

E-0946

IN THE MATTER OF THE
COMPLAINT AGAINST

LUIS GUERRERO-RAMIREZ, M.D.
RESPONDENT

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BEFORE THE
TEXAS STATE BOARD
OF MEDICAL EXAMINERS

BOARD ORDER

On the 9th day of April, 1992, came on to be heard before the Texas State Board of Medical Examiners (the "Board"), duly in session, the matter of Luis E. Guerrero-Ramirez, M.D., Respondent herein. The hearing was held in this matter on November 18, 1991, at the offices of the Board in Austin, Travis County, Texas. Mark Foster was appointed by the Board to serve as Hearing Officer and to issue a Proposal for Decision. The Board appeared through and was represented by Kathleen C. Decker, Staff Attorney. The Respondent did not appear for the hearing either personally or by attorney representative.

STATEMENT OF THE CASE

The complaint seeks the cancellation, revocation, or suspension of Respondent's license to practice medicine in the state of Texas, or the imposition of any other authorized means of discipline of Respondent, pursuant to the provisions of the Texas Medical Practice Act, TEX. REV. CIV. STAT. ANN. art. 4495b (Vernon Supp. 1991). The complaint contends that Respondent has violated §§3.08(4), 3.08(4)(A), 3.08(15), and 3.08(18).

FINDINGS OF FACT

1. Respondent is a physician licensed by the Texas State Board of Medical Examiners.
2. A hearing in this matter was held on November 18, 1991, in the offices of the

Texas State Board of Medical Examiners, at 1812 Centre Creek Drive, Suite 300, Austin, Travis County, Texas.

3. Proper and timely notice of the hearing was provided to all parties.

4. Present for the hearing were Mark Foster, Hearing Officer, and Kathleen C. Decker, Staff Attorney, Texas State Board of Medical Examiners. Neither Respondent nor his attorney of record, Senfronia Thompson, appeared for the hearing.

5. Witnesses testifying at the hearing were Joy Sisler, Gail Wardlaw, M.D., Dean Francis Gossen and Arnold G. Garza. Ten documentary exhibits were admitted.

6. The hearing was conducted pursuant to, and under the authority of, Article 4495b, Texas Revised Civil Statutes; Article 6252-13a, Texas Revised Civil Statutes; Hearing Rules of the Texas State Board of Medical Examiners; and pertinent Texas Rules of Civil Procedure.

7. From April 16, 1988, until December 9, 1988, Joy Sisler was treated by Respondent for migraine headaches primarily. Secondary complaints were depression and abdominal pains.

8. Throughout the period of her treatment, Respondent administered intravenous solutions to Ms. Sisler containing Dimethyl Sulfoxide ("DMSO").

9. The only use of DMSO allowed by the Federal Food and Drug Administration is for treatment of a bladder ailment known as urethral cystitis. Ms. Sisler has never been diagnosed as suffering from urethral cystitis.

10. Respondent did not provide Ms. Sisler with a written statement informing her of the approved use of DMSO by the United States Food and Drug Administration. Ms. Sisler was never told that the intravenous solutions contained DMSO nor was she ever

counseled by Respondent about DMSO.

11. Prior to administering DMSO to Ms. Sisler, Respondent did not inform her of the alternative methods for treatment for her disorders and the potential of alternative methods for cure.

12. Throughout the period of her treatment, Ms. Sisler received acupuncture from Respondent which consisted of "trigger point" injections of lidocaine at various points on her body from her head to her feet.

13. During each treatment, Respondent performed numerous trigger point injections on Ms. Sisler in the following manner. A syringe was inserted into a vial containing lidocaine and then injected directly under Ms. Sisler's skin. No form of aseptic solution was applied to Ms. Sisler's skin for sterilization or cleansing prior to injection. The same syringe would then be reinserted into the same vial and another injection would be performed, again without cleansing the skin, on another part of Ms. Sisler's body.

14. Other procedures used by Respondent on Ms. Sisler included the introduction of an intravenous solution containing various mixtures of DMSO, hydrogen peroxide, calcium glutamate, potassium chloride, magnesium and sodium bicarbonate. The intravenous introduction of hydrogen peroxide and potassium chloride could have been lethal to Ms. Sisler.

