STATE OF ALABAMA  )
MONTGOMERY COUNTY  )

VOLUNTARY SURRENDER

I, GILBERTO SANCHEZ, M. D., do voluntarily surrender my certificate of qualification and license to practice medicine in the State of Alabama, license number MD.17969, under the provisions of Ala. Code § 34-24-361(g)(2007). I acknowledge that this action is taken by me while under investigation by the Alabama State Board of Medical Examiners for alleged violations of Ala. Code § 34-24-360(8), distribution by prescribing, dispensing, furnishing, or supplying of controlled substances to any person or patient for any reason other than a legitimate medical purpose.

I acknowledge that I sign this document willingly and that I execute it as my free and voluntary act for the purposes herein expressed, and that I am of sound mind and under no constraint or undue influence. I further acknowledge that this voluntary surrender constitutes a public record of the Alabama State Board of Medical Examiners and will be reported by the Board to the National Practitioner Data Bank (NPDB) and to the Federation of State Medical Boards. This voluntary surrender may be released by the Alabama State Board of Medical Examiners to any person or entity requesting information concerning the licensure status in Alabama of the physician named herein.

EXECUTED this 2nd day of August, 2017.

_______________________________
GILBERTO SANCHEZ, M. D.

Witness/Attorney for Dr. Sanchez
STATE OF ALABAMA  )
)  
MONTGOMERY COUNTY )

VOLUNTARY SURRENDER OF ALABAMA CONTROLLED SUBSTANCES CERTIFICATE

After being fully advised of my rights, and understanding that I am not required to surrender my controlled substances privileges, I freely execute this document and choose to take the actions described herein.

I, Gilberto Sanchez, M. D., surrender any authority under my Alabama Controlled Substances Certificate, ACSC number ACSC.17969, to order, manufacture, distribute, possess, dispense, administer or prescribe Schedule II, IIN, III, IIIN, IV and/or V controlled substances. I acknowledge that this action is taken by me while under investigation by the Alabama Board of Medical Examiners for the alleged prescribing of controlled substances for no legitimate medical purpose and violation of Alabama Board of Medical Examiners Rules concerning the prescribing of controlled substances.

I understand and acknowledge I will have no authority to order, dispense, distribute, administer or prescribe controlled substances in the state of Alabama.

I acknowledge that I sign this document willingly and that I execute it as my free and voluntary act for the purposes herein expressed, and that I am of sound mind and under no constraint or undue influence. I further acknowledge that this voluntary surrender constitutes a public record of the Alabama State Board of Medical Examiners and will be reported by the Board to the National Practitioner Data Bank (NPDB) and to the Federation of State Medical Boards. This voluntary surrender may be released by the Alabama State Board of Medical Examiners to any person or entity requesting information concerning the licensure status in Alabama of the physician named herein.

EXECUTED this 2nd day of August, 2017.

GILBERTO SANCHEZ, M. D.

Witness/Title
ORDER

This matter is before the Medical Licensure Commission of Alabama on a request by the Respondent, Gilberto Sanchez, M.D., to remove all restrictions on his license to practice medicine in Alabama. After considering such request, it is the Order of the Medical Licensure Commission that Dr. Sanchez’s request is hereby GRANTED. Accordingly, it is the ORDER of the Medical Licensure Commission that the restrictions currently placed upon Dr. Sanchez’s license to practice medicine in Alabama shall be terminated and that he shall henceforth have a full and unrestricted license to practice medicine in Alabama.

ENTERED this 27th day of April, 2012.

James E. West
Chairman, Medical Licensure Commission of Alabama
ORDER

This matter is before the Medical Licensure Commission on a request by the Respondent, Gilberto Sanchez, M.D., for permission to provide medical services at the Alabama Department of Youth Services at its Mt. Meigs Facility. Dr. Sanchez’s license to practice medicine in Alabama is subject to an order entered by the Medical Licensure Commission on February 11, 2009 which, among other things, provided that Dr. Sanchez shall limit his practice to a single location and that he shall obtain permission from the Medical Licensure Commission prior to practicing elsewhere. Having considered such request, the Commission is of the opinion that it should be GRANTED. Accordingly, that portion of the Commission’s Order of February 11, 2009 which imposes conditions upon Dr. Sanchez’s license to practice medicine in Alabama is modified as follows:

1. Dr. Sanchez’s license to practice medicine is continued on indefinite probation.

2. Dr. Sanchez shall limit his practice to a single location. If Dr. Sanchez shall decide to move his principal practice from his present location at 4143 Atlanta Highway, Montgomery, Alabama, he shall obtain prior approval of the Medical Licensure
Commission. However, Dr. Sanchez is granted specific permission to provide medical services at the Alabama Department of Youth Services at its Mt. Meigs campus.

