

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. 95-09-1753

PHILIPPE ABEL DUBE, M.D.,)
MEDICAL LICENSE NO. 19237)

Defendant.)

FINAL 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 13th day of March, 1997 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.

Gregory J. Ryan, attorney at law, appeared for the plaintiff; neither the defendant nor any representative on his behalf appeared before the Board.

The OSBMLS en banc proceeded in abstentio, heard testimony, reviewed exhibits and being fully advised in the premises, finds and orders as follows:

FINDINGS OF FACT

1 That the Defendant, Philippe Abel Dube, M.D. holds Oklahoma Medical License No. 19237.

2 That the OSBMLS 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 the Board gave notice for and originally set this hearing for January 9, 1997 after the issuance of Citation and Complaint on December 5, 1996.

4. That in deference to the defendant and in an abundance of caution, the OSBMLS continued the January hearing to March 13, 1997 due to the defendant's failure to either respond or appear pursuant to the Citation and Complaint.

5. That the OSBMLS reissued service of process to notify the absent defendant of the continuance of this hearing to March 13, 1997.

6. That said service was issued by certified mail to the defendant's last known address filed with the Board and was also served by notice of hearing continuance by publication.

7. That the defendant also failed to submit to the Board his current street address upon relocation.

8. That the defendant thereafter failed to file his written answer as required by the rules of the Board and also failed to make any response whatsoever or appear personally.

9. That from February through June 1995, defendant inappropriately and frequently commented upon or inquired about sex, breasts and other body parts to patients and staff at Crest Med Clinic in Perkins, Oklahoma, thereby offending and humiliating said listeners by these comments.

10. Defendant routinely performed pelvic exams on attractive female patients who sought medical attention for unrelated complaints and also conducted unassisted breast exams upon a group of minor cheerleaders, aged 14 to 18 years of age.

11 Defendant's Oklahoma Medical License No. 19237 expired in November, 1996 and was automatically suspended for failure to renew thereafter.

12. The defendant is perpetuating significant harm to the public health, safety and welfare by continuing the acts and omission set forth in the allegations in the Complaint.

CONCLUSIONS OF LAW

1 The OSBMLS has authority to perfect service against a defendant by certified mail to the last known address of the defendant or by publication of said notice. OAC, Title 435:3-3-5 and 3-3-6.

2. The defendant is required to submit to the OSBMLS his new address upon relocation. OAC, Title 435:10-7-7.

3. The defendant is required to file a written Answer to the Complaint and failure to do so requires the Board to consider the defendant in default. OAC, Title 435:3-3-8.

4. At the scheduled hearing for said Complaint, the Board en banc can and did accept the allegations as set forth in the Complaint as true. OAC, Title 435:3-3-8.

5. Since the defendant failed to appear after first having been given proper notice, the Board is required to and did deem that the defendant waived his right to present a defense and the Board can and did deem the allegations in the Complaint to be true and correct. OAC, Title 435:3-3-14.

6. Therefore, the Defendant Philippe Abel Dube, M.D., holding Oklahoma Medical License No. 19237, is in violation of the Oklahoma Medical Practice Act, 59 O.S.

Supp. 1994, §§509(9) and (18), together with Oklahoma Administrative Code, Title 435:10-7-4(11), (23), (44) and (45) to-wit:

509(9): "Dishonorable or immoral conduct which is likely to deceive or defraud the public."

509(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."

435:10-7-4(11): "Conduct likely to deceive, defraud, or harm the public."

435:10-7-4(23): "Commission of any act of sexual abuse, misconduct, or exploitation related or unrelated to the licensee's practice of medicine and surgery."

435:10-7-4(44): "Abuse of physician's position of trust by coercion, manipulation or fraudulent representation in the doctor-patient relationship."

435:10-7-4(45): "Engaging in predatory sexual behavior."

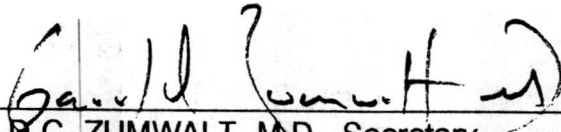
7. That the OSBMLS has authority vested in it through 59 O.S. §509.1 to impose disciplinary actions.

ORDER

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

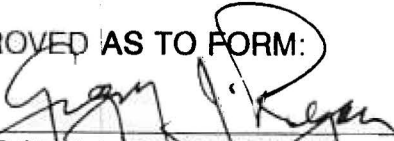
1 That Oklahoma Medical License No. 19237 of the Defendant Philippe Abel Dube, M.D., should be and the same is hereby REVOKED as of the date of this hearing, March 13, 1997.

DATED THIS 24 day of April, 1997.



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

APPROVED AS TO FORM:



GREGORY J. RYAN, OBA #7856
DEYONG, RYAN & RISCHARD, P.A.
1320 East 9th
#9 Lee's Crossing
Edmond, Oklahoma 73034
405/844-4444
405/844-4443 (fax)
ATTORNEYS 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 24 day of April, 1997 to:

Philippe Abel Dube, M.D.
117 South Main
Perkins, Oklahoma 74059

Philippe Abel Dube, M.D.
215 College Street, S.E.
Edison, Georgia 31746

