 10-11, 1980	Chairman - "Risk Management Seminar - First Trimester Abortion." Sunrise Inn, Fort Lauderdale, FL sponsored by National Abortion Federation, Planned Parenthood Federation of America, Inc.
April 22, 1980	McNeill-Lehrer Report, Channel 13. Discussion with Harriet Pilpel, Henry Hyde and Dr. Williams regarding complications of the Hyde Amendment.
May 22, 1980	At Issue, New Jersey Public Television, "Gynecologic Health."
May 28-30, 1980	Moderator: "Factors Influencing Teen-Age Pregnancy." The National Abortion Federation Fourth Annual Meeting, Hyatt Regency on Capitol Hill, Washington, DC.
May 30, 1980	Station WAMU - The Fred Fiske Show. Discussion on "Female Reproductive Health." Washington, Dc.
September 8, 1980	"Pregnancy Termination Update." Contraception: Issues and Controversies, New York City, Columbia University College of Physicians and Surgeons.
September 27-28, 1980	"Suction Curettage" and "Dilation and Evacuation." L'Interruzione Volontaria Della Gravidanza: Aspetti Clinici Ed Epidemiologici, Bologna, Italy.
October 3-4, 1980	Program Chairman: Association of Planned Parenthood Physicians. "Prospects and Problems." 18th Annual Meeting, The Hilton Hotel, Denver, Colorado. Moderator: "Advances in the Diagnosis of Pregnancy and Management of Abortion."
November 22, 1980	Chairperson and Program Chairman for "The Menopause," UMDNJ-Rutgers Medical School, Piscataway, NJ.
November 29, 1980	Participated in the debate discussion of the Abortion/Pro-Life Task Force Presbytery of West Jersey. First Presbyterian Church of Vineland, Vineland, NJ.
November 30 - December 1, 1980	"Risk Management Workshop." Chairperson for November 30th. Presentation of paper "Training and Evaluation of Physicians." Panel discussion member on "Complications of Abortion." Hotel Boniventure, Los Angeles, CA under the auspices of the National Abortion Federation and Planned Parenthood, New York City, NY.
March 17, 1981	"Attitudes Toward Birth Control." Helene Fuld Medical Center, Seminar on Adolescent Pregnancy, Trenton, NJ.
April 1, 1981	"Clinic Diagnosis of Sexually Transmitted Disease Today." Lecture at the Ninth Annual Meeting of the National Family Planning and Reproductive Health Association, Inc., Washington, DC.
April 26, 1981	"Trial by Jury." Postgraduate Medical-Legal Seminar sponsored by the National Abortion Federation, Dunfey Dallas Hotel, Dallas, Texas, Chairman.

July 23, 1981	New Jersey Public Television, The Consumer Line, "Psychological Aspects of Miscarriage."
September 20-21, 1981	The National Abortion Federation's Postgraduate Symposium on D&E/Midtrimester Abortion, Co-Chairperson, Hyatt Hotel, San Francisco, CA.
October 29, 1981	"Course 3: You the Jury," Co-Chairman, Association of Planned Parenthood Physicians annual meeting in Washington, DC, Shoreham Hotel.
October 30, 1981	"Risk Management and Ambulatory Surgery." Annual Meeting, Planned Parenthood Federation of America, Washington, DC, Shoreham Hotel.
November 1, 1981	"Chemical Abortion Revisited - a look at the way things were." Presented at the annual meeting of Planned Parenthood Federation of America, Washington, DC, Shoreham Hotel.
November 4, 1981	Peddie School, Hightstown, NJ. Participated in a course in "Dynamics of Human Sexuality" on the issue of the significance of legal abortion.
March 22, 1982	Grand Rounds at Albert Einstein College of Medicine. Topic: "Complications of D&E: Prevention and Management."
April 7, 1982	Symposium on Mid-Trimester Abortions - The Brookdale Hospital Medical Center. "Complications of Second Trimester Abortion."
April 24, 1982	Middle Years: Shifting of Gears to Better Health, Rider College, Lawrenceville, NJ. "There's More to Look Forward to than you Might Think: The Myths and Realities of Menopause."
May 16-19, 1982	National Abortion Federation Sixth Annual Meeting, Hyatt Regency, Minneapolis, MN. "Managing a Major Crisis," Chairman.
September 20-21, 1982	Risk Management/Quality Assurance Seminar, National Abortion Federation and Planned Parenthood Federation of America, Las Vegas, NV. Paper presented on "Multiple Perforation, Repair in the Office, Severe Infection."
October 1, 1982	Council for Women's Concerns Conference, West Virginia University, Morgantown, WV. "Health Benefits of Abortion vs. Unwanted Pregnancy."
November 7-10, 1982	Dilemmas in the Current Management of Menopause, San Antonio, TX. Osteoporosis - Problems in Prevention and Management, 11/7/82 The Psychology of Midlife - Stress vs. Menopause, 11/7/82 Difficulties in the Diagnosis and Management of Sexually Transmitted Disease, 11/9/82 Uses, abuses and problems with IUCDs and barrier contraceptives, 11/10/82 Problems encountered in the performance of office curettage for the diagnosis and pregnancy termination, 11/10/82

November 20, 1982	Association of Planned Parenthood Professionals, 20th Annual Meeting, Hyatt Regency Hotel, Baltimore, MD. "Collaboration and Controversies Among Nurse Clinicians and Physicians," panel member.
December 3, 1982	"Looking at Complications of First Trimester Abortion." National Abortion Federation, The Peabody Hotel, Memphis, TN.
January 12, 1983	Rutgers Student Health Services of Rutgers University, New Brunswick, NJ. "Protecting Oneself Against the Hazards of Sex: The Student and Compliance in Using Contraception."
January 14, 1983	The Jewish Hospital and Medical Center of Brooklyn, Brooklyn, NY. "Infections Related to the Use of IUDs."
January 30-31, 1983	National Abortion Federation/Planned Parenthood Federation of America, Risk Management, Quality Assurance Seminar, Hyatt Hotel, Tampa, FL. "Abortion, Morbidity and Mortality: Possible Effects of Ultrasound."
February 4, 1983	The Stamford Hospital, Stamford, CN. "The Menopause - What are we supposed to do now?"
February 23-25, 1983	Nurse Practitioners in Family Planning, 7th Annual Postgraduate Seminar, Franklin Plaza Hotel, Philadelphia, PA. "Health Care: Whose Responsibility?"
April 8-9, 1983	UMDNJ-Rutgers Medical School, Departments of OB/GYN and Continuing Education, Menstruation Conference, Resorts International, Atlantic City, NJ. Chairperson. Paper presented on "The Physiology and Pathology of the Menstrual Flow and the Effects of Hygiene Products."
April 10-13, 1983	National Abortion Federation, Seventh Annual Meeting, Sheraton, New Orleans, Louisiana. "On the Stand." A risk management workshop - Chairperson, 4/10/83. Paper presented "New Dilators," 4/11/83.
April 29, 1983	University of Louisville, School of Medicine, AMSA, Louisville, Kentucky, Forum on Abortion. "Who Should Have Abortions - A Paradigm for the Medical/Ethical Decision Process."
May 10, 1983	Ortho Pharmaceuticals - Current Controversies in Vaginal Contraception, Georgia World Congress Center, Atlanta, GA. "When I Recommend Vaginal Contraceptives to My Patients."
August 4, 1983	Freehold Area Hospital, Freehold, NJ. "Adolescent Gynecology."
September 1-5, 1983	Kiawah Island, South Carolina, International Symposium on Premenstrual Tension and Dysmenorrhea.
September 26-28, 1983	Risk Management Seminar, Planned Parenthood, Chicago, IL.