3. Dr. Sanchez shall not dispense any medicine from his office, nor shall he practice at any other location where any other physician dispenses medication. Such provision, with regard to other physicians, shall be waived with regard to his present practice location if the other physicians presently practicing there shall provide the Commission notarized statements which acknowledge that they have read the Commission's Order of February 11, 2009 and that they agree not to dispense any medication to any of Dr. Sanchez's patients.

4. All provision of the Commission's order dated February 11, 2009, not herein modified, shall remain in full force and effect.

Entered this 27th day of September, 2011.

JAMES E. WEST
M.D., CHAIRMAN
MEDICAL LICENSURE COMMISSION
ALABAMA STATE BOARD OF MEDICAL EXAMINERS

Complainant,

v.

GILBERTO SANCHEZ, M.D.

Respondent.

BEFORE THE MEDICAL LICENSURE COMMISSION OF ALABAMA

CASE NO. 09-030

ORDER

This matter is before the Medical Licensure Commission on a Second Administrative Complaint filed by the Alabama State Board of Medical Examiners seeking to discipline the license to practice medicine in Alabama of the Respondent, Gilberto Sanchez, M.D. A hearing was held on July 28, 2010. Dr. Sanchez was present, together with his attorney, Tabor R. Novak, Jr., Esq. William F. Addison, Esq. represented the Board of Medical Examiners.

Previously, on February 11, 2009, the Commission entered an order, based upon an administrative complaint filed by the Board of Medical Examiners, which placed Dr. Sanchez's license on indefinite probation, assessed an administrative fine, and placed certain conditions on his license to practice medicine. Thereafter, on February 4, 2010, the Commission entered an order suspending Dr. Sanchez's license for a period of six (6) months because of his violation of the condition that he practice medicine in a single location.

At the hearing on July 28, 2010, the Commission heard evidence presented by the Board of Medical Examiners in support of their complaint. Dr. Sanchez presented evidence in his defense including his own testimony. Based upon such evidence, the Medical Licensure Commission makes the following findings of fact:
1. During the time period from August 2008 through January 2009, Dr. Sanchez and/or physicians under his direction left signed, blank forms at Dr. Sanchez's clinics in Troy, Dothan, Andalusia and Ozark. Thereafter, patient specific information was added to the forms and, based upon such additions, medications were dispensed to patients. The Commission finds that such practice is tantamount to signing blank prescription forms.

2. From August 2008 until January 2009, Dr. Sanchez failed to register as a dispensing physician at his diet clinic in Dothan and failed to register the Dothan clinic as a dispensing site.

3. From August 2008 until January 2009, one or more physicians under the direction and employment of Dr. Sanchez failed to register as a dispensing physician in the Troy, Dothan and Ozark clinics.

Based on the foregoing findings of fact, the Medical Licensure Commission makes the following conclusions of law:

1. Dr. Sanchez has committed unprofessional conduct as defined in the Rules and Regulations of the Medical Licensure Commission of Alabama, a violation of Ala. Code §34-24-360 (2).

2. Dr. Sanchez has failed to comply with any Rule of the Board of Medical Examiners or the Medical Licensure Commission, a violation of Ala. Code §34-24-360 (23).

3. Dr. Sanchez has failed to adhere to controlled substances prescription guidelines for physicians, a violation of Board Rule 540-X-4-.05.

Having made the foregoing findings of fact and conclusions of law, the Medical
Licensure Commission has carefully reviewed its previous orders regarding Dr. Sanchez.
It is clear that the violations noted in this order occurred prior to the Commission's order
dated February 11, 2009. It is also clear that the violations found in this order are similar in
nature of those that formed the basis of the February 11th order. Therefore, the Commission
will impose no additional punishment at this time. However, Dr. Sanchez should be aware
that the conditions placed upon his license by the February 11, 2009 order remain in full
force and effect. Upon the expiration of the six (6) month suspension, Dr. Sanchez may
resume the practice of medicine, subject to the terms and conditions of such order.

ENTERED this 4th day of August, 2010.

JAMES E. WEST, M.D.
Chairman, Medical Licensure
Commission of Alabama
ALABAMA STATE BOARD OF
MEDICAL EXAMINERS,

Complainant,

v.

GILBERTO SANCHEZ, M.D.

Respondent.

