

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:) Case No. 16-2005-168246
)
RALPH W. RICHTER, M.D.)
)
)
Physician's and Surgeon's)
Certificate #G 4749)
)
Respondent.)
_____)

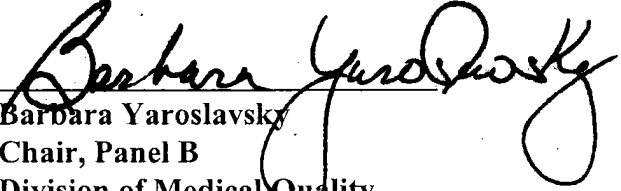
DECISION AND ORDER

The attached Stipulated Surrender of License is hereby accepted and adopted as the Decision and Order by the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on April 25, 2007.

IT IS SO ORDERED April 18, 2007.

MEDICAL BOARD OF CALIFORNIA


Barbara Yaroslavsky
Chair, Panel B
Division of Medical Quality

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 JANE ZACK SIMON, State Bar No. 116564
Deputy Attorney General
4 California Department of Justice
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5544
6 Facsimile: (415) 703-5480

7 Attorneys for Complainant

8 **BEFORE THE**
9 **DIVISION OF MEDICAL QUALITY**
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against

Case No.16-2005-168246

14 **RALPH W. RICHTER, M.D.**
1705 East 19th Street, Suite 406
15 Tulsa, OK 74104

**STIPULATED SURRENDER OF
LICENSE**

16 Physician and Surgeon's
17 Certificate No. G4749

Respondent.

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 1. David T. Thornton (Complainant) is the Executive Director of the Medical
21 Board of California, and maintains this action solely in his official capacity. Complainant is
22 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
23 by Jane Zack Simon, Deputy Attorney General.

24 2. Ralph W. Richter, M.D. (respondent) is represented in this proceeding by
25 Thomas G. Redmon of Wilke, Fleury, Hoffelt, Gould & Birney, LLP, 400 Capitol Mall, 22nd
26 Floor, Sacramento, CA 95814.

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1 3. Respondent has received, read, discussed with counsel, and understands
2 the Accusation which is presently on file and pending in case number 16-2005-168246, a copy of
3 which is attached as Exhibit A.

4 4. Respondent has carefully read, discussed with counsel, and understands
5 the charges and allegations in Accusation No. 16-2005-168246. Respondent also has carefully
6 read, discussed with counsel and understands the effects of this Stipulated Surrender of License.

7 5. Respondent is fully aware of his legal rights in this matter, including the
8 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
9 counsel, at his own expense; the right to confront and cross-examine the witnesses against him;
10 the right to present evidence and to testify on his own behalf; the right to the issuance of
11 subpoenas to compel the attendance of witnesses and the production of documents; the right to
12 reconsideration and court review of an adverse decision; and all other rights accorded by the
13 California Administrative Procedure Act and other applicable laws.

14 6. Respondent voluntarily, knowingly, and intelligently waives and gives up
15 each and every right set forth above.

16 7. Respondent agrees that based on the action taken by the Oklahoma State
17 Board of Medical Licensure as alleged in the Accusation, cause exists to discipline his California
18 physician and surgeon's certificate pursuant to Business and Professions Code sections 141 and
19 2305. Respondent lives and practices in the State of Oklahoma, and has no present intention of
20 returning to California. He wishes to surrender his California license at this time.

21 8. Respondent understands that by signing this stipulation he is enabling the
22 Medical Board of California to issue its order accepting the surrender of license without further
23 process. He understands and agrees that Board staff and counsel for complainant may
24 communicate directly with the Board regarding this stipulation, without notice to or participation
25 by respondent or his counsel. By signing this stipulation, respondent understands and agrees
26 that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the
27 Division considers and acts upon it. In the event that this stipulation is rejected for any reason by
28 the Board, it will be of no force or effect for either party. The Board will not be disqualified

1 from further action in this matter by virtue of its consideration of this stipulation.

2 9. Upon acceptance of this stipulation by the Board, respondent understands
3 that he will no longer be permitted to practice as a physician and surgeon in California, and also
4 agrees to surrender and cause to be delivered to the Board any license and wallet certificate in
5 his possession before the effective date of the decision.

6 10. The admissions made by respondent herein are only for the purposes of
7 this proceeding, or any other proceedings in which the Medical Board or other professional
8 licensing agency is involved, and shall not be admissible in any other criminal or civil
9 proceeding.