October 13, 1983	Jersey Shore Medical Center, Neptune, NJ, "Adolescent Reproduction."
October 19, 1983	Department of Pediatrics, UMDNJ-Rutgers Medical School, New Brunswick, NJ, "Pregnancy and Its Prevention."
October 20-24, 1983	The Biltmore Hotel, Los Angeles, CA, Association of Planned Parenthood Professionals, 21st Annual Scientific Meeting, Panel member, "Medical/Legal Risks of Fertility Control."
November 12-14, 1983	Holiday Inn, Fort Lauderdale, FL, Florida Abortion Council Annual Meeting, Chairman, Focus: Risk Management, "Risk Management: Doing It Better."
November 15, 1983	Travelodge, Mt. Laurel, NJ, Ortho Pharmaceuticals, "Spermicides and Barrier Contraceptives Today."
November 16, 1983	Coachman Inn, Cranford, NJ, Ortho Pharmaceuticals, "Spermicides and Barrier Contraceptives Today."
November 17, 1983	Treadway Inn, Saddle Brook, NJ, Ortho Pharmaceuticals, "Spermicides and Barrier Contraceptives Today."
December 13, 1983	Brooklyn Hospital, Brooklyn, NY. "Advances in the Management of the Menopause."
February 7, 1984	Cooper Medical Center, Camden, NJ. "Risk Management in OB/GYN.
February 14, 1984	The New York Obstetrical Society, Yale Club, New York, NY. "Intrauterine Contraceptive Devices - Past, Present, and Future."
February 25, 1984	Princeton University, Princeton, NJ. "Update on Contraceptive Techniques and Common Reproductive Health Problems."
March 26, 1984	WOR Radio, The Sherry Henry Show, New York, NY. Panel discussion - "Problems with Live Births After Abortion Procedures."
March 31 - April 1, 1984	Scanticon-Princeton Executive Conference Center and Hotel, Princeton, NJ. Chairperson - "Contraception Today - Improving the Results - Reducing the Concerns." Presented a paper on "Selecting Patients for IUD Use."
May 14-16, 1984	National Abortion Federation, Eighth Annual Meeting, Los Angeles, CA. "Abortion Complications: Prevention and Treatment," - Chairperson. "New Developments in Fertility Control," panel member.
June 17-18, 1984	Planned Parenthood Federation of America Seminar on Second Trimester Abortion: Ethical, Political and Medical Issues, Ambassador Hotel, Los Angeles, CA, Chairperson.
September 14, 1984	Nassau Hospital, Mineola, Long Island, NY, Grand Rounds, Department of O/GYN, "Whither IUDs."

September 16-17, 1984	National Abortion Federation/Planned Parenthood Federation of America, Atlanta, GA, "Dilapan: An Improved Hydrophilic Dilator."
October 1, 1984	Soviet-American Clinical Study, Urology Clinical Study, Bukhara, USSR, "Risk Management in Gynecologic Surgery."
October 17, 1984	Rutgers University, Westmount Country Club, West Paterson, NJ, Seminar on The Pharmacist's Role in Family Planning, presented session on "Oral Contraceptives."
October 18, 1984	Rutgers University, Executive Motor Lodge, Mount Laurel, NJ, Seminar on The Pharmacist's Role in Family Planning, presented session on "Oral Contraceptives."
November 1-3, 1984	22nd Annual Scientific Meeting, Association of Planned Parenthood Professionals, Marriott Hotel on the Riverwalk, San Antonio, TX. Panel member - "Complications and Risk Management in Reproductive Health," and presented paper on "Dilapan: An Improved Hydrophilic Dilator."
February 13-15, 1985	Ninth Annual Post-Graduate Seminar, Nurse Practitioners in Family Planning, Planned Parenthood Federation of America, Wyndham Franklin Plaza Hotel, Philadelphia, PA, "Advances in Post-Conceptual Treatment."
March 15, 1985	Academy of Medicine of New Jersey, Elizabeth Medical Center, Elizabeth, NJ, "PMS."
June 3-4, 1985	Rutgers Student Health Center and the Department of OB/GYN at UMDNJ-Rutgers Medical School, Piscataway, NJ, "Clinical Problems of the College Student," panel member.
June 8, 1985	Association of Planned Parenthood Professionals, Sheraton Hotel, Boston, MA, "Recalcitrant Vaginitis."
June 9-12, 1985	National Abortion Federation, The Westin Hotel, Boston, MA, "Abortion: A Moral Choice," Panel Moderator: Case histories. Presentation on "Dilapan Use after 12 Weeks of Pregnancy." Retrospective Review of Contributions of the Center for Diseases Control. DSA Award for Best Scientific Paper.
July 17, 1985	Beth Israel Medical Center, Beth Israel Hospital, New York, NY, "The History of IUDs."
September 19, 1985	Hotel Intercontinental, West Berlin, Germany. FIGO meeting, "Advances in Cervical Dilation."
September 21, 1985	Hotel Intercontinental, West Berlin, Germany, The Christopher Tietze International Symposium, Chair: Medical Practice After Legalization of Abortion."
October 9, 1985	NY State Department of Health, Buffalo, NY, "Recalcitrant Vaginitis."

October 17-19, 1985	Association of Planned Parenthood Professionals, 23rd Annual Scientific Meeting, Seattle, WA, panel moderator for "Keeping Current in the Clinic." Presented paper on "Prevention of Repeat Contraceptive Failure."
October 27-28, 1985	National Abortion Federation/Planned Parenthood Federation of America, Montreal, Quebec, Canada, "D&E Operative Technique."
November 2, 1985	North Carolina Academy of Family Physicians, Raleigh, NC, "Oral Contraceptives - A Reassessment."
November 21, 1985	Howard University College of Medicine, Washington, DC, "Oral Contraceptives - Where We Are Today: Weighing the Risks and the Benefits."
November 26, 1985	Freehold Area Hospital, Freehold, NJ, "Advances in the Treatment of Intrapartum and Postpartum Hemorrhage.
February 7, 1986	Conference on the Future of the IUD, New York City, NY, "Impact on Contraceptors if IUD Marketing were Discontinued in the USA - The Medical Impact."
February 19-21, 1986	Nurse Practitioners in Family Planning, 10th Annual Post-Graduate Seminar, Philadelphia, PA, "Recurrent Vaginitis" and "PMS - Myth, Mystery and Management."
March 15-16, 1986	Consumer Oriented Medical Practice: A Plan for Success in the 80s and Beyond, Eagle Lodge Conference Center, Lafayette Hill, PA, "Empowering Patients: Key to Better Doctor-Patient Relationships."
March 17, 1986	Family Planning Council, Philadelphia, PA, One day course on Oral Contraceptives.
March 29, 1986	Ortho Pharmaceutical Corporation, Tarpon Springs, FL, A roundtable symposium on Advances in Candida Management, roundtable discussion on "The Immunocompromised Patient."
April 9, 1986	UMDNJ-Rutgers Medical School, Piscataway, NJ, Death and Dying Conference, "Living With Uncertainty."
April 11, 1986	Beakman Downtown Infirmary, New York, NY, Grand Rounds, "Recurrent Vaginitis."
May 9-14, 1986	International Tutorial System, United Kingdom Tour, London, Coventry, Carlisle City, Leeds, Kent, and Southampton, "Diagnosing and Treating Vaginitis."
June 8-11, 1986	National Abortion Federation, Tenth Annual Meeting, Kansas City, Missouri, "The Truth About Abortion," workshop, "What is Abortion: A Clinic Model" workshop, presented paper on "Medico-Legal Climate" and presented paper on "Operative Management of Effective Risk Reduction."

October 17, 1986	Association of Planned Parenthood Professionals, 23rd Annual Scientific Meeting, Sheraton New Orleans Hotel, New Orleans, LA, "Diagnosing and Treating Recurrent or Recalcitrant Vaginitis."
October 17, 1986	Planned Parenthood Federation of America, Inc., Annual meeting, Sheraton New Orleans Hotel, New Orleans, LA, "Quality Assurance Workshop."
October 18, 1986	Planned Parenthood Medical Risk Reduction Seminar, Planned Parenthood Federation of America, Sheraton Hotel, New Orleans, LA. Moderator: "Morning Clinical Session," and "Risk Reduction in Surgical Services: Abortion, Female Sterilization."
October 28, 1986	Rockland Community College, Rockland County, NY, "All You Need to Know About PMS."
November 6, 1986	Fall River General Hospital, Fall River, MA, "Update on OCs."
December 9, 1986	John F. Kennedy Medical Center, Edison, NJ, Family Practice Department, "Diagnosis and Management of Recurrent Vaginitis."
January 28, 1987	New Jersey Pharmaceutical Association, Rutgers College of Pharmacy, Piscataway, NJ, "Update on OCs."
February 8-9, 1987	National Abortion Federation/Association of Planned Parenthood Professionals/Planned Parenthood Federation of America, Winter Risk Management Seminar: "A Risky Business: Reproductive Health Care in Litigation," Chairman.
March 17, 1987	Dameron Hospital, Stockton, CA, "Update on OCs."
April 8, 1987	Queens Hospital Center, Long Island Jewish/Hillside Medical Center, Jamaica, NY, Department of OB/GYN, "Update on Steroidal Contraception."
April 10, 1987	Interfaith Medical Center, Brooklyn, NY, "Update on OCs."
April 30 - May 2, 1987	Association of Planned Parenthood Professionals, Flamingo Hilton Hotel, Las Vegas, NV, "Practical Aspects of Reproductive Health." Panel member on "A Great Debate: Are There Unnecessary Barriers to Oral Contraceptive Use?" and "Misdiagnoses and Their Medical/Legal Implications."
May 6, 1987	Medical College of Pennsylvania, Philadelphia, PA, "Update on OCs."
May 28, 1987	Chicago Marriott Downtown, Chicago, IL, "Update on OCs."
June 3, 1987	Charleston Area Medical Center, Charleston, WV, "Update on OCs."
June 12, 1987	Astoria General Hospital, Flushing, NY, "Update on OCs."
July 13, 1987	Cabin Club, White Sulphur Springs, WV, "Update on OCs."