BEFORE THE MEDICAL LICENSURE
COMMISSION OF ALABAMA

CASE NO. 08-007

ORDER

This matter is before the Medical Licensure Commission of Alabama on an
order to show cause entered on December 28, 2009, requiring Dr. Gilberto Sanchez to appear and
show cause why his license to practice medicine in Alabama should not be suspended for
violation of the provisions of the Commission’s order dated February 11, 2009. Such order
provided, in pertinent part:

3. “Dr. Sanchez shall limit his practice to a single location. If Dr. Sanchez shall
decide to move his principal practice location from its present location at 4143 Atlanta Highway,
Montgomery, Alabama, he shall obtain the prior approval of the Medical Licensure
Commission.”

A hearing was held on January 27, 2010. Dr. Sanchez was present, together with his
attorney, Tabor R. Novak, Esq. Herndon Coody, Esq. represented the Alabama State Board of
Medical Examiners.

The Commission received evidence with regard to the issue presented, including
testimony from Dr. Sanchez. Based upon such evidence the Commission finds that Dr. Sanchez
continued to function as the Medical Director of the Montgomery Metro Treatment Center, located at 4303 Normam Bridge Road, Montgomery, Alabama through December of 2009. Dr. Sanchez continued to be physically present at the clinic a minimum of two hours per week and continued to see approximately 50 patients per week. There was some evidence regarding whether or not Dr. Sanchez had submitted his written resignation prior to that time and there were questions as to whether or not such letters had actually been received by the Montgomery Metro Treatment Center. However, in view of the fact that Dr. Sanchez admitted that he had continued to work at this location through December of 2009, the Commission has not considered whether or not such letters of resignation were actually sent by him or received by the Treatment Center.

Based upon the evidence presented, it is the opinion of the Medical Licensure Commission that Dr. Sanchez has violated the terms of the Commission’s order dated February 11, 2009. Therefore, it is the order of the Medical Licensure Commission that Dr. Sanchez’s license to practice medicine in Alabama is due to be and the same is hereby “SUSPENDED” for a period of six (6) months from the date of this Order.

ENTERED this 4th day of February, 2010.

[Signature]
James E. West, M.D.
Chairman, Medical Licensure Commission of Alabama

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ORDER OF CONTINUANCE

It is the ORDER of the Medical Licensure Commission on a Motion to Continue filed by the Complainant, The Alabama Board of Medical Examiners, that the above matter, previously scheduled for hearing on April 28, 2010, at 9:30 a.m., is hereby continued. Hearing in this matter is now scheduled for July 28, 2010, at 9:30 a.m.

ENTERED this day, May 12, 2010.

James E. West, M.D., Chairman
Medical Licensure Commission
State of Alabama
ALABAMA STATE BOARD OF  
MEDICAL EXAMINERS,  

Complainant,  

v.  

GILBERTO SANCHEZ, M.D.  
Respondent  

BEFORE THE MEDICAL LICENSURE  
COMMISSION OF ALABAMA  

CASE NUMBER 09-090  

ORDER OF CONTINUANCE  

It is the ORDER of the Medical Licensure Commission on a Motion to  
Continue filed by the Complainant, Alabama State Board of Medical Examiners,  
that the above matter, previously scheduled for hearing on February 24, 2010, is  
hereby continued. Hearing in this matter is now set for April 29, 2010, at 9:30 a.m.  

ENTERED this day, February 16, 2010.  

James E. West, M.D., Chairman  
Medical Licensure Commission  
State of Alabama
ORDER

This matter is before the Medical Licensure Commission of Alabama on an order to show cause entered on December 28, 2009, requiring Dr. Gilberto Sanchez to appear and show cause why his license to practice medicine in Alabama should not be suspended for violation of the provisions of the Commission's order dated February 11, 2009. Such order provided, in pertinent part:

3. "Dr. Sanchez shall limit his practice to a single location. If Dr. Sanchez shall decide to move his principal practice location from its present location at 4143 Atlanta Highway, Montgomery, Alabama, he shall obtain the prior approval of the Medical Licensure Commission."

A hearing was held on January 27, 2010. Dr. Sanchez was present, together with his attorney, Tabor R. Novak, Esq. Hendon Coody, Esq. represented the Alabama State Board of Medical Examiners.

