

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,)
)
-vs-) Case No. 97-06-1908
)
*THOMAS A. LERA, JR., M.D.)
Medical License No. 14097,)
)
Defendant.)

VOLUNTARY SUBMISSION TO JURISDICTION
AND ORDER OF REVOCATION

THIS CAUSE came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision, (hereinafter "OSBMLS"), en banc on the 22 day of July 1999 at the offices of the OSBMLS, 5104 North Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

The plaintiff appeared by and through its attorney, Gregory J. Ryan; the defendant acknowledges the proceeding and waives appearance.

The OSBMLS en banc proceeded, and after being fully advised in the premises, finds that there is clear and convincing evidence of the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. That the Defendant Thomas A. Lera, Jr., M.D. holds Oklahoma Medical License No. 14097.

2. That a Complaint and Citation were issued in this case on the 27th day of May, 1999 charging the defendant with violations of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. §509, Paragraphs 6, 8, 9, 10 and 18, as

well as violations of the Oklahoma Administrative Code, O.A.C. Title 435:10-7-4, Subparagraphs (10), (11), (18), (23) and (45).

3. That the OSBMLS has jurisdiction over the defendant and the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.

4. That on the 22nd day of July, 1999, this cause came on for hearing before the Board en banc.

5. That the Defendant Thomas A. Lera, Jr., M.D. voluntarily submitted himself to the jurisdiction of the Board for appropriate disciplinary action.

6. The Defendant Thomas A. Lera, Jr., M.D. is presently of sound mind and not under the influence of any type of mind-altering substance.

7. That the defendant recognized his right to appear before the Board en banc for full evidentiary hearing with all attendant due process rights and to have had the plaintiff prove the allegations in the Complaint by clear and convincing evidence or otherwise be acquitted of said charges.

8. That the defendant, by his own volition and decision, waived his right to said procedures and protections and pleaded guilty to the allegations in the Complaint.

9. On the 1st day of March 1999, the Defendant Thomas A. Lera, Jr., M.D. appeared before the District Court of Oklahoma County, State of Oklahoma and pled guilty to, was sentenced and convicted of the following:

Count 1: Sexual abuse of a child;

Count 2: Procuring or causing participation of a child in lewd photographs;

Count 3: Indecent or lewd acts with a child;

Count 4: Procuring or causing participation of a child in lewd photographs.

The Defendant Dr. Lera was sentenced to a ten-year suspended sentence except for the first two years to serve in the custody of the Department of Corrections running concurrently on all

four counts, stemming from the violations described in this paragraph. Said conviction is final with no appeal having been perfected.

10. The defendant perpetuated significant potential harm to the public health, safety and welfare by committing these acts and/or omissions alleged in the Complaint.

CONCLUSIONS OF LAW

11. The OSBMLS has jurisdiction and authority over the defendant and the subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. §480 et seq., and the Oklahoma Administrative Code, O.A.C. Title 435:1-1-1 et seq. (Rules of the OSBMLS).

12. The Defendant Thomas A. Lera, Jr., M.D., holding Oklahoma Medical License No. 14097, was in violation of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. §509, Paragraphs 6, 8, 9, 10 and 18, to wit:

6. Conviction of a felony or of any offense involving moral turpitude;
8. Conviction or confession of a crime involving violation of:
 - a. the antinarcotic or prohibition laws and regulations of the federal government,
 - b. the laws of this state, or
 - c. State Board of Health rules;
9. Dishonorable or immoral conduct which is likely to deceive or defraud the public;
10. The commission of any act which is a violation of the criminal laws of this state when such act is connected with the physician's practice of medicine. A complaint, indictment or confession of a criminal violation shall not be necessary for the enforcement of this provision. Proof of the commission of the act while in the practice of medicine or under the guise of the practice of medicine shall be unprofessional conduct;
18. Engaging in physical conduct with a patient which is sexual in nature, or in any verbal behavior which is seductive or sexually demeaning to a patient.

and was also in violation of Oklahoma Administrative Code, O.A.C. Title 435: 10-7-4, Subparagraphs (10), (11), (18), (23) and (45), to wit:

(10) The conviction of a felony or any offense involving moral turpitude whether or not related to the practice of medicine and surgery.

(11) Conduct likely to deceive, defraud, or harm the public.

(18) Practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery.

(23) Commission of any act of sexual abuse, misconduct, or exploitation related or unrelated to the licensee's practice of medicine and surgery.

(45) Engaging in predatory sexual behavior.

13. The OSBMLS holds by clear and convincing evidence that the defendant has pleaded guilty to unprofessional conduct in violation of the statutory and administrative code provisions set forth above.

14. The OSBMLS has authority vested in it through 59 O.S. §509.1 to enforce the provisions of said Act and Code and to impose disciplinary action as necessary to protect the public health, safety and welfare.

ORDER

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

15. That the voluntary submission to jurisdiction entered by the defendant is hereby accepted by the Board en banc.

16. That Oklahoma Medical License No. 14097 of the Defendant Thomas A. Lera, Jr., M.D. should be and the same is hereby REVOKED as of the date of this order, July 22, 1999.


17. The OSBMLS further orders as follows:

- a. Pursuant to Title 59 O.S. §§506 and 509.1A.8., the defendant shall promptly reimburse the Board within thirty (30) days of receipt of invoice for all costs expended on the prosecution of this disciplinary action, including any legal fees and costs, and probation and monitoring fees, including but not limited to staff time, salary and travel expenses, witness fees and attorney fees, unless the defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Secretary of the Board.
- b. Until such time as all indebtedness to the OSBMLS has been satisfied, defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

DATED this 22 day of July, 1999.





THOMAS A. LERA, JR., M.D.
DEFENDANT



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

APPROVED AS TO FORM:


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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that on this 28 day of July, 1999 a true and correct copy of the above and foregoing Voluntary Submission to Jurisdiction and Order of Revocation was mailed to:

MR. MACK K. MARTIN
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ATTORNEY FOR DEFENDANT