September 10, 198?	The 2nd International Symposium on Premenstrual, Postpartum and Menopausal Mood Disorders, Kiawah Island, SC, "Preliminary Investigation on the Relationship Between Chronic Candidiasis and Premenstrual Syndrome."
September 18, 198?	Kansas Medical Education Foundation, Topeka, Kansas, Office Gynecology Update III, "Sex, Death, Malpractice, and Oral Contraceptives" and "Persistent, Recurrent and Recalcitrant Vaginitis."
September 20, 198?	National Abortion Federation, Fall 1987 Risk Management Seminar, Beyond Sixteen Weeks: Practical Considerations for Quality Care, Chair - "Complications and Their Management," and "Surgical Injuries and Repair."
October 7, 1987	Brookdale Hospital, Brooklyn, NY, "Sex, Death, Malpractice and Oral Contraceptives."
October 11, 1987	Procreation Ethics, Adult Forum, St. John's Lutheran Church, Summit, NJ, "The Biology of Procreation."
October 21, 1987	Monmouth Medical Center, Long Branch, NJ, "Chronic and Recurrent Vaginitis."
November 4, 1987	Rockland County Community College, Rockland County, NY, "PMS."
November 8-11, 198?	Second Annual Current Issues and Controversies in OB/GYN, ACOG-NJ Section/NJ Obstetrical and Gynecological Society/Academy of Medicine of NJ, Walt Disney World Village, Lake Buena Vista, FL, "Persisting and Recurring Vaginitis," "Sex, Death, Malpractice and the Use of Oral Contraceptives" and "Overview of Obstetrical and Gynecological Liability."
November 15, 1987	Florida Abortion Council, "Back to the Future," 9th Annual Meeting, Mount Dora, FL, "Abortion Reviewed: a look at what we've learned, what we think we've learned, and what we don't know about the procedure" and "Case Presentations."
November 20, 1987	Association of Reproductive Health Professionals, Woman at Risk: Contraception Provision and Sexually Transmitted Diseases Management, Sheraton Boston, Boston, MA, "Welcome and Introduction," and "Contraceptives in the Woman at Risk - Moderator."
November 21, 1987	Planned Parenthood Federation of America, Medical Risk Reduction Seminar, Sheraton Boston, Boston, MA, "Welcome" and "Medical Risk Management Principles: Overview and Introduction."
December 19, 1987	Parke-Davis Pharmaceutical Company, Ft. Lauderdale, FL, Chairman - "Sexually Transmitted Diseases: The New Epidemics" - a roundtable discussion.
January 4, 1988	"Current Management of Osteoporosis in the Menopause." St. Joseph's Hospital, Paterson, NJ.

February 18-19, 1988	Medical/Legal Problems for Nurse Clinicians" and "Managing Chronic Vaginitis." Nurse Practitioners in Family Planning annual meeting, Sheraton Society Hill, Philadelphia, PA.
February 29, 1988	Discussion of medical and public health issues regarding 15 years of legal abortion (includes description of how reproductive health professionals seek to monitor and improve the quality of abortion services, and how such services are integrally related to other aspects of reproductive health care, such as the prevention of unplanned pregnancy). Presentation made to the United States Surgeon General, C. Everett Koop, M.D., Washington, DC.
March 25, 1988	Morton Downey Show, New York, NY, "Condom Use."
April 13, 1988	Death and Dying Workshop, UMDNJ-Robert Wood Johnson Medical School, Piscataway, NJ, "Dancing on the Edge of the Abyss."
May 3-4, 1988	American College of Obstetricians and Gynecologists annual meeting, The Westin Hotel, Boston, MA, Chairman: "Genital Ulcerations as a Portal of Entry for HIV: Clinical Findings and Implications."
May 5-7, 1988	Association of Reproductive Health Professionals, The Westin Hotel, Boston, MA, "Safe Sex? Healthy Sex!"
May 11, 1988	Temple University Hospital, Philadelphia, PA, "Prevention and Management of Cardiovascular Disease in Women."
May 20-22, 1988	Department of Obstetrics and Gynecology, UMDNJ-Robert Wood Johnson Medical School, Management of Professional and Hospital Liability in Obstetrics and Gynecology, 5/20 - "General Principles of Risk Management", 5/21 - Moderator of session; "Liability Aspects of Pregnancy Termination."
May 22-24, 1988	National Abortion Federation, Abortion Practice Advancement, Twelfth Annual Meeting, Minneapolis, Minnesota, Contraceptive Technology Update: "Introducing the TCU 380." Facilitator: Case Histories
May 29, 1988	First Canadian Conference on Abortion Techniques, Harbour Castle Westin, Toronto, Canada, "Needed: A Bill of Rights for Human Reproduction."
June 2, 1988	Eighth Annual Update on Reproductive Health Care: Being Well, Living Well, Community College, Philadelphia, PA, FP Council of Southeastern Pennsylvania, "Prevention and Management of Cardiovascular Disease in Women."
June 3, 1988	STDs as Risk Factors for HIV Infection, St. Moritz Hotel, New York, NY, "Identification and management of high-risk STD patients in OB/GYN practice."
June 16, 1988	Tenth Annual Kansas Family Planning Conference - Update '88, Wichita Airport Hilton, Wichita, Kansas, "Contraceptive Update" and "Vaginitis."
September 13, 1988	Cooper Hospital, One Cooper Plaza, Camden, NJ, "Prevention of Cardiovascular Disease in Women."

September 26, 1988	Baltimore County Regional Family Planning Conference, Dundalk Community College, Baltimore County, MD, "Cholesterol, Oral Contraceptives and the Risks of Heart Disease in Women."
October 14, 1988	Association of Reproductive Health Professionals, Reproductive Health Update 1988, Adam's Mark Hotel, St. Louis, Missouri, "The Rise and Fall of the IUD" and "Selecting Patients and Inserting the ParaGard."
October 15, 1988	Planned Parenthood Federation of America, Medical Risk Reduction Seminar, St. Louis, Missouri, Moderator for all sessions.
November 6, 1988	Third Annual Current Issues and Controversies in OB/GYN, Contemporary Resort, Walt Disney World, Florida, "Cardiovascular Risk in Women."
November 7, 1988	Third Annual Current Issues and Controversies in OB/GYN, Contemporary Resort, Walt Disney World, Florida, "Persistent Candidiasis."
November 17, 1988	Shufelt Society, San Jose, CA, "Cardiovascular Risk in Women."
November 18, 1988	Valley Medical Center, San Jose, CA, "Recurrent Vaginitis."
December 9, 1988	Association of Reproductive Health Professionals, Phoenix, AZ, "The Safety of IUDs," Chairman
December 12, 1988	East Orange General Hospital, East Orange, NJ, "Sexually Transmitted Diseases."
December 21, 1988	Long Island Jewish Medical Center, New Hyde Park, NY, "Recalcitrant Vaginitis."
February 17, 1989	Thirteenth Annual Post-Graduate Seminar for Nurse Practitioners in Family Planning, Sheraton Society Hill Hotel, Philadelphia, PA, "Cardiovascular Risk in Women."
March 6, 1989	Pharmacy Department, Robert Wood Johnson University Hospital, New Brunswick, NJ, "Infection in Gynecology."
March 10-11, 1989	Paradise Valley Resort, Scottsdale, Arizona, Progestasert Advisory Board Committee meeting.
March 12-13, 1989	Montiefiore Medical Center/Albert Einstein College of Medicine, New York, NY, "Take a Closer Look: Standards for Prescribing," a closed symposium.
March 31, 1989	International Symposium on Vaginitis and Vaginosis, Mission Inn, Howey-in-the-Hills, Orlando, Florida, "Diagnosing Persistent and Recurrent Vaginitis - the Methodology."
April 2, 1989	Wave of the Future? Ultrasonography and Abortion, Abortion Practice Advancement, National Abortion Federation, San Francisco, CA, Case Moderator: Ultrasound Findings in Abnormal Pregnancies: Case Studies.
April 3, 1989	Abortion Rights: The Power of Commitment, National Abortion Federation, Thirteenth Annual Meeting, San Francisco, CA, panel member: "The Power of the Past."