15. On December 8, 9, 12, and 13, 1988, Respondent administered trigger point injections to Ms. Sisler in the manner described in finding 13. As a result of these injections, on or about December 14, 1988, Ms. Sisler developed a severe beta hemolytic strep infection requiring hospitalization and numerous surgical fasciotomies to remove pus from infected sites. Ms. Sisler almost lost her life.

16. The manner in which Respondent performed trigger point injections on Ms. Sisler (described in finding 13) allowed bacteria to spread from one body part to another and constituted a failure to practice medicine in an acceptable manner consistent with public health and welfare.

17. Respondent's treatment of Ms. Sisler demonstrates a disregard for his patients' health.

18. On October 18, 1988, Respondent entered into a contract with the Human Relations Institute whereby Respondent would sign insurance claim forms for the Institute. The Human Relations Institute does not employ a licensed psychiatrist, psychologist or social worker and was unable to receive insurance reimbursement. Nor is the Human Relations Institute licensed to practice medicine in the State of Texas.

19. On August 22, 1989, Respondent entered into a second agreement with the Human Relations Institute which was similar to the agreement described in finding 18. This second agreement followed Respondent's having been advised by Board officials that the first agreement was a violation of the Medical Practice Act.

20. At no time did Respondent ever treat patients at the Human Relations Institute or provide any advice or consultation of a psychiatric nature. Respondent's only service for the Human Relations Institute was signing insurance claim forms.

21. Pursuant to his agreements with the Human Relations Institute, Respondent did sign numerous insurance claim forms or billing forms which identified Respondent as physician. Respondent received monetary compensation for signing these forms.

CONCLUSIONS OF LAW

1. Respondent's administration of Dimethyl Sulfoxide ("DMSO") to a patient

for a non-approved use by the United States Food and Drug Administration without provision of a written statement to the patient regarding approved uses of DMSO constitutes a violation of Health and Safety Code §439.013(b), and, therefore, is a violation of §3.08(4)(A) of the Medical Practice Act.

2. Respondent's administration of Dimethyl Sulfoxide ("DMSO") to a patient without informing the patient of alternative methods of treatment for the patient's disorder and potential of alternative methods for cure constitutes a violation of Health and Safety Code §439.013(b), and is, therefore, a violation of §3.08(4)(A) of the Medical Practice Act.

3. Respondent's administration of trigger point injections to a patient as described in findings 12-17 was a failure to practice medicine in an acceptable manner consistent with public health and welfare in violation of §3.08(18) of the Medical Practice Act.

4. Respondent's disregard for patient's health poses a continuing threat to the public welfare.

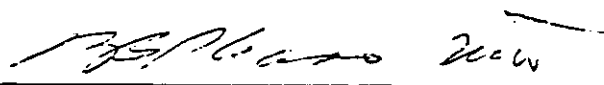
5. Respondent's contractual relationship with the Human Relations Institute whereby he only signed billing or insurance claim forms, aided or abetted the practice of medicine by a corporation not licensed to practice medicine by the Board in violation of §3.08(15) of the Medical Practice Act.

6. Respondent's signing billing or health insurance claims forms, representing himself as physician, without providing any patient treatment either directly or indirectly through consultation, was unprofessional or dishonorable conduct likely to deceive or defraud the public or injuring the public in violation of §3.08(4) of the Medical Practice Act.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that

1. The license of Luis Guerrero-Ramirez, M.D., be revoked immediately effective the date of this order.
2. All costs of appeal be assessed against Respondent.

SIGNED AND ENTERED this the 9th day of ^{April}~~March~~, 1992.



Milam B. Pharo, M.D.
President, Texas State Board of
Medical Examiners

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E-0946

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IN THE MATTER OF THE

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TX STATE BOARD OF
MEDICAL EXAMINERS

BEFORE THE

COMPLAINT AGAINST

) (

TEXAS STATE BOARD

LUIS E. GUERRERO-RAMIREZ, M.D.

