

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.

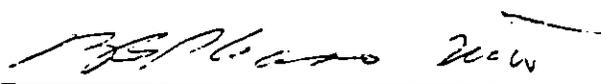
5. Respondent's contractual relationship with the Human Relations Institute whereby he only signed billing or insurance claim forms, aided or abetted the practice of medicine by a corporation not licensed to practice medicine by the Board in violation of §3.08(15) of the Medical Practice Act.

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