April 26, 1989	The Woodrow Wilson Auditorium, Princeton University, Princeton, NJ, Presented at the "You May Lose The Right To Choose" at Medical Aspects of Legal Abortion.
April 28, 1989	Missouri Family Planning Association, 17th Annual Conference, OMNI Hotel, St. Louis, Missouri, Keynote Address: "Cardiovascular Risk in Women" followed by Clinical Case Studies in Family Planning.
May 2, 1989	Planned Parenthood of Northwest New Jersey, Inc., Morristown, NJ, "RU486: Do We Need It?"
May 17, 1989	Rochester General Hospital, Rochester, NY, "Prevention and Management of Cardiovascular Risk in Women".
May 17, 1989	The Pharmacist Institute of New Jersey, 12th Annual Lecture, Hyatt Regency, New Brunswick, "Safe Sex? Healthy Sex!"
May 18-19, 1989	The James E. Fitzgerald Obstetrical and Gynecological Society, Radisson Plaza Hotel, Minneapolis, Minnesota, "Prevention and Management of Cardiovascular Risk in Women" and "Safe Sex? Healthy Sex!"
June 8, 1989	Planned Parenthood of Northern New England, Radisson-Burlington Hotel, Burlington, Vermont, Practitioner Conference, "Chronic Vaginitis" and "The Long-Look Effects of Oral Contraceptives on the Cardiovascular System and Neoplasia"
September 10-12, 1989	Fall Risk Management Seminar, Progress and Problems in Abortion Practice, The National Abortion Federation, Toronto, Canada, Co-Chair - September 10 and 11, presented paper on Cervical Dilation - September 11, 1989.
September 14, 1989	OBTV 29, Old Bridge, NJ, "Come Let's Reason Together" talk show. Spoke on the abortion issue.
October 5, 1989	Division of Maternal and Child Health, 32nd Annual Helen B. Fraser Conference, Case Management in Maternal and Child Health Services, Holiday Inn Hurstbourne, Louisville, Kentucky, "Oral Contraceptives and the Risks of Cardiovascular Disease"
October 19, 1989	Association of Reproductive Health Professionals Annual Meeting, San Diego, CA. Moderator: "IUD Symposium: Management of IUD Complications."
October 27, 1989	Emory University School of Medicine, Department of Gynecology and Obstetrics, Marriott Marquis Hotel, Atlanta, GA, "Women's Health Care: A National Challenge." Presented "Chronic Vaginitis: Is It Curable?" and "Safe Sex? Healthy Sex!"
November 5-8, 1989	Fourth Annual Current Issues and Controversies in OB/GYN, UMDNJ - Robert Wood Johnson Medical School, Club Lake Villas, Walt Disney World, Florida, November 6 - Moderator of Session and Presented paper on "Recalcitrant Vaginitis." November 7 - Presented papers on "Sexually Transmitted Diseases" and "Cardiovascular Risk in Women."

February 22, 1990 — Fourteenth Annual Post-Graduate Seminar for Nurse Practitioners in Family Planning, Wyndham Franklin Plaza Hotel, Philadelphia, PA, "Vaginitis: The Yeast Connection."

IN AND BEFORE THE OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

FILED
APR 19 1990
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, ex rel, OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION,	)	
Plaintiff,	)	
v.	)	
NARESHKUMAR PATEL, M.D. Medical License No. 14640,	)	CASE NO. 87-7-514
Defendant.	)	

PLAINTIFF'S RESPONSE TO
MOTION FOR DISCOVERY DOCUMENTS AND
FOR BILL OF PARTICULARS

COMES NOW the Plaintiff, State of Oklahoma, ex rel, Oklahoma State Board of Medical Licensure and Supervision, and in response to Defendant's Motion for Discovery Documents and for Bill of Particulars, alleges and states as follows:

REQUEST NO. 1: Copies of all evidence, documents, records, charts, notes and any other documents and records of any kind upon which the Plaintiff may rely in attempting to prove any of the allegations against Defendant.

RESPONSE: Attached hereto are copies of all investigative records prepared by the staff of the Oklahoma Board of Medical Licensure and Supervision concerning the captioned case. In addition, medical records of the two patients in question or portions thereof, may be submitted at the time of hearing.

In addition to the above-stated documents, there will also be testimony from some of the following persons with firsthand knowledge thereof: D.C. Mosshart, Investigator, Oklahoma State Board of Medical Licensure and Supervision; Mark R. Johnson, M.D., Medical Director, Oklahoma Board of Medical Licensure and Supervision; and the following physicians at the Oklahoma Health Science Center, Dr. Richard Felton, Dr. Kurt Martinuzzi, Dr. Lauranne Harris, Dr. Mary Lynn Stoffel, and Dr. Russell R. Suda.

REQUEST NO. 2: That Plaintiff set forth with specificity the allegations and charges against him in each of the four Complaints.

RESPONSE: The Complaint sets forth specifically the allegations and charges concerning the Defendant. Unprofessional conduct for a physician and surgeon is defined at 59 O.S. 1981, Sec. 509, and that those words "are hereby declared to include, but shall not be limited to the following acts." Attorney General Opinion No. 76-279 dated September 26, 1976, specifically authorized the Board to consider as unprofessional conduct any incompetence or negligence by a physician and surgeon. Subparagraph 11 of Section 509 enumerates specifically as unprofessional conduct for a physician to fail to keep complete and accurate records of the purchase and disposal of controlled drugs or narcotic drugs.

Numeral 2 relates to the Defendant's actions in performing a surgical procedure on patient ESB and alleges that said procedure was performed in an unprofessional manner and in an unprofessional setting. Witnesses who will testify to this are

set forth above, with the exception of Mr. Mosshart. A summary of their testimony and observations are in the investigation reports compiled by Mr. Mosshart.

Paragraph 3 of the Complaint conerns the abandonment of a patient by the Defendant. Dr. Stoffel is the primary witness on this allegation.

Paragraph 4 of the Complaint relates to the Defendant's alleged failure to maintain dispensing records for dangerous drugs and failing to keep complete and accurate records of the purchase and dispensing of controlled drugs or narcotic drugs. Primary testimony on this matter will come from Mr. Mosshart. A copy of his office audit on the Defendant is in the materials attached above.

Respectfully submitted,

DANIEL J. GAMINO OBA #3227
Daniel J. Gamino & Associates, P.C.
3315 NW 63
Oklahoma City, OK 73116
(405) 840-3741
ATTORNEY FOR PLAINTIFF

Verification attached.

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 18 day of April, 1990, to:

ARNOLD D. FAGIN
Fagin & Fagin
2650 First Oklahoma Tower
210 West Park Ave.
Oklahoma City, OK 73102

DANIEL J. GAMINO

DR 2

P R O B A T I O N R E P O R T

LICENTIATE: Nareshkumar Patel **DATE INTERVIEWED:** 4-26-90

LICENSE/CERTIFICATE NBR: 14640

CASE NUMBER: 87-07-514

PRACTICE SETTING: Dr. Patel's office is in a modern professional Building in NW OKC. It is very neat, appropriately furnished and his staff was cooperative, orderly.

LICENTIATE'S APPEARANCE: Dr. Patel was appropriately dressed for his clinic setting. He was wearing freshly pressed scrubs.

ATTITUDE/BEHAVIOR: Dr. Patel was congenial; he reviewed the stipulations of his order of continuance and cooperated willingly.

CURRENT MEDICATIONS: N/A

MEETINGS ATTENDED SINCE: N/A

SIGNIFICANT CHANGES

1. **FINANCIAL:** He stated his practice is stable and that he is under no major stress.

2. **PERSONAL RELATIONSHIPS:** Good

3. **PROFESSIONAL RELATIONSHIPS:** Has a working arrangement with Sidney Laughlin, D.O. who assists him at Mission Hills Hospital in Shawnee and if necessary at Seminole.

4. **OTHER:** Dr. Patel was unsure of the number of caesarean sections he had performed since January 30, 1990 but he thought may be 3 or 4 at Shawnee but none at Deaconess Hospital where he also has privileges.

He stated he was not doing any elective surgeries; but did raise the question as if during delivery is a tubal ligation considered "elective surgery". I advised him that unless otherwise stipulated: clarified paragraph 1 C would prohibit him from doing so. I advised him in that an assisting physician is there scrubbed that the order could be carried out by the assisting physician and that there would be no question as to compliance to the order of continuance.

He stated Dr. Laughlin has assisted him at Seminole for 1 or 2 C Sections; but prefers to have his patients come to Shawnee for scheduled C-Sections.

On April 30, 1990 I visited with Pat Thomason, Administrator at Mission Hills Hospital in Shawnee and she assisted me in reviewing the hospital O.R. log from 2-1-90 through the present date (4-30-90)

The Log Records;

2-7-90	Dr Patel/Dr. Laughlin	C-Section
2-14-90	" "	" "
2-21-90	" "	C-Section Bilateral Tubal Ligation
2-27-90	Dr. Patel/Hanks	" "
3-16-90	Dr. Patel/Laughlin	C-Section
3-17-90	" "	"
3-22-90	" "	Repeat C-Section
3-24-90	" "	D&C
3-25-90	Dr. Patel/Laughlin laparocystotomy,	D&C, exploratory appendectomy, bilateral tubal ligation.
4-1-90	Dr.Patel/Laughlin	C-Section
4-20-90	" "	D&C
4-20-90	" "	C-Section
4-26-90	" "	"
4-27-90	" "	"
Scheduled for 5-3-90	" "	"

Ms. Thomason stated Dr. Patel was not scheduling elective surgeries, that Mission Hills Hospital has had no difficulties with Dr. Patel. She further stated reports she received from the staff is that Dr. Patel is quick, efficient and a good surgeon. She said she feels mother and baby are in excellent hands when he is the physician.