The Commission received evidence with regard to the issue presented, including testimony from Dr. Sanchez. Based upon such evidence the Commission finds that Dr. Sanchez 

;
continued to function as the Medical Director of the Montgomery Metro Treatment Center, located at 4303 Norvan Bridge Road, Montgomery, Alabama through December of 2009. Dr. Sanchez continued to be physically present at the clinic a minimum of two hours per week and continued to see approximately 50 patients per week. There was some evidence regarding whether or not Dr. Sanchez had submitted his written resignation prior to that time and there were questions as to whether or not such letters had actually been received by the Montgomery Metro Treatment Center. However, in view of the fact that Dr. Sanchez admitted that he had continued to work at this location through December of 2009, the Commission has not considered whether or not such letters of resignation were actually sent by him or received by the Treatment Center.

Based upon the evidence presented, it is the opinion of the Medical Licensure Commission that Dr. Sanchez has violated the terms of the Commission’s order dated February 11, 2009. Therefore, it is the order of the Medical Licensure Commission that Dr. Sanchez’s license to practice medicine in Alabama is due to be and the same is hereby “SUSPENDED” for a period of six (6) months from the date of this Order.

ENTERED this _____ day of February, 2010.

James E. West, M.D.
Chairman, Medical Licensure Commission of Alabama
ORDER TO SHOW CAUSE

This matter is before the Medical Licensure Commission based upon information received by the Commission that Dr. Gilberto Sanchez is non-compliant with the Order of the Medical Licensure Commission, dated February 11, 2009, specifically item number 3, which states: “Dr. Sanchez shall limit his practice to a single location. If Dr. Sanchez shall decide to move his principle practice location from its present location at 4143 Atlanta Highway, Montgomery, Alabama, he shall obtain the prior approval of the Medical Licensure Commission.”

Accordingly it is the ORDER of the Medical Licensure Commission that Dr. Sanchez appear at 9:30 a.m., Wednesday, January 27, 2010, in the offices of the Medical Licensure Commission, 848 Washington Avenue, Montgomery, Alabama and show cause, if any he has, why his license should not be immediately suspended.

ENTERED this 28th day of December, 2009.

James R. West, M.D., Chairman
Medical Licensure Commission
State of Alabama
ORDER SETTING HEARING

The Medical Licensure Commission has received the verified Administrative Complaint of the State Board of Medical Examiners filed in this cause. The Commission has determined that this matter is due to be set down for hearing under the provisions of §34-24-361, Code of Alabama 1975.

Accordingly, it is the Order of the Commission that this matter be set for hearing before the Commission on the 24th day of February, 2010 at 9:30 o'clock in the A.m. at the offices of the Medical Licensure Commission, 848 Washington Avenue, Montgomery, Alabama. The Respondent, GILBERTO SANCHEZ, M.D. is directed to respond to the allegations of the verified Complaint in the manner prescribed in Rule 545-X-3-.03 of the Rules and Regulations of the Medical Licensure Commission. Such answer shall be filed within 20 days of service of a copy of the Administrative Complaint and the Order Setting Hearing.

This hearing shall be conducted in accordance with §34-24-361(e), Code of Alabama 1975 and Chapter 3 of the Rules and Regulations of the Medical Licensure Commission.
concerning hearings in contested cases. The Respondent is entitled to be present at the hearing and to be represented by counsel, is entitled to cross-examine witnesses presented by the Complainant, and is entitled to present testimony and other evidence touching on the allegations contained in the Complaint.

The Honorable Wayne Turner, attorney at law, is hereby appointed to act as Hearing Officer under the authority of Rule 545-X-3-.08 of the Rules and Regulations of the Medical Licensure Commission.

It is the further order of the Commission that a copy of the verified Complaint of the Alabama State Board of Medical Examiners and a copy of this Order Setting Hearing is forthwith served upon the said GILBERTO SANCHEZ, M.D., by personally delivering the same to him if he can be found within the State of Alabama or by overnight courier, signature required, to his last known address if he cannot be found within the State of Alabama. The Commission further directs that personal service of process shall be made by ____________, who is designated as the duly authorized agent of the Medical Licensure Commission.

The Complainant and Respondent are directed to comply strictly with the Commission’s Standing Order and Scheduling Order, which are attached hereto.

It is further ordered that the parties and their attorneys immediately check their calendars for scheduling conflicts. No requests for continuance based upon schedule conflicts of attorneys or parties will be considered unless such request is made prior to ____________.

ORDERED at Montgomery, Alabama, this 18th day November, 2009.

[Signature]
James E. West, M.D., Chairman
Medical Licensure Commission of Alabama
ALABAMA STATE BOARD OF
MEDICAL EXAMINERS,

Complainant,

v.

GILBERTO SANCHEZ, M.D.

Respondent.