) (

OF MEDICAL EXAMINERS

FIRST AMENDED TRIAL COMPLAINT

TO THE HONORABLE TEXAS STATE BOARD OF MEDICAL EXAMINERS:

COMES NOW, the Texas State Board of Medical Examiners (the "Board"), by and through its Hearings Division, making this Complaint against Luis E. Guerrero-Ramirez, M.D. (the "Respondent"), concerning his violation of the Medical Practice Act (the "Act"), Article 4495b of the Revised Civil Statutes of the State of Texas. This relief is necessary to protect the health of the citizens of the State of Texas as mandated by Section 1.02 of the Act, and in support thereof would show the following:

I

The Respondent was previously issued Texas medical license, number E-0946, by the Texas State Board of Medical Examiners, which was in full force and effect at all times relevant to this proceeding. All jurisdictional events required prior to the filing of this Complaint have been satisfied.

II

The Texas State Board of Medical Examiners is informed and believes, and upon such information and belief, charges and alleges:

Count I

1. On or about October 18, 1988, a written agreement was executed by Christopher P. Wright, Director of the Human Relations Institute and Respondent. The agreement established a professional relationship between the parties wherein Respondent was named Medical Director for the Institute.

2. According to the agreement, fees for supervising psychological services provided by Respondent were charged through the Institute and forwarded to Respondent.

3. Respondent was responsible for reviewing and signing the previous month's insurance receipts. Respondent did not see patients, nor were patient records kept by Respondent. In return, the Institute was responsible for paying Respondent fifteen percent (15%) of the total fees submitted to and accepted by health insurance companies for patients of the Institute as well as maintaining documentation on all patient's progress.

4. On or about August, 1989, Respondent met with Christopher P. Wright, Director of the Human Relations Institute, to discuss the possibility of Respondent expanding his supervising psychotherapy duties at the Institute as well as providing a medical resource for Institute clients.

5. Pursuant to said discussion, a written agreement was executed by Christopher P. Wright and Respondent on or about August 22, 1989. The agreement continued a professional relationship between the parties wherein Respondent agreed to act as a psychiatric consultant for Institute clients.

6. At all relevant times, Respondent's written agreements and actions pursuant thereto, aided or abetted, directly or indirectly, the corporate practice of medicine by the Human Relations Institute, which was not duly licensed to practice medicine by the Texas State Board of Medical Examiners. Respondent violated Section 3.08(15) of Article 4495b, V.A.C.S. (Texas Medical Practice Act).

Count II

7. The Texas State Board of Medical Examiners realleges the allegations contained in paragraphs one (1) through five (5) of this Complaint.

8. Respondent's fraudulent billing to the insurance companies for services that he did not render constitutes unprofessional or dishonorable conduct that is likely to deceive or defraud the public, which is a violation of Section 3.08(4) of Article 4495b, V.A.C.S., (Texas Medical Practice Act).

Count III

8. In 1984, Respondent initiated the use of Dimethyl Sulfoxide ("DMSO") on his patients for treatment of diseases other than urethral cystitis.

9. From approximately April 26, 1988, through December 14, 1988, Respondent administered DMSO to patient J.S. via intravenous route claiming it enabled vitamins and IV fluids to be absorbed into cells for the treatment of patient J.S.' migraine headaches and fatigue.

10. Prior to administering DMSO, Respondent did not provide to patient J.S. or any other patient a written statement informing him/her that DMSO had not been approved for human use via intravenous route by the United States Food and Drug Administration.

11. Respondent's failure to provide to his patients, including patient J.S., a written statement on the use of DMSO prior to administering the drug, and approved by the Food and Drug Administration constitutes a violation of the Texas Health and Safety Code Section 439.013 (Prior Statute 4476-5(b) V.A.C.S., repealed 1989).

12. Said violation, when connected with the Respondent's practice of medicine, violates Section 3.08(4)(A) of Article 4495b V.A.C.S. (Texas Medical Practice Act).

Count IV

13. The Texas State Board of Medical Examiners realleges the allegations contained in paragraphs eight (8) through twelve (12) of this Complaint.

14. Prior to administering DMSO on patient J.S., Respondent did not inform patient J.S. of the alternative methods of treatment for her disorder and the potential of alternative methods for cure.

15. Respondent's failure to inform patient J.S. of alternative methods of treatment and potential for cure from alternative methods constitutes a violation of the Texas Health and Safety Code Section 439.013. (Prior Statute 4476-5(b) V.A.C.S., repealed 1989.)