I called Sidney Laughlin, D.O. on April 30, 1990. He stated that he has been in attendance for all of Dr. Patel's C-Sections, D&C's etc., and that he, Dr. Laughlin, had performed the 2 or 3 elective surgeries which Dr. Patel had scheduled during this time frame January 31, 1990 through April 30, 1990.

I called Mr. Spencer at Deaconess Hospital on April 30, 1990 and he said he would check the hospital records to verify whether Dr. Patel had had any surgeries during the period of January 31, 1990 through April 30, 1990. Dr. Spencer stated that Dr. Patel had had one vaginal delivery and one C-Section during the period requested.

DATE OF LAST INTERVIEW:

BY: RALPH BALDWIN

IN THE DISTRICT COURT OF OKLAHOMA COUNTY

STATE OF OKLAHOMA

DAPHNEY THOMAS,

Plaintiff,

vs.

No. CJ-88-534

THE STATE OF OKLAHOMA, EX. REL. DEPARTMENT OF HUMAN SERVICES / OKLAHOMA TEACHING HOSPITALS - OKLAHOMA MEMORIAL HOSPITAL; DARRELL WISDOM, M.D.; K. PITTS, M.D.; MARY STOFFEL, M.D.; and RUSSELL SUDA, M.D.,

Defendants.

AMENDED PETITION

COMES NOW the Plaintiff, DAPHNEY THOMAS, and for her cause of action against the Defendants, THE STATE OF OKLAHOMA, EX. REL. DEPARTMENT OF HUMAN SERVICES / OKLAHOMA TEACHING HOSPITALS - OKLAHOMA MEMORIAL HOSPITAL; DARRELL WISDOM, M.D.; K. PITTS, M.D.; MARY STOFFEL, M.D.; and RUSSELL SUDA, M.D., alleges and states as follows:

1. That on the 24th day of April, 1987, a notice of claim was filed with the State of Oklahoma by the Plaintiff; that on July 23, 1987, Claim No. TC-87-0219 was denied by the Attorney General of the State of Oklahoma; suit has been commenced within the statutory time.

2. That Daphney Thomas was admitted as a patient at Oklahoma Memorial Hospital on January 24, 1987. That during that time she was under the care of the above named Defendant doctors. That at all times herein some of the Defendant doctors were residents, agents, employees or servants of the Defendant Oklahoma Memorial Hospital. That the Plaintiff was admitted to Oklahoma Memorial Hospital for the prenatal care, labor and delivery of her baby.

3. That the Defendants, and each of them, were negligent and fell below the acceptable standard of care in the treatment

of the Plaintiff proximately causing her serious and permanent injuries hereinafter more particularly set out:

a) The Defendants, and each of them, failed to properly determine the due date of the Plaintiff.

b) The Defendants failed to use ordinary care in the prenatal, labor and delivery of the Plaintiff.

c) The Defendants incorrectly administered medication, ritodrine, magnesium sulphate and other medications, causing the Plaintiff to go into permanent respiratory arrest causing permanent lung injury.

d) The Defendants failed to take timely action to treat the condition they created due to their negligence.

e) The Defendants were under the exclusive control and care of the Plaintiff and the injuries would not have occurred without the negligence on the part of the Defendants, and therefore, the doctrine of res ipsa loquitor applies.

4. That as a proximate cause of the negligence of the Defendants, the Plaintiff has and will sustain mental pain and anguish; has and will sustain permanent disability; has and will sustain medical expenses; has and will sustain loss of enjoyment of life; has and will sustain loss of income and impairment of earning capacity.

WHEREFORE, Plaintiff, DAPHNEY THOMAS, prays for damages against the Defendants, and each of them, in an amount in excess of Ten Thousand Dollars ($10,000.00), interest from the date of filing, costs of this action, and such other and further relief as the Court deems just and proper.

DAPHNEY THOMAS, Plaintiff

By: JOHN BAUM - O.B.A. #612
Attorney for Plaintiff
BAUM, RALSTIN & SHORES
4808 Classen Boulevard
P. O. Box 54560
Oklahoma City, OK 73118
(405) 848-9552

AND

R. THOMAS BEADLES, Jr.
MONTY BELLUMO
Main Place, Suite 170

420 W. Main Street
Oklahoma City, OK 73102-4435
(405) 232-6490

CERTIFICATE OF MAILING

This is to certify that on this 7 day of March, 1988, a true and correct copy of the above and foregoing Amended Petition was mailed to the following:

Richard W. Freeman, Jr.
Assistant General Counsel
Department of Human Services
P. O. Box 53025
Oklahoma City, OK 73152-3025

George W. Paull, Jr.
S. Randall Sullivan
Short, Barnes, Wiggins,
Margo & Adler
1400 American First Tower
Oklahoma City, OK 73102

JOHN BAUM

PF MK

IN AND BEFORE THE OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel, OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION,	)	
Plaintiff,	)	
v.	)	
NARESHKUMAR PATEL, M.D., Medical License No. 14640,	)	CASE NO. 90-09-1129
Defendant.	)	

FINAL ORDER
DISMISSING COMPLAINT

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on June 26, 1992, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and Nareshkumar Patel, M.D., Defendant, appeared in person and by counsel, Stanley M. Ward, Attorney at Law, 629 - 24th Ave. SW, Norman, OK 73069.

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

FINDINGS OF FACT

1. That Defendant, Nareshkumar Patel, M.D., holds Oklahoma Medical License No. 14640.

2. That the Oklahoma Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.

3. That Plaintiff failed to present a preponderance of evidence to demonstrate unprofessional conduct as defined in the Oklahoma Medical Practice Act, 59 O.S. 1991, Sec. 509, and the rules and regulations adopted by the Board.

2. That in light of the evidence received and the requirements of 59 O.S. 1991, Sec. 509, said Complaint should be dismissed.

CONCLUSIONS OF LAW

1. That the evidence presented did not show unprofessional conduct as defined by the Oklahoma Medical Practice Act, 59 O.S. 1991, Sec. 509.

ORDER

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

1. That the Complaint filed herein against the Defendant, Nareshkumar Patel, M.D., holding Oklahoma Medical License No. 14640, should be and the same is hereby DISMISSED.

2. That Defendant, by and through his legal counsel, should receive a copy of this Order so his file is complete.

DATED this 2 day of July, 1992.

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

APPROVED AS TO FORM:

DANIEL J. GAMINO OBA #3227
Daniel J. Gamino & Associates, P.C.
3315 NW 63
Oklahoma City, OK 73116
(405) 840-3741
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 6 day of July, 1992, to:

NARESHKUMAR PATEL, M.D.
c/o Stanley M. Ward
Attorney at Law
629 - 24th Ave. SW
Norman, OK 73069

Janet L Owens

IN AND BEFORE THE OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel, OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION,	)	
Plaintiff,	)	
v.	)	
NARESHKUMAR PATEL, M.D. Medical License No. 14640,	)	CASE NO. 87-7-514
Defendant.	)	

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on June 9, 1990, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and Nareshkumar Patel, Defendant, appeared in person and by counsel, Arnold Fagin, Attorney, Oklahoma City, Oklahoma.

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

FINDINGS OF FACT

1. That Defendant, Nareshkumar Patel, M.D., holds Oklahoma Medical License No. 14640.

2. That the Oklahoma Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.

3. That on or around June 10, 1989, Defendant did perform a surgical procedure on patient E.S.B., and said procedure was performed in an unprofessional manner and in an unprofessional setting.

4. That the Defendant did not comply with applicable state laws and regulations relating to the writing of prescriptions for controlled dangerous substances, in failing to maintain dispensing records for dangerous drugs, and in failing to keep complete and accurate records of the purchase and dispensing of controlled drugs or narcotic drugs.

CONCLUSIONS OF LAW

1. That Defendant failed to demonstrate that his Motion for Partial Continuance should be granted, and said motion was overruled.

2. That Defendant's Motion to Sequester Witnesses prior to the beginning of testimony was granted. However, that ruling did not include persons who were observing the proceedings and who may or may not have any interest in either side of the case.

3. That Defendant's Motion to Voir Dire Board Members on their personal and philosophical feelings toward the subject of abortion was without legal basis and was denied.

4. That Defendant's Motion to Dismiss the Complaint and Citation was without legal basis and was denied.

5. That Defendant, Nareshkumar Patel, M.D., holding Oklahoma Medical License No. 14640, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 509 and Sec. 509(11), for unprofessional conduct in his action on patient E.S.B. and for failure to keep complete and accurate records of the purchase and disposal of controlled drugs or narcotic drugs.