10 11. Respondent fully understands and agrees that if he ever files an
11 application for relicensure or reinstatement in the State of California, the Board shall treat it as a
12 petition for reinstatement, and respondent must comply with all laws, regulations and procedures
13 for reinstatement of a revoked license in effect at the time the petition is filed.

14 12. Respondent understands that he may not petition for reinstatement as a
15 physician and surgeon for a period of three (3) years from the effective date of his surrender.
16 Information gathered in connection with Accusation number 16-2005-168246 may be
17 considered by the Division of Medical Quality in determining whether or not to grant the
18 petition for reinstatement. For the purposes of the reinstatement hearing, the allegations
19 contained in Accusation number 16-2005-168246 shall be deemed to be admitted by respondent,
20 and respondent waives any and all defenses based on a claim of laches or the statute of
21 limitations.

22 13. The parties understand and agree that facsimile copies of this Stipulated
23 Surrender of License, including facsimile signatures thereto, shall have the same force and effect
24 as the originals.

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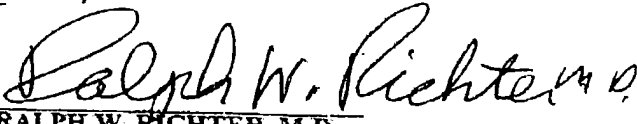
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ACCEPTANCE

I have carefully read the above stipulation. I enter into it freely and voluntarily and with full knowledge of its force and effect, do hereby surrender my Physician and Surgeon's Certificate Number G4749 to the Division of Medical Quality, Medical Board of California, for its formal acceptance. By signing this stipulation to surrender my license, I recognize that upon its formal acceptance by the Board, I will lose all rights and privileges to practice as a physician and surgeon in the State of California and I also will cause to be delivered to the Board any license and wallet certificate in my possession before the effective date of the decision.


DATED: April 2, 2007


RALPH W. RICHTER, M.D.
Respondent

APPROVAL

I have fully discussed with respondent Ralph W. Richter, M.D. the terms and conditions and other matters contained in the above Stipulated Surrender of License and approve its form and content.

DATED: April 2, 2007


THOMAS G. REDMON
Wilke, Fleury, Hoffelt, Gould & Birney, LLP
Attorneys for Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License is hereby respectfully submitted for consideration by the Division of Medical Quality, Medical Board of California.

DATED: 4/5/07

EDMUND G. BROWN JR., Attorney General
of the State of California



JANE ZACK SIMON
Deputy Attorney General

Attorneys for Complainant

Exhibit A

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Nov. 30 20 05
BY Cynthia Kays ANALYST

1 BILL LOCKYER, Attorney General
of the State of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 JANE ZACK SIMON
Deputy Attorney General [SBN 116564]
4 455 Golden Gate Avenue, Suite 11000
San Francisco, California 94102
5 Telephone: (415) 703-5544
Facsimile: (415) 703-5480
6

7 Attorneys for Complainant

8
9 **BEFORE THE**
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:) Case No. 16-2005-168246

12)
13 **RALPH W. RICHTER, M.D.,**)
1705 East 19th Street, Suite 406.)
14 Tulsa, OK 74104)

ACCUSATION

15 Physician and Surgeon's)
16 Certificate No. G4749)

17)
18 Respondent.)

19
20 The Complainant alleges:

21 **PARTIES**

22 1. Complainant David T. Thornton is the Executive Director of the Medical
23 Board of California (hereinafter the "Board") and brings this accusation solely in his official
24 capacity.

25 2. On or about June 18, 1958, Physician and Surgeon's Certificate No. G4749
26 was issued by the Board to Ralph W. Richter, M.D. (hereinafter "respondent"). Respondent's
27 certificate is renewed and current with an expiration date of April 30, 2007.

1 JURISDICTION

2 3. This accusation is brought before the Division of Medical Quality of the
3 Medical Board of California, Department of Consumer Affairs (hereinafter the "Division"),
4 under the authority of the following sections of the California Business and Professions Code
5 (hereinafter "Code") and/or other relevant statutory enactment:

6 A. Section 2227 of the Code provides in part that the Board may revoke,
7 suspend for a period of not to exceed one year, or place on probation, the license of any
8 licensee who has been found guilty under the Medical Practice Act, and may recover the
9 costs of probation monitoring if probation is imposed.

10 B. Section 125.3 of the Code provides, in part, that the Board may request the
11 administrative law judge to direct any licentiate found to have committed a violation or
12 violations of the licensing act, to pay the Board a sum not to exceed the reasonable costs
13 of the investigation and enforcement of the case.