16. Said violation, when connected with the Respondent's practice of medicine, violates Section 3.08(4)(A) of Article 4495b V.A.C.S. (Texas Medical Practice Act).

Count V

17. The Texas State Board of Medical Examiners realleges the allegations contained in paragraphs eight (8) through fifteen (15) of this Complaint.

18. On or about April 26, 1988, Respondent began seeing patient J.S. for the treatment of migraine headaches, general fatigue and depression. A homeopathic diet including vitamins, minerals, bee pollen, raw wheat germ and "liquid protein mixtures" was prescribed for patient J.S. by Respondent.

19. As part of the treatment for patient J.S., Respondent used acupuncture.

20. As part of the treatment for patient J.S., Respondent made "trigger point" injections of lidocaine.

21. The procedure used by Respondent for the injection of lidocaine was to make a small bleb under the skin and then inject through the bleb a subcuinjection of lidocaine. No form of alcohol, betadine or cleansing solution was used on the skin prior to the injections.

22. Other procedures used on patient J.S. included allergy extracts and cortisone injections. A hydrogen peroxide, DMSO, sodium bicarb and potassium mixture was intravenously introduced with calcium gluconate. Many injections of lidocaine were given intravaginally.

23. On or about December 9, 1988, patient J.S. was treated by Respondent with trigger point injections of lidocaine and intravenous therapy for treatment of a right hand and wrist sprain.

24. On or about December 12, 1988, patient J.S. was injected again with lidocaine and intravenous therapy.

25. As the result of Respondent's injections, patient J.S., on or about December 14, 1988, developed a severe beta hemolytic strep infection requiring hospitalization. Patient J.S. went into massive septic shock.

26. Patient J.S. required a fasciotomy on both legs, her left arm and lower abdomen to relieve pressure from pus that had collected at

the infected sites. Wherever the patient was cut, massive purulent drainage poured forth. Patient J.S. also had the small finger of her right hand amputated.

27. The infections developed by patient J.S. were the result of the professional failure of Respondent to practice medicine in an acceptable manner consistent with public health and welfare. Respondent violated Section 3.08(18) of Article 4495b V.A.C.S. (Texas Medical Practice Act).

Count VI

28. The Texas State Board of Medical Examiners realleges the allegations contained in paragraphs one (1) through twenty-seven (27) of this Complaint.

29. The acts and omissions of Respondent, as alleged in this Complaint, through his lack of competence and his failure to care adequately for his patients constitutes a real and present danger to the health of his patients.

30. Respondent is a continuing threat to the public welfare.

III

The Respondent by his actions, conduct and behavior has violated Sections 3.08(4), 3.08(4)(A), 3.08(15) and 3.08(18) of the Medical Practice Act of Texas.

The Respondent's violations of Sections 3.08(4), 3.08(4)(A), 3.08(15) and 3.08(18) of the Act are grounds for cancellation, revocation or suspension of the Respondent's license to practice medicine in the State of Texas pursuant to section 4.01 of the Act.

The Respondent's violation of Sections 3.08(4), 3.08(4)(A), 3.08(15) and 3.08(18) of the Act while in the practice of medicine poses a continuing threat to the public welfare.

WHEREFORE, PREMISES CONSIDERED, it is prayed that a hearing on this complaint be held before the Texas State Board of Medical Examiners and that the Board enter its order herein to (1) cancel, revoke or suspend the Respondent's medical license, or (2) impose other means of discipline.

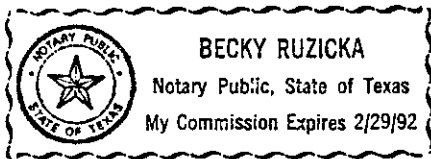
Respectfully submitted,

Kathleen C. Decker

Kathleen C. Decker
Staff Attorney

THE STATE OF TEXAS)
)
COUNTY OF TRAVIS)

SUBSCRIBED AND SWORN to before me by the said Kathleen C. Decker on this the 4th day of December, 1991.



Becky Ruzicka

Notary Public, State of Texas

Filed with the Texas State Board of Medical Examiners on this the 4th day of December, 1991.