ORDER

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

1. That the Defendant, Nareshkumar Patel, M.D., holding Oklahoma Medical License No. 14640, should be and is hereby FORMALLY REPRIMANDED and said reprimand should be made a matter of record based on the above and foregoing facts.

2. That in addition to the aforesaid formal reprimand, Defendant is hereby ordered to fulfill the following conditions, to-wit:

(a) Meet with staff members of the Oklahoma Board of Medical Licensure and Supervision and implement a proper record-keeping system for controlled and narcotic drugs and appear before the Board within one (1) year from June 9, 1990, to demonstrate the record-keeping system put in place for controlled and narcotic drugs.

(b) Implement a formal, written, procedure manual to include qualifications of his professional and non-professional employees and job descriptions therefor, and to provide same to the Board staff within 60 days of June 9, 1990. Defendant may consult with the Board staff for assistance in preparing the formal procedures manual.

3. Exceptions granted to both parties on all rulings made herein.

DATED this 12 day of ~~June~~ July, 1990.

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

APPROVED AS TO FORM:

DANIEL J. GAMINO OBA #3227
Daniel J. Gamino & Associates, P.C.
3315 NW 63
Oklahoma City, OK 73116
(405) 840-3741
ATTORNEY FOR PLAINTIFF

Arnold Fagin by [illegible] OBA #2799

ARNOLD D. FAGIN OBA #2799
Fagin & Fagin, P.C.
2650 First Oklahoma Tower
210 West Park Ave.
Oklahoma City, OK 73102
(405) 239-6771
ATTORNEY FOR DEFENDANT

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 16 day of ~~June~~ July, 1990, to:

ARNOLD D. FAGIN
Fagin & Fagin, P.C.
2650 First Oklahoma Tower
210 West Park Ave.
Oklahoma City, OK 73102

Janet Owens

Certified Copy

The State Board of Medical Examiners

OF NEW JERSEY

Certifies that Nareshkumar G. Patel M. D. has passed a satisfactory examination before this Board and is hereby licensed to practice Medicine and Surgery in the State of New Jersey.

No. 40132

Trenton, New Jersey:
February 8, 1982.

Edwin H. Albano, M.D.
President.

State Board of Medical Examiners

Jordan D. Burke, M.D.
Secretary.

Trenton, New Jersey February 8, 1982

I, Charles A. Janousek, Executive Secretary of the State Board of Medical Examiners of New Jersey, do hereby certify that the foregoing is a true copy of the Certificate of License issued by this Board to Nareshkumar G. Patel M. D. on February 8, 1982

Charles A. Janousek M.D.

Charles A. Janousek Executive Secretary.

PF mx 5-13-92

IN AND BEFORE THE OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel, OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION, Plaintiff,	)	
v.	)	
NARESHKUMAR PATEL, M.D. Medical License No. 14640, Defendant.	)	CASE NO. 90-09-1129

CITATION

TO: NARESHKUMAR PATEL, M.D.
1902 Gordon Cooper Dr.
Shawnee, OK 74801

YOU ARE HEREBY NOTIFIED that on the 11 day of May, 1992, a sworn Complaint was filed with the undersigned member of the Oklahoma State Board of Medical Licensure and Supervision, State of Oklahoma, charging you with violation of the Oklahoma Medical Practice Act, 59 O.S. 1991, Sec. 509. A copy of said Complaint is attached hereto and made a part hereof.

On the 27 day of June, 1992, said Board will be in regular session at 9:00 o'clock A. M., at 5104 N. Francis, Suite C, Oklahoma City OK, at which time said Complaint will be considered by the Board and a hearing will be held pursuant to the Oklahoma Administrative Procedures Act, 75 O.S. 1971, Sec. 301, et seq., as amended.

If it be the decision of the Board, after considering all the testimony and evidence, that you are guilty as charged, your license to practice medicine and surgery within the State of Oklahoma will be suspended or revoked or such other disciplinary action taken by the Board as may be authorized by law.

Under the laws of the State of Oklahoma, you are required to file your written Answer under oath with the Secretary of said Board within twenty (20) days after the Citation is served upon you. Unless said Answer is so filed, you will be considered in

default and if the charges be deemed sufficient by the Board your license to practice medicine and surgery in the State of Oklahoma will be suspended or revoked.

THEREFORE, you are cited to appear at said hearing on said date. If you are not present in person, you may be present by your attorney or other representative.

DATED this 11 day of May, 1992.

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

PF MK

ON AND BEFORE THE STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel, OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION Plaintiff, v. NARESHKUMAR PATEL, M.D. License No. 14640 Defendant.	)	CASE NO. 90-09-1129

NOTICE OF HEARING

PLEASE BE ADVISED THAT HEARING ON THIS CASE WILL BE HELD at 1:00 P.M, on Friday the 26th day of June, 1992, at the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma.

DATED this 9th day of June, 1992

Carole A. Smith

Carole A. Smith, Executive Director
Oklahoma State Board of Medical
Licensure and Supervision

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 9 day of June, 1992 to:

Nareshkumar Patel, M.D.
1902 S. Gordon Cooper Dr.
Shawnee, OK 74801-9368

Stanley M. Ward
Attorney
629 24th Avenue S.W.
Norman, OK 73069

RETURN OF SERVICE BY AGENT

Received the attached Citation at Oklahoma City, Oklahoma, on the 11 day of May, 1992, and on the 12th day of May, 1992 at 2:40 o'clock P.M. served it on the within named Naresh Kumar Patel aka by delivering a copy to him/her at:

6112 N.W. 63rd

Okla City, OK

Subscribed and sworn to before me on this 12th day of May, 1992.

Notary Public

My Commission expires:

January 16, 1995

IN AND BEFORE THE OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel, OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION,	)	
Plaintiff,	)	
v.	)	
NARESHKUMAR PATEL, M.D. Medical License No. 14640,	)	CASE NO. 87-7-514
Defendant.	)	

COMPLAINT

COMES NOW D.C. Mosshart, Investigator for the Oklahoma State Board of Medical Licensure and Supervision, being first duly sworn upon oath and states:

1. That Nareshkumar Patel, M.D., holding Oklahoma Medical License No. 14640, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 509 and Sec. 509(11), for unprofessional conduct and for failure to keep complete and accurate records of purchase and disposal of controlled drugs or narcotic drugs.

2. That on or around June 10, 1989, Defendant did perform a surgical procedure on patient E.S.B., and said procedure was performed in an unprofessional manner and in an unprofessional setting.

3. That in on or about December 1, 1988 or January 1, 1989 of 1988, Defendant abandoned a patient and left the premises of his clinic to take a friend to the airport and left the patient in a post-operative condition in the treatment room under anesthesia, and the patient's blood pressure dropped and the patient required emergency medical assistance.

4. That the Defendant did not comply with applicable state laws and regulations relating to the writing of prescriptions for controlled dangerous substances, in failing to maintain dispensing records for dangerous drugs, and in failing to keep complete and accurate records of the purchase and dispensing of controlled drugs or narcotic drugs.

WHEREFORE, Complainant prays this Board to conduct a hearing and upon proof of the allegations contained herein that such disciplinary action be taken by the Board as is authorized by law.

D.C. MOSSHART, Investigator
State Board of Medical Licensure
and Supervision

Subscribed and sworn to before me this 27 day of December, 1989.

Sharon Nash
Notary Public

My Commission expires:
December 13, 1993

LCC-14640
Case - 87-7-514

RETURN OF SERVICE BY AGENT

Received the attached Citation and Nctice of Guidelines on Attempted Postponement of Hearing at Oklahoma City, Oklahoma, on the 28 day of December, 1989, and on the 2nd day of January, 1990 ~~1989~~, at 4:15 o'clock P .M. served them on the within named NARESHKUMAR PATEL M.D by delivering copies to him/~~her~~ at:

6005 NW 63rd
Okla. City,
Oklahoma

Subscribed and sworn to before me on this 3 day of January 1990 ~~1989~~.SN

Sharon nash
Notary Public

My commission expires:

December 13, 1993

NOT FOR PUBLICATION

THE COURT OF APPEALS OF THE STATE OF OKLAHOMA

DIVISION 3

FILED
COURT OF APPEALS
STATE OF OKLAHOMA
MAR 17 1992
JAMES W. PATTERSON
CLERK

STATE OF OKLAHOMA, ex rel, OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION,

Appellee,

versus

NARESHKUMAR PATEL, M.D. Medical License No. 14640,

Appellant.

Case Number 75,922

Rec'd (date) 3-17-92
Posted X
Mailed X
Distrib X
Publish ___ yes X no

OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION EN BANC

AFFIRMED IN PART, REVERSED IN PART and REMANDED WITH DIRECTIONS

Daniel J. Gamino
Oklahoma City, Oklahoma, For Appellee,

Arnold D. Fagin, and
Michael L. Mullins,
Oklahoma City, Oklahoma, For Appellant.

