

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

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,            )  
OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE AND  
SUPERVISION,                            )  
  
                                  Plaintiff,    )  
  )  
v.    )  
  )  
JOHN VINCENT MARRUJO, P.T.            )    CASE NO. 90-05-1051  
License No. 1028,                        )  
  )  
                                  Defendant.    )

**FINAL ORDER  
OF FORMAL REPRIMAND**

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on February 1, 1991, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and Karen L. Long, Rosenstein, Fist & Ringold, Attorney at Law, Tulsa, Oklahoma, appeared for the Defendant.

The Board of Medical Licensure and Supervision en banc heard the oral argument of counsel, reviewed exhibits, and being fully advised in the premises, the Board of Medical Licensure and Supervision finds as follows:

**FINDINGS OF FACT**

1. That Defendant, John Vincent Marrujo, P.T., holds Physical Therapy License No. 1028.
2. That the Oklahoma Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.
3. That this cause came on for hearing before the Physical Therapy Advisory Committee of the Oklahoma Board of Medical Licensure and Supervision on December 13, 1990, at the office of the Oklahoma State Board of Medical Licensure and Supervision pursuant to notice given as required by law and the rules of the Board. Both sides were represented by counsel. Whereupon, the Physical Therapy Advisory Committee en banc heard all preliminary motions and oral argument of counsel, heard testimony, reviewed exhibits, and being fully advised in the premises, the Physical Therapy Advisory Committee therefore recommended that the Defendant should be formally reprimanded.
4. Subsequently, Douglas N. Eagon, Chairman, Physical Therapy Advisory Committee, did execute a formal Recommendation of reprimand, and that was forwarded to the Board for their review.
5. Plaintiff's counsel appealed the recommendation of the Physical Therapy Advisory Committee and filed a brief in support thereof. Defendant's counsel filed a response brief.

6. The Oklahoma Board reviewed all pleadings, heard legal argument and found that the recommendation of the Physical Therapy Advisory Committee should be followed with certain amendments.

7. That female patients T.B., C.E., and S.M., were consistent in their testimony that Defendant did administer physical therapy treatment that made them personally uncomfortable because of the close proximity of the Defendant to their person.

8. That the Defendant failed to make provisions that another person of the patient's gender was present in the treatment room while physical therapy treatment was administered to the complaining witnesses.

9. That some of the Defendant's actions could be viewed as contrary to provisions of the American Physical Therapy Association Code of Ethics that were applicable hereto.

10. That there had been no previous complaints to the Physical Therapy Advisory Committee concerning this Defendant and there was evidence introduced of female patients who were satisfied with the professional physical therapy services rendered by the Defendant.

#### CONCLUSIONS OF LAW

1. That the Defendant failed to show that Board member Tom Keith could not accord a fair and impartial hearing or consideration of this case and therefore failed to provide legal basis required by 75 O.S. 1981, Sec. 316, to allow for disqualification of Mr. Keith from hearing this case.

2. That John Vincent Marrujo, P.T., holding Oklahoma Physical Therapy License No. 1028, was in violation of the Oklahoma Physical Therapy Act, 59 O.S. Supp. 1989, Sec. 887.13, Paragraph 9, to-wit:

"9. Been guilty of conduct unbecoming a person licensed as a physical therapist or physical therapist assistant or guilty of conduct detrimental to the best interests of the public or his profession."

The vote on this paragraph was 2-to-1 with Chairman Eagon dissenting.

3. There was not sufficient evidence to show Defendant in violation of Oklahoma Physical Therapy Act, 59 O.S. Supp. 1989, Sec. 887.13, Paragraph 10, to-wit:

"10. Been guilty of any act in conflict with the ethics of the profession of physical therapy."

The vote on this paragraph was 2-to-1 with Board member Wilson dissenting.

#### ORDER

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

1. That the Defendant, John Vincent Marrujo, P.T., holding Oklahoma Physical Therapy License No. 1028, should be and is hereby FORMALLY REPRIMANDED for his conduct as set forth above.

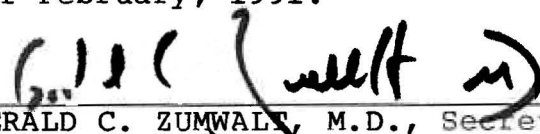
2. That said formal reprimand shall be made a part of the Defendant's public file maintained by the Physical Therapy Advisory Committee and the Oklahoma Board of Medical Licensure

and Supervision and that the Defendant shall receive a copy of same.

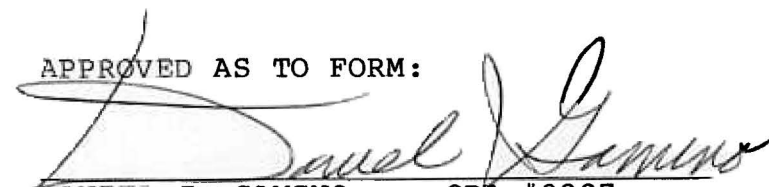
3. That hereinafter Defendant should make provisions that another person of the patient's gender be present in the treatment room while physical therapy treatment is administered to any female patient.

4. Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay within 30 days of receipt of invoice from the Investigation Division of the Board the costs of investigation, prosecution and probation of this case, unless the Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.

DATED this 12<sup>th</sup> day of February, 1991.

  
GERALD C. ZUMWALT, M.D., Secretary  
State Board of Medical Licensure  
and Supervision

APPROVED AS TO FORM:

  
DANIEL J. GAMINO OBA #3227  
Daniel J. Gamino & Associates, P.C  
3315 NW 63  
Oklahoma City, OK 73116  
(405) 840-3741  
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 13 day of February, 1991, to:

JOHN VINCENT MARRUJO, P.T.  
c/o KAREN L. LONG  
Rosenstein, Fist & Ringold  
525 S. Main, Suite 300  
Tulsa, OK 74103