Arnoldo G. Garza

Arnoldo G. Garza
Director of Hearings
Texas State Board of Medical
Examiners

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3. Respondent was responsible for reviewing and signing the previous month's insurance receipts. Respondent did not see patients, nor were patient records kept by Respondent. In return, the Institute was responsible for paying Respondent fifteen percent (15%) of the total fees submitted to and accepted by health insurance companies for patients of the Institute as well as maintaining documentation on all patient's progress.

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5. Pursuant to said discussion, a written agreement was executed by Christopher P. Wright and Respondent on or about August 22, 1989. The agreement continued a professional relationship between the parties wherein Respondent agreed to act as a psychiatric consultant for Institute clients.

6. At all relevant times, Respondent's written agreements and actions pursuant thereto, aided or abetted, directly or indirectly, the corporate practice of medicine by the Human Relations Institute, which was not duly licensed to practice medicine by the Texas State Board of Medical Examiners. Respondent violated Section 3.08(15) of Article 4495b, V.A.C.S. (Texas Medical Practice Act).

Count II

7. The Texas State Board of Medical Examiners realleges the allegations contained in paragraphs one (1) through five (5) of this Complaint.

8. Respondent's fraudulent billing to the insurance companies for services that he did not render constitutes unprofessional or dishonorable conduct that is likely to deceive or defraud the public, which is a violation of Section 3.08(4) of Article 4495b, V.A.C.S., (Texas Medical Practice Act).

Count III

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11. Respondent's failure to provide to his patients, including patient J.S., a written statement on the use of DMSO prior to administering the drug, and approved by the Food and Drug Administration constitutes a violation of the Texas Health and Safety Code Section 439.013 (Prior Statute 4476-5(b) V.A.C.S., repealed 1989).

12. Said violation, when connected with the Respondent's practice of medicine, violates Section 3.08(4)(A) of Article 4495b V.A.C.S. (Texas Medical Practice Act).

Count IV

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14. Prior to administering DMSO on patient J.S., Respondent did not inform patient J.S. of the alternative methods of treatment for her disorder and the potential of alternative methods for cure.

15. Respondent's failure to inform patient J.S. of alternative methods of treatment and potential for cure from alternative methods constitutes a violation of the Texas Health and Safety Code Section 439.013. (Prior Statute 4476-5(b) V.A.C.S., repealed 1989.)

16. Said violation, when connected with the Respondent's practice of medicine, violates Section 3.08(4)(A) of Article 4495b V.A.C.S. (Texas Medical Practice Act).

Count V

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19. As part of the treatment for patient J.S., Respondent used acupuncture.

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the infected sites. Wherever the patient was cut, massive purulent drainage poured forth. Patient J.S. also had the small finger of her right hand amputated.

27. The infections developed by patient J.S. were the result of the professional failure of Respondent to practice medicine in an acceptable manner consistent with public health and welfare. Respondent violated Section 3.08(18) of Article 4495b V.A.C.S. (Texas Medical Practice Act).

III


The Respondent by his actions, conduct and behavior has violated Sections 3.08(4), 3.08(4)(A), 3.08(15) and 3.08(18) of the Medical Practice Act of Texas.

The Respondent's violations of Sections 3.08(4), 3.08(4)(A), 3.08(15) and 3.08(18) of the Act are grounds for cancellation, revocation or suspension of the Respondent's license to practice medicine in the State of Texas pursuant to section 4.01 of the Act.

The Respondent's violation of Sections 3.08(4), 3.08(4)(A), 3.08(15) and 3.08(18) of the Act while in the practice of medicine poses a continuing threat to the public welfare.

WHEREFORE, PREMISES CONSIDERED, it is prayed that a hearing on this complaint be held before the Texas State Board of Medical Examiners and that the Board enter its order herein to (1) cancel, revoke or suspend the Respondent's medical license, or (2) impose other means of discipline.

Respectfully submitted,



Arnoldo G. Garza
Director of Hearings

THE STATE OF TEXAS)(
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COUNTY OF TRAVIS)
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SUBSCRIBED AND SWORN to before me by the said Arnolando G. Garza on this the 24th day of July, 1991.



Laurine H. Baltz
Notary Public, State of Texas

Filed with the Texas State Board of Medical Examiners on this the 25th day of July, 1991.

Homer R. Goehrs
Homer R. Goehrs, M.D.
Executive Director
Texas State Board of Medical
Examiners

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