MEMORANDUM OPINION

Opinion by Carol M. Hansen, Vice-Chief Judge:

On December 28, 1989, a complaint and citation were issued by the Oklahoma State Board of Medical Licensure And Supervision (Board) against Nareshkumar Patel, M.D. (Defendant). The hearing, initially scheduled for February 3, 1990, was postponed upon Defendant's motion until June 9, 1990. During the interim, Defendant voluntarily agreed to certain limitations on his medical practice. On June 1, 1990, Defendant filed a motion for partial continuance. At the hearing, witnesses were called in support of the allegations of the complaint and defense witnesses were called by Defendant. Cross-examination and re-direct was held on each witness. Board deliberated on the evidence in the record.

Board's complaint contained four allegations. First, Board alleged Defendant was in violation of 59 O.S. 1981 §§509 and

509(11) for unprofessional conduct and for failure to keep complete and accurate records of purchase and disposal of controlled drugs or narcotic drugs. More specifically, the complaint alleged that Defendant performed a surgical procedure i.e., a second trimester abortion, on a patient, E.S.B., and said procedure was performed in an unprofessional manner and in an unprofessional setting. Next, the complaint alleged Defendant had abandoned a patient and left the premises of his clinic to take a friend to the airport and left the patient in a postoperative condition in the treatment room under anesthesia; the patient's blood pressure dropped and the patient required emergency medical assistance. Finally, the complaint alleges Defendant did not comply with applicable state laws and regulations relating to the writing of prescriptions for controlled dangerous substances, in failing to maintain dispensing records for dangerous drugs, and in failing to keep complete and accurate records of the purchase and dispensing of controlled drugs and narcotic drugs.

The final order of the Board reads as follows:

FINDINGS OF FACT:

1. That Defendant Nareshkumar Patel, M.D., holds Oklahoma Medical License No. 14640.

2. That the Oklahoma Board of Medical Licensure And Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.

3. That on or about June 10, 1989, Defendant did perform a surgical procedure on patient E.S.B., and said procedure was performed in an unprofessional manner and in an unprofessional setting.

4. That the Defendant did not comply with applicable state laws and regulations relating to the writing of prescriptions for controlled dangerous substances, in failing to maintain dispensing records for dangerous drugs, and in failing to keep complete and accurate records of the purchase and dispensing of controlled drugs or narcotic drugs.

CONCLUSIONS OF LAW:

1. That Defendant failed to demonstrate that his motion for partial continuance should be granted, and said motion was overruled.

2. That Defendant's motion to sequester witnesses prior to the beginning of testimony was granted. However, that ruling did not include persons who were serving the

proceedings and who may or may not have any interest in either side of the case.

3. That Defendant's motion to voir dire Board members on their personal and philosophical feelings towards the subject of abortion was without legal basis and was denied.

4. That Defendant's motion to dismiss the complaint and citation was without legal basis and was denied.

5. That Defendant, Nareshkumar Patel, M.D., holding Medical License No. 14640, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, §509 and §509(11), for unprofessional conduct in his action on patient E.S.B. and for failure to keep complete and accurate records of the purchase and disposal of controlled drugs or narcotic drugs.

ORDER

It is THEREFORE ORDERED by the Oklahoma Board of Medical Licensure And Supervision as follows:

1. That the Defendant, Nareshkumar Patel, M.D., holding Medical License No. 14640, should be and is hereby FORMALLY REPRIMANDED and said reprimand should be made a matter of record based on the above and foregoing facts.

2. That in addition to the aforesaid formal reprimand, Defendant is hereby ordered to fulfill the following conditions, to-wit:

(a) Meet with staff members of the Oklahoma Board of Medical Licensure And Supervision and implement a proper record keeping system for control of narcotic drugs and appear before the Board within one (1) year from June 9, 1990, to demonstrate the record keeping system put in place for control of narcotic drugs.

(b) Implement a formal, written, procedure manual to include qualifications of his professional and nonprofessional employees and job descriptions therefore and to provide same to the Board's staff within 60 days of June 9, 1990. Defendant may consult with the Board's staff for assistance in preparing the formal procedure's manual.

3. Exceptions granted to both parties on all rulings made herein.

Defendant appeals to this Court directly under the legal authority of 59 O.S. 1990 Supp. §513. He does not challenge Finding No. 4, that portion of Conclusion of Law No. 5 stating he is in violation of 59 O.S. 1981 §509(11), or that portion of the Order No. 2(a) and (b).

Pursuant to 75 O.S. 1981 §322(1)(e), this Court may set aside the final order upon determining, among other things, that the order was clearly erroneous in view of reliable, material, probative and substantial competent evidence disclosed by the record but without substituting its judgment as to the weight of the evidence. See Board of Examiners of Veterinary Medicine v. Mohr, 485 P.2d 235 (Okla. 1971). For one of its propositions of error, Defendant argues there is no evidence to support Board's finding that Defendant performed an abortion in an unprofessional manner and in an unprofessional setting. We agree. In perusing the record, we find no substantial evidence supporting this finding. The testimony of Board's expert witnesses did not express an opinion that Defendant had been negligent or incompetent, and no evidence was presented to show Defendant deviated from the appropriate standard of care by performing the procedure in an unprofessional manner or in an unprofessional setting. There is no evidence Defendant utilized an illegal abortion procedure or that he performed such a procedure, known as a D&E, in an negligent manner. Additionally, no evidence was presented to show how or why a hospital setting would have prevented the patient's uterine perforation from occurring. Moreover, that portion of the record containing the discussions of the Board members, reveals a lack of substantial evidence to support the finding of fact in paragraph 3.

Defendant also alleges Board committed reversible error by failing to provide an explicit statement of the facts underlying its findings of fact. Title 75 O.S. 1981 §312 provides in part:

> A final order adverse to a party in an individual proceeding shall be in writing or stated in the record. A final order shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings . . .

In Baumgardner v. State ex rel D.H.S., 789 P.2d 235 (Okla. 1990), the Oklahoma Supreme Court ruled that the findings of an agency acting in its adjudicative capacity must: (1) recite the underlying facts which support the ultimate facts drawn from the

evidence; (2) be free from ambiguity which raises doubt concerning whether the agency's decision is supported by the applicable law and utilized the legal theory correctly; and (3) be sufficiently specific to enable a reviewing court to ascertain whether the ultimate facts upon which the decision is arrested afford a reasonable basis for the order. These requirements determine the validity of the decision, and where an agency fails to make adequate findings of fact, its determination cannot be affirmed.

Regarding the abortion issue, Board did not recite underlying facts supporting the ultimate facts; rather, its findings were stated in a conclusory manner. The findings of an administrative agency acting in a quasi-judicial capacity must contain a recitation of underlying facts drawn from the evidence sufficiently stated to enable the reviewing court to intelligently review the decision and ascertain if the facts upon which the order is based create a reasonable basis for the order. Jackson v. Independent School Dist. No. 16, 648 P.2d 26, (Okla. 1982). Herein, this Court is unable to adequately review the decision and ascertain if the facts create a reasonable basis for the order.

For the foregoing reasons, that portion of the order finding that Defendant performed a surgical procedure on patient E.S.B. and that portion of the order making a conclusion of law that Defendant is in violation of 59 O.S. 1981 §509 for unprofessional conduct in his action on patient E.S.B. is reversed. That portion of the Order No. 2(a) and (b) is affirmed. Accordingly, the Board is directed to modify its order so that its formal reprimand does not reflect such reprimand with regard to the abortion issue. The order of the Board is thus affirmed in part, reversed in part and remanded with directions.

AFFIRMED IN PART, REVERSED IN PART and REMANDED WITH DIRECTIONS.

HUNTER, J. and JONES, J. concur.

IN AND BEFORE THE OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel, OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION,	)	
Plaintiff,	)	
v.	)	
NARESHKUMAR PATEL, M.D. Medical License No. 14640,	)	CASE NO. 90-09-1129
Defendant.	)	

COMPLAINT

COMES NOW Jim Birdsong, Investigator for the Oklahoma State Board of Medical Licensure and Supervision, being first duly sworn upon oath and states:

1. That Nareshkumar Patel, M.D., holding Oklahoma Medical License No. 14640, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1991, Sec. 509.

2. That on or around April 14, 1992, Defendant did transport human fetuses and tissue to a site in Pottawatomie County, Oklahoma, and did attempt to burn same in a vacant lot.

3. That Defendant failed to totally burn the human fetuses and tissue and abandoned the site without any further attempt or provisions for disposal.

4. That such acts and omissions constitute unprofessional conduct for a physician in the State of Oklahoma.

WHEREFORE, Complainant prays this Board to conduct a hearing on the merits and upon proof of the allegations contained herein that such disciplinary action be taken by the Board as is authorized by law.

JIM BIRDSONG, Investigator
Oklahoma State Board of
Medical Licensure and Supervision

Subscribed and sworn to before me this 11 day of May, 1992.

