

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

FILED

APR 17 2009

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, ex rel., )  
OKLAHOMA STATE BOARD OF )  
MEDICAL LICENSURE AND )  
SUPERVISION, )

Plaintiff, )

vs. )

CASE NO. 09-03-3707

ROBERT KYLE KEENUM, R.C., )  
R.C. LICENSE NO. 1987, )

Defendant. )

COMPLAINT

COMES NOW the plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Complaint against the Defendant, Robert Kyle Keenum, R.C., alleges and states as follows:

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of respiratory care therapists in the State of Oklahoma pursuant to 59 Okla. Stat. §§ 480 *et seq.* and 2026 *et seq.*

2. Defendant, Robert Kyle Keenum, R.C., holds respiratory care license no. RC1987 and practices in Glenpool, Oklahoma.

3. On or about March 3, 2009, Defendant's employer, Air Inspired HME, received a complaint that Defendant was using illegal drugs. Defendant's supervisor contacted him and asked him to submit to a drug test immediately. Defendant asked if he could take the drug test at a later date, but his employer advised him that he could not. Defendant refused to submit to the drug test on that date and resigned his employment.

4. On or about March 17, 2009, Board Investigator Robert DuVall interviewed Defendant. When questioned if he used illegal drugs, Defendant first lied to Investigator DuVall and stated that he did not. When Investigator DuVall advised Defendant of the consequences of lying to a Board investigator, Defendant then admitted that he had used Methamphetamine once a week over the past year and that his last use of Methamphetamine was seven (7) to ten (10)

days earlier. Defendant also admitted to Investigator DuVall that he used Marijuana and that his last use of Marijuana was approximately thirty (30) days earlier. When shown pictures of drug paraphernalia submitted to the Board from a complainant, Defendant admitted that the majority of the drug paraphernalia belonged to him.

5. Defendant additionally admitted to Investigator DuVall that he had been treated for Marijuana, Cocaine and Alcohol abuse at a treatment facility in Alabama approximately fifteen (15) years ago, but that he had periodically used Marijuana after treatment over the past fourteen (14) years.

6. On or about March 2, 2009, Defendant submitted his Application for Renewal of his Respiratory Care Practitioner license. In response to the question **“Since the last renewal or initial licensure...[h]ave you been addicted to or abused any drug or chemical substance including alcohol?”**, Defendant answered **“NO”**.

7. Based on the allegations stated above, Defendant is guilty of unprofessional conduct as follows:

- A. He is unfit or incompetent by reason of negligence, habits, or other causes of incompetency in violation of 59 O.S. §2040(2).
- B. He is addicted to, or has improperly obtained, possessed, used or distributed habit-forming drugs or narcotics in violation of 59 O.S. §2040(4).
- C. He is guilty of dishonest or unethical conduct in violation of 59 O.S. §2040(5).
- D. He has engaged in the habitually intemperate or addicted use of any drug, chemical or substance which could result in behavior that interferes with the practice of respiratory care and the responsibilities of the licensee in violation of OAC 435:45-5-3(1).
- E. He has engaged in the unauthorized possession and use of illegal or controlled substances or pharmacologic agents without lawful authority or prescription by an authorized and licensed independent practitioner of the state of Oklahoma in violation of OAC 435:45-5-3(2).
- F. He has engaged in conduct which potentially or actually jeopardizes a patient's life, health or safety in violation of OAC 435:45-5-3(3).

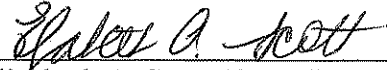
- G. He is guilty of unprofessional conduct as defined by the rules established by the Board, or of violating the code of ethics adopted and published by the Board in violation of 59 O.S. §2040(9).
- H. He falsified documents submitted to the Respiratory Care Advisory Committee or the Oklahoma State Board of Medical Licensure and Supervision in violation of OAC 435:45-5-3(7).
- I. He obtained or attempted to obtain a license, certificate or documents of any form as a respiratory care practitioner by fraud or deception in violation of OAC 435:45-5-3(8).
- J. He 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).
- K. He failed to cooperate with a lawful investigation conducted by the Board in violation of OAC 435:45-5-3(23).
- L. He 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 OAC 435:45-5-3(24).

8. These allegations raise serious concerns about Defendant's ability to practice as a respiratory care practitioner in the State of Oklahoma with reasonable skill and safety.

WHEREFORE, plaintiff requests that the Board conduct a hearing, and upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a respiratory care practitioner in the State of Oklahoma.

Dated this 17 day of April, 2009.

Respectfully submitted,



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Oklahoma Board of Medical Licensure and  
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