

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

FILED

SEP 28 2007

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

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 06-12-3215

VICKIE TROLENE FORD-CRUZ, R.C.,)
LICENSE NO. RC1826)

Defendant.)

FINAL ORDER OF REVOCATION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on September 20, 2007, 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 not.

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 is 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 respiratory care practitioners in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* and 2026 *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. Vickie Trolene Ford-Cruz, R.C., holds Oklahoma respiratory care license no. RC1826 and is authorized to practice as a respiratory care practitioner.

4 On or about September 6, 2006, Defendant submitted her Application for Renewal of Oklahoma Respiratory Care Practitioner License. With respect to the question on whether or not she had obtained the required twelve (12) hours of Continuing Respiratory Care Education, Defendant stated as follows:

“I certify that I have obtained 13.2 hours of Board approved continuing education. I have the original documentation in my possession to verify these hours.”

5. As part of her Application for Renewal, Defendant submitted documentation as proof that she had obtained the required continuing education, specifically, an August 11, 2005 Verification of Activity Completion for 7.2 hours from the Outreach Education Council for Critical Care at the Maine Medical Center for “Clinical Trends in Respiratory Care: Advances & Challenges”.

6. According to the Outreach Education Council for Critical Care at the Maine Medical Center, there is **no** record of Defendant’s attendance at the “Clinical Trends in Respiratory Care” program. Additionally, the actual program was held on **September 29, 2000**, and **not** on August 11, 2005.

7. As part of her Application for Renewal, Defendant submitted documentation as proof that she had obtained the required continuing education, specifically, a January 18, 2006 Certificate of Continuing Medical Education for sixteen (16) hours from the Eastern New Mexico University EMS Bureau for a Pediatric Advance Life Support class.

8. According to the Eastern New Mexico University EMS Bureau, there is **no** record of Defendant in any of their databases. Further, the Certificate of Continuing Medical Education submitted by Defendant is in a different format than those certificates issued by the EMS Bureau and is inconsistent with their format.

9. Defendant’s public file maintained at the Board offices reflects that Defendant submitted documentation of continuing education allegedly obtained from the Eastern New Mexico University EMS Bureau on January 21, 2001, January 21, 2004 and January 18, 2006. A cursory review of these certificates reflects that while the January 21, 2001 certificate may be authentic, the January 21, 2004 and January 18, 2006 certificates were altered and falsified from the January 21, 2001 certificate.

10. Defendant is guilty of unprofessional conduct in that she:

- A. Is guilty of fraud or deceit in procuring or attempting to procure a license or renewal of a license to practice respiratory care in violation of 59 O.S. §2040(1) and OAC 435:45-5-3(8).

- B. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, agreement or order of the Board in violation of 59 O.S. §2040(9) and OAC 435:45-5-3(24).
- C. Violated any provision of the Respiratory Care Practice Act or the rules promulgated by the Board in violation of OAC 435:45-5-3(21).
- D. Falsified documents submitted to the Respiratory Care Advisory Committee or the Oklahoma State Board of Medical Licensure and Supervision in violation of OAC 435:45-5-3(7).
- E. Is guilty of dishonest or unethical conduct in violation of 59 O.S. §2040(5).
- F. Has violated or aided or abetted others in violation of any provision of the Respiratory Care Practice Act in violation of 59 O.S. §2040(8).

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 and the Respiratory Care Practice Act and their applicable regulations. The Board is authorized to enforce the Acts as necessary to protect the public health, safety and welfare.

2. Defendant is guilty of unprofessional conduct as follows:

- A. Is guilty of fraud or deceit in procuring or to procure a license or renewal of a license to practice respiratory care in violation of 59 O.S. §2040(1) and OAC 435:45-5-3(8).
- B. Violated any provision of the medical practice act or rules and regulations of the Board or of an action, stipulation, agreement or order of the Board in violation of 59 O.S. §2040(9) and OAC 435:45-5-3(24).

- C. Violated any provision of the Respiratory Care Practice Act or the rules promulgated by the Board in violation of OAC 435:45-5-3(21).
- D. Falsified documents submitted to the Respiratory Care Advisory Committee or the Oklahoma State Board of Medical Licensure and Supervision in violation of OAC 435:45-5-3(7).
- E. Is guilty of dishonest or unethical conduct in violation of 59 O.S. §2040(5).
- F. Has violated or aided or abetted others in violation of any provision of the Respiratory Care Practice Act in violation of 59 O.S. §2040(8).

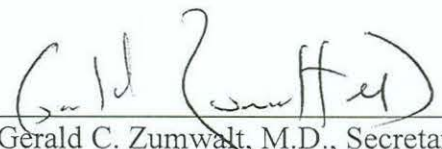
3. The Board further found that the Defendant's license should be **REVOKED** based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §2040(1), (5), (8) and (9), and OAC Title 435:45-5-3(7), (8), (21) and (24).

Order

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

- 1. The license of Defendant, Vickie Trolene Ford-Cruz, R.C., Oklahoma license no. RC1826, is hereby **REVOKED** as of the date of this hearing, September 20, 2007.
- 2. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

Dated this 23 day of September, 2007.


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

CERTIFICATE OF SERVICE

I certify that on the 28 day of September, 2007, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Vickie Trolene Ford-Cruz, 3101 N.W. 150th, Apt. 25G, Oklahoma City, OK 73134.

Janet Swindle
Janet Swindle