BEFORE THE MEDICAL LICENSURE
COMMISSION OF ALABAMA

CASE NO. 08-007

ORDER

This matter is before the Medical Licensure Commission of Alabama on a request for
clarification of the Commission’s Order dated February 11, 2009 and a request that Dr. Sanchez
be allowed to pay his administrative fine in installments. Having reviewed the request, the
Medical Licensure Commission makes the following ruling:

(1) Dr. Sanchez’s request to pay the administrative fine in installments is denied. The
full amount is due within six (6) months of the date of the original Order.

(2) The February 11, 2009 Order prohibits Dr. Sanchez from practicing at a location
where any other physicians dispense medication. Such provision shall be waived
with regard to his present practice location if the other physicians presently
practicing there shall provide to the Commission notarized statements which
acknowledge that they have read the Commission’s Order of February 11, 2009
and that they agree not to dispense any medication to any of Dr. Sanchez’s
patients.

ENTERED this 14th day of April, 2009.

JERRY N. GURLEY, M.D.
Chairman Medical Licensure
Commission of Alabama
ORDER

This matter is before the Medical Licensure Commission of Alabama on an Administrative Complaint filed by the Alabama State Board of Medical Examiners seeking to revoke or otherwise discipline the license to practice medicine in Alabama of the Respondent, Gilberto Sanchez, M.D. A hearing was held on December 18, 2008. Dr. Sanchez was present together with his attorney Tabor R. Novak, Jr., Esq. The Board of Medical Examiners was represented by B. Hendon Blaylock, Esq. Wayne P. Turner, Esq. served as Hearing Officer.

The Medical Licensure Commission received evidence in the form of oral testimony and documents presented by the Board of Medical Examiners and received testimony and documents presented by the Respondent, including his own testimony. Based upon such evidence, the Medical Licensure Commission makes the following finding of fact:

1 Dr. Gilberto Sanchez operates six (6) diet clinics, known as the Alabama Weight Loss Centers, in the following locations: Montgomery, Troy, Ozark, Prattville, Auburn and Andalusia. Dr. Sanchez is registered with the Board as the dispensing physician for these
locations, with the exception of Andalusia. Dr. Sanchez registered with the DEA in 2003 at only two (2) of these sites: his current office on the Atlanta Highway in Montgomery and a separate location also in Montgomery.

2. In May and June of 2006, Board of Medical Examiners Investigators, posing as new patients, visited the weight loss clinics on several occasions and were dispensed controlled substances including Bontril, Lipotropic Plus, Triamterene and Adipex, by clinic employees. On most of such visits, the drugs were dispensed without a physician onsite, prior to or without a physical examination and without adequate labeling of the controlled substance. In addition, unlicensed personnel were allowed to give injections without supervision.

3. In May 2006, Dr. Sanchez called the Alabama Board of Medical Examiners and requested information on the proper prescribing of medications. This information was hand delivered by a Board investigator to Dr. Sanchez’s Montgomery office on June 2, 2006.

4. After receiving the rules from the Alabama Board of Medical Examiners, Dr. Sanchez continued to operate the clinics in violation of the state law and Board rules, giving one investigator controlled substances on three (3) separate visits, prior to her being seen by a physician. This investigator was seen by Dr. Sanchez on her fourth visit and was prescribed Adipex, even though she was told by Dr. Sanchez that she did not need to lose weight.

5. During the period of the Board investigation, Dr. Sanchez’s huge patient volume indicates that adequate patient assessment in such a short period of time would have been impossible.

6. In an interview by the Board Investigators in June and July of 2006, Dr. Sanchez admitted his failure to comply with the laws, rules and regulations related to the delivery,
dispensing and transporting of medications, citing misunderstanding of the Board’s rules and regulations.

7. An investigation of the Physician Monitoring Program data revealed that Dr. Sanchez prescribed Marinol for six (6) patients. Dr. Sanchez admitted to off-label prescribing of Marinol to seven patients, as well as off-label prescribing of Cymbalta and Quine Sulfate.