Janet L Owens
Notary Public

My Commission expires:
12-17-92

IN AND BEFORE THE OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel, OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION,	)	
Plaintiff,	)	
v.	)	
NARESHKUMAR PATEL, M.D. Medical License No. 14640,	)	CASE NO. 87-7-514
Defendant.	)	

CITATION

TO: NARESHKUMAR PATEL, M.D.
6005 NW 63
Suite A-200
Oklahoma City, OK

YOU ARE HEREBY NOTIFIED that on the 28TH day of DECEMBER, 1989, a sworn Complaint was filed with the undersigned member of the Oklahoma State Board of Medical Licensure and Supervision, State of Oklahoma, charging you with violation of the Oklahoma Medical Practice Act, Title 59 O.S. 1981, Sec. 509 and Sec. 509(11). A copy of said Complaint is attached hereto and made a part hereof.

On the 3RD day of FEBRUARY, 1990, said Board will be in regular session at 11:00 o'clock A. M., at Oklahoma State Medical Association, 610 NW Expressway at which time said Complaint will be considered by the Board and a hearing will be held pursuant to the Oklahoma Administrative Procedures Act, 75 O.S. 1971, Sec. 301, et seq., as amended.

If it be the decision of the Board, after considering all the testimony and evidence, that you are guilty as charged, your license to practice medicine and surgery within the State of Oklahoma will be suspended or revoked or such other disciplinary action taken by the Board as may be authorized by law.

Under the laws of the State of Oklahoma, you are required to file your written Answer under oath with the Secretary of said Board within twenty (20) days after the Citation is served upon you. Unless said Answer is so filed, you will be considered in

default and if the charges be deemed sufficient by the Board your license to practice medicine and surgery in the State of Oklahoma will be suspended or revoked.

THEREFORE, you are cited to appear at said hearing on said date. If you are not present in person, you may be present by your attorney or other representative.

DATED this 28TH day of DECEMBER, 1989.

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

FILED
SUPREME COURT
STATE OF OKLAHOMA
FEB 0 1992
JAMES W. PATTERSON
CLERK

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

The following cases stand assigned to the Court of Appeals, Oklahoma City Division:

75,850	Helen Murphay Ragsdale v. Guy E. Ragsdale
76,126	Cherie A. Taylor v. Noble L. Taylor
76,304	Dorchester Master Limited Partnership and Damson Oil Corporation v. Board of Tax Roll Corrections of Texas County
76,349	Oklahoma Electric Cooperative v. State ex rel. Corporation Commission
77,386	Lois L. Flowers Hooper v. Dola Clinkingbeard, et al. In the Matter of the Estate of Edna L. Rogers Flowers, Deceased
77,269	Imad Dulati v. Burger King and Workers' Compensation Court
77,387	Grand River Dam Authority v. Russell Hogan and Zella Hogan d/b/a Rapier Hollow Marina
77,318	Robert Carlisle v. State of Oklahoma In the Matter of M.C. and M.C., alleged deprived children under 18
77,355	Special Indemnity Fund v. John Noland & Workers' Compensation Court
77,168	Waterford Energy, Inc. v. Oklahoma Tax Commission In the Matter of Sales and Use Tax Protest of Waterford Energy, Inc.
77,121	Ronald Lee Jelosek v. Sharon Yvette Jelosek
77,559	Tammy Fenton v. Hardee's
77,545	Southwest Wire Cloth and Hartford Insurance Group v. Paul Speth
77,513	John P. Jones v. Marilyn Minor and Bank of Oklahoma In the Matter of the Estate of Edna Mae Henneke, Deceased
76,742	Ward Petroleum Corporation, et al. v. Corporation Commission, Louisiana Land & Exploration, et al.
76,123	John Lehman v. Greenleaf Health Systems
76,348	Lisa Marie Parks v. Clifton E. Parks
76,265	Deborah K. Vice v. Billy G. Vice
76,034	Gilmer R. Baker and Debbie Sue Baker v. Thomson Consumer Electronics, Inc., et al.

RECEIVED
FEB 11 1992
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND

77,131	Daniel Lee Bledsoe, by and through Gary Bledsoe and Danna Minnick v. F.A. Truster and Missouri Pacific Railroad Company
75,953	Dennis R. Day v. Stanley Paul David
74,056	Judy M. Wertz v. Jerry L. Wertz
75,927	Mud Trans Inc. v. Foster-Dickinson & Company, Inc., et al.
75,922	State Board of Medical Licensure & Supervision v. Nareshkumar Patel, M.D., #14640
76,249	State of Oklahoma ex rel. David Moss, District Attorney v. Art Nave, Carol Nave and Lee Ann Rabbit

The proceedings to be conducted are henceforth to be governed by the Rules of Practice and Procedure in the Court of Appeals and on Certiorari to that Court, 12 O.S. 1981, Ch. 15, App. 3. Until the Court of Appeals has made its final disposition of an assigned case, all motions, petitions for rehearing, as well as other paperwork, must be filed with the Clerk of this court who serves ex officio as the Clerk of the Court of Appeals, Room 1, State Capitol, Oklahoma City, Oklahoma.

DONE BY DIRECTION OF THE SUPREME COURT THIS 6th DAY OF February, 1992.

Marian P. Opala

CHIEF JUSTICE

RECEIVED
FEB 11 1992
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

IN AND BEFORE THE OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND SUPERVISION
STATE OF OKLAHOMA

FILED
SUPREME COURT
STATE OF OKLAHOMA
JUL - 6 1990
JAMES W. PATTERSON
CLERK

STATE OF OKLAHOMA, ex rel, OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION,	)	
Plaintiff,	)	
v.	)	Case No. 87-7-514
NARESHKUMAR PATEL, M.D., Medical License No. 14640,	)	
Defendant.	)	

DESIGNATION OF RECORD

COMES NOW, Nareshkumar Patel, M.D., Defendant, now Appellant, and pursuant to Rule 1.20(a) of the Civil Appellate Rules of the Supreme Court of the State of Oklahoma, designates as his record on Appeal to the Supreme Court of the State of Oklahoma the following:

Copies of all transcripts, pleadings, depositions, exhibits and all other documents, minutes or orders on file in Case Number 87-7-514 as filed in said cause in and before the Oklahoma State Board of Medical Licensure and Supervision.

Dated this 6th day of July, 1990.

Respectfully submitted,

FAGIN & FAGIN, P.C.

BY: _____

ARNOLD D. FAGIN, OBA #2799
2650 First Oklahoma Tower
210 West Park Avenue
Oklahoma City, Oklahoma 73102
Telephone: (405) 239-6771

ATTORNEYS FOR DEFENDANT/APPELLANT

RECEIVED
JUL 7 1990
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

RECEIVED 07-09-90 kb

CERTIFICATE OF MAILING

The undersigned hereby certifies that a true and correct copy of the foregoing instrument was mailed to counsel of record for Plaintiff, Daniel J. Gamino, Daniel J. Gamino & Associates, P.C., 3315 N.W. 63rd Street, Oklahoma City, Oklahoma 73116, on the 6th day of July, 1990.

ARNOLD D. FAGIN

ACKNOWLEDGMENT BY REPORTER

I, the undersigned, a certified reporter in the State of Oklahoma, hereby acknowledge receipt of a copy of the foregoing Designation of Record on appeal and payment of costs for preparing the transcript, as agreed.

COURT REPORTER

RECEIVED
JUL 7 1990
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

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IN AND BEFORE THE OKLAHOMA STATE BOARD OF

MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

RECEIVED
JUN 1 1990
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

STATE OF OKLAHOMA, ex rel, OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION,	)	
Plaintiff,	)	
v.	)	Case No. 87-7-514
NARESHKUMAR PATEL, M.D., Medical License No. 14640,	)	
Defendant.	)	

FILED
JUN 1 1990
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

MOTION FOR PARTIAL CONTINUANCE

COMES NOW, the Defendant, Nareshkumar Patel, M.D., Medical License No. 14640, by his counsel, Arnold D. Fagin and hereby requests that at the administrative hearing scheduled for June 9, 1990, the Board not make any decision adverse to Defendant without hearing the testimony of Michael S. Burnhill, M.D., D.M.Sc., Defendant's primary expert witness (see vita of Dr. Burnhill attached hereto and incorporated as Exhibit A). Because Dr. Burnhill is scheduled to give the Obstetric-Gynecology Commencement Address at the University of Medicine and Dentistry in New Jersey this same weekend, and due to the graduation ceremony and related activities, he will be unable to be present on that date. Thus, he will be unable on June 9 to offer testimony on behalf of Defendant which testimony will be very beneficial and significant to his defense to the allegations contained in the Complaint filed by Plaintiff herein.

For the above reason, Defendant respectfully requests that at this administrative hearing the Board not make any decision adverse to Defendant until such time as Defendant's primary expert witness, Dr. Michael S. Burnhill, can be available to offer testimony in this matter.