14 C. Section 2305 of the Code provides, in part, that the revocation, suspension,
15 or other discipline, restriction or limitation imposed by another state upon a license to
16 practice medicine issued by that state, that would have been grounds for discipline in
17 California under the Medical Practice Act, constitutes grounds for discipline for
18 unprofessional conduct.

19 D. Section 141 of the Code

20 "(a) For any licensee holding a license issued by a board under the
21 jurisdiction of a department, a disciplinary action taken by another state, by any agency of
22 the federal government, or by another country for any act substantially related to the
23 practice regulated by the California license, may be ground for disciplinary action by the
24 respective state licensing board. A certified copy of the record of the disciplinary action
25 taken against the licensee by another state, an agency of the federal government, or by
26 another country shall be conclusive evidence of the events related therein.

27 "(b) Nothing in this section shall preclude a board from applying a

1 specific statutory provision in the licensing act administered by the board that provides
2 for discipline based upon a disciplinary action taken against the licensee by another state,
3 an agency of the federal government, or another country."

4 E. Welfare and Institutions Code section 14124.12 provides, in part, that a
5 physician whose license has been placed on probation by the Medical Board shall not be
6 reimbursed by Medi-Cal for "the type of surgical service or invasive procedure that gave
7 rise to the probation."

8 4. Respondent is subject to discipline within the meaning of section 141 and
9 is guilty of unprofessional conduct within the meaning of section 2305 as more particularly set
10 forth herein below.

11 **FIRST CAUSE FOR DISCIPLINE**

12 (Discipline, Restriction, or Limitation Imposed by Another State)

13 5. On or about May 6, 2005, the Oklahoma State Board of Medical Licensure
14 and Supervision issued a Corrected Final Order Issuing Public Letter of Concern regarding
15 respondent's license to practice medicine in Oklahoma. Under the terms of the Corrected Final
16 Order Issuing Public Letter of Concern, respondent's was issued a Public Letter of Concern.
17 The Oklahoma Board issued factual findings that respondent participated in clinical studies in
18 mid-2002 and in 2001. With regard to several patients who participated in the studies,
19 respondent engaged in the use of false, fraudulent or deceptive statement in medical records.
20 Specifically, it was found that respondent prepared chart entries reflecting that he conducted
21 examinations of patients and provided medical care and treatments, and evaluated an ECG report
22 on dates when he was out of the office on vacation.

23 Attached hereto as Exhibit A is a true and correct copy of the Corrected
24 Final Order Issuing Public Letter of Concern issued by the Oklahoma State Board of Medical
25 Licensure and Supervision.

26 6. Respondent's conduct and the action of the Oklahoma State Board of
27 Medical Licensure and Supervision, as set forth in paragraph 5, above, constitute unprofessional

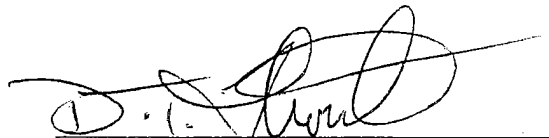
1 conduct within the meaning of section 2305 and conduct subject to discipline within the meaning
2 of section 141(a).

3 **PRAYER**

4 **WHEREFORE**, the complainant requests that a hearing be held on the matters
5 herein alleged, and that following the hearing, the Division issue a decision:

- 6 1. Revoking or suspending Physician and Surgeon's Certificate Number
7 G4749, heretofore issued to respondent Ralph W. Richter, M.D.;
- 8 2. Revoking, suspending or denying approval of the respondent's authority to
9 supervise physician assistants;
- 10 3. Ordering respondent to pay the Division the actual and reasonable costs of
11 investigation and enforcement of this case and to pay the costs of probation monitoring upon
12 order of the Division; and
- 13 4. Taking such other and further action as the Division deems necessary and
14 proper.

15 DATED: 11/30/2005.

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18 

19 **DAVID T. THORNTON**
20 Executive Director
21 Medical Board of California
22 Department of Consumer Affairs
23 State of California
24 Complainant
25
26
27

Exhibit A

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

FILED

MAY - 6 2005

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)

Plaintiff,)

v.)

RALPH WALTER RICHTER, M.D.,)
LICENSE NO. 10461)

Defendant.)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 03-04-2649

CORRECTED FINAL ORDER ISSUING
PUBLIC LETTER OF CONCERN

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on May 5, 2005, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and through counsel, Linda G. Scoggins.