Based upon the foregoing findings of fact, the Medical Licensure Commission makes the following conclusions of law:

1. Dr. Sanchez has engaged in the practice of medicine in such a manner as to endanger the health of his patients, a violation of Ala. Code §34-24-360(3);

2. Dr. Sanchez has engaged in distribution by prescribing, dispensing, furnishing or supplying of controlled substances to persons or patients for reasons other than a legitimate medical purpose, a violation of Ala. Code §34-24-360(8);

3. Dr. Sanchez has engaged in aiding or abetting the practice of medicine persons not licensed by the Commission, a violation of Ala Code §34-24-360(13);

4. Dr. Sanchez has failed to maintain for patients medical records which meet the minimum standards stated in the rules and regulation promulgated by the Commission, a violation of Ala. Code §34-24-360(22);

5. Dr. Sanchez has failed to advise the Board of Medical Examiners of additional sites or changes in location of dispensing sites, a violation of the Alabama Board of Medical examiners rule 540-x-4-.04;

6. Dr. Sanchez has failed to properly label dispensed medications with the patients' name, date, name and quantity of controlled substance, and name of dispensing physician, a
violation of the Alabama Board of Medical Examiners rule 540-x-4-.03;

7. Dr. Sanchez has failed to adhere to substantially every aspect of Alabama Board of Medical Examiners rule 540-x-4-.05., which is a violation of such rule.

Based on the forgoing findings of fact and conclusions of law it is the Order of the Medical Licensure Commission that;

1. Dr. Sanchez’s license to practice medicine in Alabama is hereby SUSPENDED. However, such suspension is stayed and Dr. Sanchez’s license is placed on INDEFINITE PROBATION.

2. Dr. Sanchez is assessed an administrative fine in the amount of seventy thousand dollars ($70,000.00). Such fine shall be due and payable within six (6) months of the date of this order.

3. Dr. Sanchez shall limit his practice to a single location. If Dr. Sanchez shall decide to move his principle practice location from it present location at 4143 Atlanta Highway, Montgomery, Alabama, he shall obtain the prior approval of the Medical Licensure Commission.

4. Dr. Sanchez shall not dispense any medicine from his office, nor shall he practice at a location where any other physician dispenses medication.

5. Dr. Sanchez shall complete a course in medical record keeping, to be pre-approved by the Medical Licensure Commission, within six (6) months of the date of this order.

6. Dr. Sanchez shall be assessed administrative costs. The Board of Medical Examiners is ordered to submit a statement of costs to the Medical Licensure Commission for it’s approval.
ENTERED this 11th day of February, 2009.

JERRY N. GURLEY, M.D.
Chairman, Medical License
Commission of Alabama
ALABAMA STATE BOARD OF MEDICAL EXAMINERS

Complainant,

v.

GILBERTO SANCHEZ, M.D.

Respondent.

BEFORE THE MEDICAL LICENSURE COMMISSION OF ALABAMA

CASE NO. 08-007

ORDER SETTING HEARING

The Medical Licensure Commission has received the verified Administrative Complaint of the State Board of Medical Examiners filed in this cause. The Commission has determined that this matter is due to be set down for hearing under the provisions of §34-24-361, Code of Alabama 1975.

Accordingly, it is the Order of the Commission that this matter be set for hearing before the Commission on the 23rd day of July, 2008 at 9:30 o'clock in the A.m. at the offices of the Medical Licensure Commission, 848 Washington Avenue, Montgomery, Alabama. The Respondent, GILBERTO SANCHEZ, M.D. is directed to respond to the allegations of the verified Complaint in the manner prescribed in Rule 545-X-3-.03 of the Rules and Regulations of the Medical Licensure Commission.

This hearing shall be conducted in accordance with §34-24-361(e), Code of Alabama 1975 and Chapter 3 of the Rules and Regulations of the Medical Licensure Commission concerning hearings in contested cases. The Respondent is entitled to be present at the hearing and to be represented by counsel, is entitled to cross examine witnesses presented by the

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Complainant, and is entitled to present testimony and other evidence touching on the allegations contained in the Complaint.

The Honorable Wayne Turner, attorney at law, is hereby appointed to act as Hearing Officer under the authority of Rule 545-X-3-.08 of the Rules and Regulations of the Medical Licensure Commission.

It is the further order of the Commission that a copy of the verified Complaint of the Alabama State Board of Medical Examiners and a copy of this Order is forthwith served upon the said GILBERTO SANCHEZ, M.D., by personally delivering the same to him if he can be found within the State of Alabama or by overnight courier, signature required, to his last known address if he cannot be found within the State of Alabama. The Commission further directs that personal service of process shall be made by Randy Dixon, who is designated as the duly authorized agent of the Medical Licensure Commission.

It is further ordered that the parties and their attorneys immediately check their calendars for scheduling conflicts. No requests for continuance based upon schedule conflicts of attorneys or parties will be considered unless such request is made prior to June 30, 2008.

ORDERED at Montgomery, Alabama, this 27th day February, 2008.

Jerry N. Goakey, M.D., Chairman
Medical Licensure Commission of Alabama
ALABAMA STATE BOARD OF MEDICAL EXAMINERS,)
Complainant,

vs.

