

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

FILED

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

JUL 30 2009

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 09-03-3707

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

Defendant.)

FINAL ORDER OF REVOCATION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on July 23, 2009, 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 therapists in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* and 2026 *et seq.* 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.

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 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).

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 (the "Act") and its applicable regulations and the Respiratory Care Practitioner Act. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant is guilty of unprofessional conduct in that:

- 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 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).

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(2), (4), (5) and (9) and OAC 435:45-5-3(1), (2), (3), (7), (8), (21) and (24).

Order

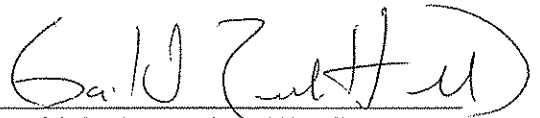
IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The license of Defendant, Robert Kyle Keenum, R.C., Oklahoma license no. RC1987, is hereby **REVOKED** as of the date of this hearing, July 23, 2009.

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.

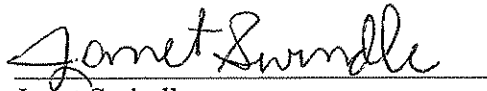
3. Defendant's revoked license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs and expenses incurred by the State of Oklahoma.

Dated this 20 day of July, 2009.


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

CERTIFICATE OF SERVICE

I certify that on the 31 day of July, 2009, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Robert Kyle Keenum, 5203 S. St. Louis, Tulsa, OK 74105-5714.


Janet Swindle