On March 10, 2005, the Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there was clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

Findings of Fact

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.*

2. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.

3. Defendant, Ralph Walter Richter, M.D, holds Oklahoma medical license no. 10461.

4. On or about May 25, 2000, Defendant was issued a Letter of Concern by the Board Secretary regarding his practice of allegedly allowing his physician assistant to practice prior to obtaining a license to practice as a physician assistant.

5. In mid-2002, Defendant was involved in a clinical study through Johnson & Johnson Pharmaceutical Company and the FDA, Study Protocol RIS-USA-232, entitled "Efficacy and safety of a flexible dose of risperidone versus placebo in the treatment of psychosis of Alzheimer's Disease."

6. According to patient records signed by Defendant, Patient ABW was allegedly examined by Defendant on July 25, 2002 and August 1, 2002 as part of his clinical study. Patient ABW's chart contains detailed signed handwritten and dictated notes of Defendant's personal examinations of Patient ABW on these dates. According to FDA records, Patient ABW's chart additionally contains an ECG report allegedly reviewed, initialed and dated by Defendant on August 2, 2002. However, a review of Defendant's office records reveals that he was out of the office on vacation from July 24, 2002 until August 2, 2002.

7. According to patient records signed by Defendant, Patient MBW was allegedly examined by Defendant on July 25, 2002 and August 1, 2002 as part of his clinical study. Patient MBW's chart contains detailed signed handwritten and dictated notes of Defendant's personal examinations of Patient MBW on these dates. According to FDA records, Patient MBW's chart additionally contains an ECG report allegedly reviewed, initialed and dated by Defendant on August 1, 2002. However, a review of Defendant's office records reveals that he was out of the office on vacation from July 24, 2002 until August 2, 2002.

8. According to patient records signed by Defendant, Patient LBW was allegedly examined by Defendant on August 1, 2002 as part of his clinical study. Patient LBW's chart contains detailed signed handwritten and dictated notes of Defendant's personal examination of Patient LBW on this date. However, a review of Defendant's office records reveals that he was out of the office on vacation from July 24, 2002 until August 2, 2002.

9. According to dictation records, Defendant dictated notes on July 21, 2002 for visits which were to occur four (4) days later, on July 25, 2002, for Patients ABW and MBW. Defendant later signed the dictated notes dated July 25, 2002. However, a review of Defendant's office records reveals that he was out of the office on vacation from July 24, 2002 until August 2, 2002.

10. According to patient records signed by Defendant, Patient CTW was allegedly physically examined by Defendant on July 30, 2001 as part of a different clinical study. Patient CTW's chart contains Defendant's signature and is dated July 30, 2001, reflecting that Defendant actually physically examined Patient CTW on this date. However, a review of Defendant's office records reveals that he was out of the office on vacation on July 30, 2001.

11. Based on the allegations stated above, Defendant is guilty of unprofessional conduct as follows:

- A. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant is guilty of unprofessional conduct in that he:

- A. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).

3. The Board further found that a letter of concern should be placed in Defendant's private file based upon his violation of OAC 435:10-7-4(19).

Further Conclusions of Law

1. On May 5, 2005, the Board *en banc* ordered that a private letter of concern was not allowed in this case and further ordered that the letter of concern ordered at the March 10, 2005 Board meeting should instead be placed in Defendant's public file based upon his violation of OAC 435:10-7-4(19).

Order

IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. Ralph Walter Richter, M.D., Oklahoma license no. 10461, is hereby issued a **PUBLIC LETTER OF CONCERN** to be placed in his public file based upon his violation of OAC 435:10-7-4(19).

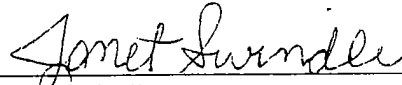
Dated this 6 day of May, 2005.



Gerald C. Zumwalt, M.D., Secretary
Oklahoma State Board of Medical
Licensure and Supervision

CERTIFICATE OF SERVICE

I certify that on the 9 day of May, 2005, I mailed, via first class mail, postage prepaid, a true and correct copy of this Corrected Order Issuing Public Letter of Concern to Linda Scoggins, Scoggins & Cross, 3100 City Place Building, 204 N. Robinson, Oklahoma City, OK 73102.



Janet Swindle

I do hereby certify that the above and foregoing is a true copy of the original Corrected Final Order Issuing Public Letter of Concern now on file in my office.

Witness my hand and Official Seal of the Oklahoma State Board of Medical Licensure and Supervision this August 2, 2005

