
BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE APPLICATION FOR THE LICENSURE OF:
RAMON CABALLERO, M.D.

FINAL ORDER

The above-titled matter came before the Mississippi State Board of Medical Licensure (hereinafter “Board”) in Jackson, Hinds County, Mississippi, on September 23, 2021. A quorum of Board members was present throughout the hearing and deliberation in the matter.

Board Counsel Paul Barnes, Esq., and Stan Ingram, Esq. presented the charges regarding the application for licensure. Ramon Caballero, M.D. (hereinafter “Applicant”), having been served with the Notice to Show Cause, and being fully informed of his rights to a formal hearing before the Board, was represented by John Chapman, Esq. The case was called to hearing without objection from either party.

Alexis Morris, Special Assistant Attorney General, who served as Administrative Hearing Officer, presided at the hearing, and was directed to prepare the Board’s written decision in accordance with its deliberations.

And now, upon consideration of all the material produced in the record before the Board, along with the testimony presented at the hearing, the Board makes the following Findings of Fact, Conclusions of Law and Order based on clear and convincing evidence:

FINDINGS OF FACT

1. The Board is established pursuant to the Mississippi Medical Licensure Act, Title 73, Chapter 43 of the Mississippi Code of 1972, as amended, and is charged with the duty of licensing and regulating the practice of medicine in the State of Mississippi.
2. Sections 73-25-29 and 73-25-83 of the Miss. Code Ann. (1972) as amended, provide that the board may deny an application for license if the applicant has violated any provisions therein.
3. Applicant applied for a new license to practice medicine in the state of Mississippi on or about March 9, 2021. See Exhibit 1. Applicant answered positively (“yes”) to the following questions of note on his licensure application:

Has your certificate of qualification or license to practice medicine in any state been suspended, revoked, restricted, conditioned, or voluntarily surrendered under threat of suspension?

Ha[ve] your staff privileges at any hospital or health care facility been revoked, suspended, curtailed, limited, or placed under conditions restricting your practice?

4. The Board issued an Order to Show Cause based on the narratives given on Applicant's application. See Exhibit 2. On or about September 2, 2005, a complaint was filed against Applicant with the Kentucky Board of Medical Licensure alleging improper prescribing and suspicion of impairment.
5. In June 2006, Applicant entered into an Agreed Order. This order noted that Applicant could not produce medical charts on five (5) of the seven (7) employees whom he prescribed controlled substances. Additionally, the Kentucky Board of Medical Licensure found that Applicant's practice was "below the expected standards for anorectics in regard to his failure to document anorectic prescriptions to employees/patients." The order was terminated in November 2007 after Applicant completed the terms therein. See Exhibits 2 and 3.
6. In August 2014, Applicant was suspended at Georgetown Community Hospital (GHC), located in Georgetown, Kentucky, for failure to complete records, follow-up with patients, and failure to be responsive to calls. See Exhibit 4.
7. In April 2016, Applicant was issued a letter of concern by Kentucky Board of Medical Licensure regarding expensive and medically unnecessary drug screens that were deemed unprofessional. See Exhibit 5.
8. In January 2018, Applicant was issued a letter of concern by Kentucky Board of Medical Licensure regarding failure to provide medical records after closing his practice. Simultaneously, Applicant was also sent a letter of admonishment by the Kentucky Board of Medical Licensure after an expert reviewed a particular patient record and found Applicant had "nicked" an intestine during surgery. See Exhibit 6.
9. Also, on the application filed with the Board on March 9, 2021, Applicant answered negatively ("no") to the application question which reads: *Have you ever been arrested?* See Exhibit 1. It was later determined that Applicant was arrested in Kentucky for driving on a suspended license stemming from an unpaid ticket related to a traffic violation in Washington State. See Exhibit 7. Applicant testified at the show-cause hearing that he did not consider this incident to be an arrest – even though he was detained and fingerprinted.
10. In May 2021, while the licensure vetting process at the Board was in process, Applicant was arrested for domestic violence by Lee County Sheriff's Office in Leesburg, Georgia. The arrest, discovered via the Board's FBI background check process, prompted a request by the Board for Applicant to provide an explanation.

11. In May 2021, Applicant provided a response to the Board. See Exhibit 8. In that response, Applicant admitted to slapping his wife during an argument. During his testimony before this Board, Applicant admitted that he made a mistake by failing to disclose this recent arrest to the Board.
12. Applicant also testified that he had applied for and received his medical license in Florida; however, he conceded that he had not informed the Florida Board of Medicine of his recent arrest prior to the issuance of the license. Applicant stated that his attorney was handling the matter with the Florida Board of Medicine.

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter pursuant to §§ 73-25-29 and 73-25-83(a), Mississippi Code of 1972, as amended. Venue is likewise properly placed before the Board to hear this matter in Hinds County, Mississippi.
2. These proceedings were duly and properly convened, and all substantive and procedural requirements under law have been satisfied. This matter is, therefore, properly before the Board.
3. The Board is authorized to license and regulate persons who apply for or hold medical licenses and prescribe conditions under which persons may practice in order to protect the public health, safety, and welfare.
4. The Applicant bears the burden of establishing that he satisfies the requirements for licensure as a medical doctor.
5. Based on the foregoing, Applicant guilty of Count I of the Affidavit filed herein, that is, guilty of having been disciplined by a licensed hospital or medical staff of said hospital, all in violation of Miss. Code Ann. § 73-25-83(c).
6. Based on the foregoing, Applicant guilty of Counts II, IV and VI of the Affidavit filed herein, that is, guilty of unprofessional conduct, including any dishonorable or unethical conduct likely to deceive, defraud or harm the public, in violation of Miss. Code Ann., § 73-25-29(8)(d) and § 73-25-83(a).
7. Based upon the foregoing, Applicant is guilty of Count III of the Affidavit filed herein, that is, guilty of the use of any false, fraudulent, deceitful, dishonest or immoral practice in connection with any of the licensing requirements, including the signing in his professional capacity any certificate that is known to be false at the time he makes or signs such certificate, in violation of Miss. Code Ann., §73-25-29(8)(f).

8. Based upon the foregoing, Applicant is guilty of Count V of the Affidavit filed herein, that is, guilty of the use of any false, fraudulent, deceitful, dishonest or immoral practice in connection with any of the licensing requirements, all in violation of Miss. Code Ann., §73-25-29(8)(f).
9. According to §§ 73-25-29 and 73-25-83 (a), the Board may deny an application for a Mississippi license to practice medicine.

Based upon the above Findings of Fact and Conclusions of Law, the Board finds the following order to be appropriate under the circumstances.


ORDER

IT IS THEREFORE ORDERED THAT Applicant's application for licensure in the state of Mississippi is hereby denied for attempting to obtain a license by fraud or deception – in violation of Miss. Code Ann. § 73-25-29(8)(f).

IT IS FURTHER ORDERED that this action and order of the Board shall be public record. It may be shared with other licensing boards (in and out of state), and the public, and may be reported to the appropriate entities as required or authorized by state and/or federal law or guidelines. This action shall be spread upon the Minutes of the Board as its official act and deed.

SO ORDERED this, the 23rd day of September 2021.

MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

BY: 
William D. McClendon, Jr., M.D.
President