GILBERTO SANCHEZ, M. D.,
Respondent.

ADMINISTRATIVE COMPLAINT

BEFORE THE MEDICAL LICENSURE COMMISSION OF ALABAMA

CASE NO. 08 - 007

FEB 25 2008

FILED

MEDICAL LICENSURE COMMISSION

Comes now the Alabama State Board of Medical Examiners and submits herewith its sworn petition pursuant to the authority of Ala. Code §34-24-361(e) (2002) and respectfully represents to the Medical Licensure Commission the following:

1. On March 23, 1994, the Respondent, Gilberto Sanchez, M. D., was licensed to practice medicine in the State of Alabama, having been issued license number MD. 17969.

2. The Board of Medical Examiners has conducted an investigation into the medical practice of Dr. Sanchez and, based on that investigation, has concluded that there exists probable cause to believe that the Respondent has committed the following violations of Ala. Code §34-24-360(2002) and Alabama Board of Medical Examiners Rules 540-x-4-.04; 540-x-4-.03; and 540-x-4-.05:

a. Practicing medicine or osteopathy in such a manner as to endanger the health of the patients of the practitioners, a violation of Ala. Code §34-24-360(3);

b. Distribution by prescribing, dispensing, furnishing, or supplying of controlled substances to any person or patient for any reason other than a legitimate medical purpose, a violation of Ala. Code §34-24-360(4);

c. Gross malpractice or repeated malpractice or gross negligence in the practice of osteopathy, a violation of Ala. Code §34-24-360(9);
d. Aiding or abetting the practice of medicine by any person not licensed by the commission, a violation of Ala. Code §34-24-360(13);

e. Failure to maintain for a patient a medical record which meets the minimum standards stated in the rules and regulation prorogated by the commission, a violation of Ala. Code §34-24-360 (22);

f. Failure to advise the Board of additional sites or changes in locations of dispensing sites, a violation of the Alabama Board of Medical Examiners Rule 540-x-4-.04;

g. Failure to properly label dispensed medications with patients' name, date, name and quantity of controlled substance, and name of dispensing physician, a violation of the Alabama Board of Medical Examiners Rule 540-x-4-.03;

h. Failure to adhere to substantially every aspect of this Rule, a violation of the Alabama Board of Medical Examiners Rule 540-x-4-.05.

3. In support of the allegations of the violations of Ala. Code §34-24-360, and Board Rules Chapter 540-x-4 concerning controlled substances, the Board of Medical Examiners specifically alleges the following:

a. Dr. Gilberto Sanchez operates "diet clinics" known as the Alabama Weight Loss Canters located in Montgomery, Troy, Ozark, Prattville, Auburn and Andalusia. The dispensing physician registry maintained by the Board listed Dr. Sanchez as the registered dispensing physician for each site except the one in Andalusia, which was not listed on the registry. Dr. Sanchez was registered by the DEA at only (2) sites for dispensing: his current office on the Atlanta Highway in Montgomery and the other at a different location in Montgomery sometime in 2003.

b. In May and June 2006, Board investigators posing as new patients visited the weight loss clinics on several occasions. The investigators were dispensed controlled substances, namely Bontril, Lipotropic Plus, Trimaterene and Adipex, by clinic employees. On a vast majority of these visits, the drugs were dispensed without a physician on site, prior to or without a physical examination and without adequate labeling of the controlled substance. The Board investigation also revealed that unlicensed personnel were allowed to give injections without supervision.

c. On May 30, 2006, within days of the first undercover visits, Dr. Sanchez called the Board and requested information on the proper prescribing of medications. A
Board investigator hand delivered a copy of the prescribing rules to Dr. Sanchez’s Montgomery office on June 2, 2006.

d. After being delivered the prescribing rules, a review of his records reveal that Dr. Sanchez continued to operate the clinics in violation of state law and Board rules, as described in paragraph 3(b), above. One investigator received controlled substances on three separate visits before ever being seen by a physician for the first time on her fourth visit, and then Dr. Sanchez prescribed Addipex after stating that she did not need to lose weight. The documentation of examinations indicate huge volumes of patients being seen in an amount of time too minuscule to render an adequate patient assessment.

e. The Board’s investigators interviewed Dr. Sanchez in June and July 2006. Dr. Sanchez freely admitted his failure to comply with laws, rules and regulations regarding the delivery, dispensing and transporting of medications, citing misunderstanding of the Board’s rules and regulations.

f. In January 2007, the Board received a request from a physician, in his capacity as a Certified Medical Review Officer, seeking clarification on Alabama physicians prescribing Marinol for non-approved uses. The CMRO reported that a donor presenting for a random drug screen tested positive for marijuana. The donor explained the positive result was due to her being prescribed Marinol by Dr. Sanchez for treatment of muscle spasms. Later, it was learned that she sought the prescription after her positive drug screen. An investigation of the Physician Monitoring Program data revealed that Dr. Sanchez prescribed Marinol for six other patients, but the donor in question did not appear on the PMP list. Dr. Sanchez admitted to off-label prescribing of Marinol to seven patients, as well as off-label prescribing of Cymbalta and Quinie Sulfate.

