

**BEFORE THE BOARD OF OSTEOPATHIC MEDICAL EXAMINERS  
FOR THE STATE OF NEW MEXICO**

**IN THE MATTER OF:  
Dale Regis Zimmerman, D.O  
License No. A-748-82**

**CASE NO. O-05-2000**

**Respondent.**

**DEFAULT ORDER**

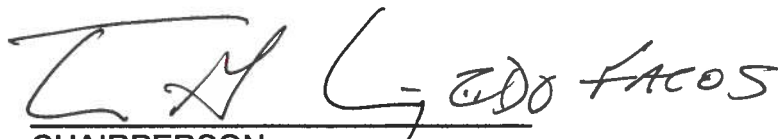
This matter having come before the Board of Osteopathic Medical Examiners ("the Board") and with a quorum present and a majority voting in the affirmative the Board finds as follows:

1. A Notice of Contemplated Action was served upon Respondent in accordance with the Uniform Licensing Act, 1978 NMSA, Section 61-1-1 through 61-1-34.
2. Respondent did not request a hearing within twenty days of receipt or attempted service of the Notice of Contemplated Action as set forth in the Uniform Licensing Act.
3. Pursuant to the provisions of the Uniform Licensing Act, if Respondent does not request a hearing, the Board may proceed to take action against Respondent's license by default.

**IT IS THEREFORE ORDERED THAT RESPONDENT'S LICENSE BE**

**REVOKED BY DEFAULT.**

02/14/2004  
DATE

  
 \_\_\_\_\_  
 CHAIRPERSON, TOM LINDSEY, D.O.  
 Board of Osteopathic Medical Examiners

CERTIFIED MAIL NO. \_\_\_\_\_  
RETURN RECEIPT REQUESTED

**BEFORE THE NEW MEXICO BOARD OF  
OSTEOPATHIC MEDICAL EXAMINERS**

IN THE MATTER OF: )  
Dale Regis Zimmerman, D.O., )  
License No., A-748-82 )  
Complaint # O-05-2000 )  
Respondent )

\_\_\_\_\_ )

**NOTICE OF CONTEMPLATED ACTION**

1. The Respondent is licensed under the Osteopathic Medicine and Surgery Act, NMSA 1978, §61-10-1 through 61-10-22 NMSA 1978 (1933), and is subject to the jurisdiction of the New Mexico Board of Osteopathic Medical Examiners ("NM BOME").

2. The NM BOME has sufficient evidence that Respondent engaged in conduct which, if not rebutted or explained, will justify the NM BOME in suspending or revoking or taking other action against the respondent's license pursuant to NMSA 1978, §61-10-15(F), and (G) and Title 16, Chapter 17, Part 6, and more specifically 16 NMAC 17.8.1. , 8.1.5, 8.1.6, and 8.3.3 which provide:

**A. Section 61-10-15. Refusal and revocation of license**

The Board of Osteopathic Medical Examiners may suspend or revoke any license for any one or any combination of the following causes

(F) habitual drunkenness, or habitual addiction to the use of morphine, cocaine or other habit -forming drugs

(G) immoral, dishonorable or unprofessional conduct

**B. 16 NMAC 17.8.1 Causes for Refusal or Revocation of Licensure.**

**The Board may either refuse to issue or may suspend or revoke any licensure for any one or more of the following causes, whether**

**committed in the State of New Mexico or elsewhere.**

- 8.1.5 habitual or excessive use of drugs or alcohol
- 8.1.6 immoral, dishonorable or unprofessional conduct.

**C. 16 NMAC 17.6.8.3 Dishonorable and Unprofessional Conduct shall include shall not be limited to the following :**

- 8.3.3 violation of the pertaining to dangerous drugs, narcotics, or intoxicating liquors:
3. The general nature of the allegations is contained in Attachment 1 to this Notice of Contemplated Action.
  4. Unless the respondent within twenty days after service of this notice deposits in the mail a certified return receipts requested letter addressed to the NM BOME at the address below containing a request for hearing, the NM BOME will take the contemplated action.
  5. Respondent may defend pursuant to the following:

**61-1-8. Rights of person entitled to hearing.**

- A. A person entitled to be heard under the Uniform Licensing Act [NMSA 1978, 61-1-1 to 61-1-31] shall have the right to be represented by counsel or by a licensed member of his own profession or occupation, or both; to present all relevant evidence by means of witnesses and books, papers, documents, and other evidence; to examine all opposing witnesses who appear on any matter relevant to the issues; and to have subpoenas and subpoenas duces tecum issued as of right prior to the commencement of the hearing to compel discovery and the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making written request therefore to the board or hearing officer. The issuance of such subpoenas after

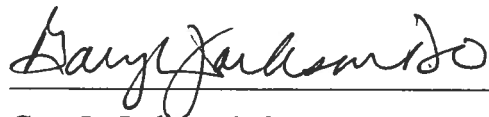
the commencement of the hearing rests in the discretion of the board or the hearing officer. All notices issued pursuant to NMSA 1978, §61-1-4 shall contain a statement of these rights.

- B. Upon written request to another party, any party is entitled to:
- (1) obtain the names and addresses of witnesses who will or may be called by the other party to testify at the hearing; and
  - (2) inspect and copy any documents or items which the other party will or may introduce in evidence at the hearing.

The party to whom such a request is made shall comply within ten days after the mailing or delivery of the request. No request shall be made less than fifteen days before the hearing

- C. Any party may take deposition after service of notice in accordance with the Rules of Civil Procedure for the District Courts. Depositions may be used as in proceedings governed by those rules.

Date: 28 October 2003



Gary L. Jackson, DO

Osteopathic Medical Examiners Board

P.O. Box 25101

Santa Fe, New Mexico 87504