WHEREFORE, the foregoing premises considered, the Alabama State Board of Medical Examiners respectfully requests that the Medical Licensure Commission of Alabama take jurisdiction of this Administrative Complaint, set a hearing thereon, and cause notice of such hearing and a copy of this Administrative Complaint to be served upon the Respondent, Gilberto Sanchez, M. D., requiring that he appear and answer the allegations contained in this Administrative Complaint in accordance with the Rules and Regulations of the Medical Licensure Commission. Further, the Board requests that, at the conclusion of the hearing, the
Medical Licensure Commission revoke the license to practice medicine in Alabama, and/or take other action which the Commission deems appropriate based upon the evidence presented for consideration.

This Administrative Complaint is executed for and on behalf of the Alabama State Board of Medical Examiners by its Executive Director pursuant to the instructions of the Board contained in its Resolution adopted on November 7, 2007, a copy of which is attached hereto and incorporated herein.

EXECUTED this the 20th day of February, 2008.

[Signature]
Larry D. Dixon, Executive Director
Alabama Board of Medical Examiners

M. Hendon Blaylock, Esq.
Attorney for the Alabama Board of Medical Examiners
P.O. Box 104
Montgomery, AL 36101-0104
Telephone: (334) 240-2421
Facsimile: (334) 263-0032
mhb@ncomediagionctr.com
STATE OF ALABAMA

MONTGOMERY COUNTY

Before me, the undersigned, personally appeared Larry D. Dixon, who, being by me first duly sworn, deposes and says that he, in his capacity as Executive Director of the Alabama Board of Medical Examiners, has examined the contents of the foregoing complaint and petition and affirms that the contents thereof are true and correct to the best of his knowledge, information and belief.

Larry D. Dixon, Executive Director
Alabama Board of Medical Examiners

SWORN TO AND SUBSCRIBED before me this the 20th day of Feb., 2008.

Carla H. Krugel
Notary Public
My commission expires: 10-1-11
STATE OF ALABAMA

MONTGOMERY COUNTY

AFFIDAVIT

Before me, the undersigned, personally appeared Larry D. Dixon, Executive Director of the Alabama State Board of Medical Examiners, who, being by me first duly sworn, deposes and says as follows:

The Alabama State Board of Medical Examiners held session on November 7, 2007, a quorum of the members of the Board being present, and conducted an investigation into the medical practice of Gilberto Sanchez, M.D. At the conclusion of the discussion, the Board adopted the following resolution:

Gilberto Sanchez, M.D., Montgomery. After consideration of investigative information, the Credentials Committee recommended filing an Administrative Complaint with the Medical Licensure Commission seeking revocation of Dr. Sanchez’ medical license on the grounds of Dr. Sanchez’ failure to advise the Board of additional sites or changes in locations of dispensing sites; failure to properly label dispensed medications with patients’ name, date, name and quantity of controlled substance, and name of dispensing physician; failure to adhere to the Controlled Substances Prescription Guidelines for Physicians; practicing medicine in such a manner as to endanger the health of the patients of the practitioner; distribution by prescribing, dispensing, furnishing or supplying of controlled substances to any person or patient for any reason other than a legitimate medical purpose; gross malpractice or repeated malpractice or gross negligence in the practice of medicine; aiding or abetting the practice of medicine by any person not licensed by the Commission; and failure to maintain patient records which meet the minimum standard stated in the rules of the Medical Licensure Commission. David P. Herrick, M.D., recused himself from the discussion, deliberation, and determination. The motion was adopted.

I further certify that the foregoing resolution was adopted by the Alabama State Board of Medical Examiners on the 7th day of November, 2007.

[Signature]

Larry D. Dixon, Executive Director
Alabama Board of Medical Examiners
SWORN TO AND SUBSCRIBED before me this the 28th day of Feb. 2008.

[Signature]
Notary Public
My commission expires: 10-1-11