

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

FILED

AUG 22 2014

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.*)
THE OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE AND)
SUPERVISION,)
)
Plaintiff,)
)
)
vs.)
)
JEFFREY PORRAS, M.D.)
LICENSE NO. MD 23554)
)
)
Defendant.)

Case No. 07-10-3394

COMPLAINT

The State of Oklahoma, *ex rel.* the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), alleges and states as follows for its Complaint against Jeffrey Porras, M.D. ("Defendant"):

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. § 480 *et seq.*
2. Defendant, Jeffrey Porras, M.D., holds Oklahoma medical license no. MD 23554. The acts and omissions complained of herein were made while Defendant was acting as a physician pursuant to his medical license conferred upon him by the State of Oklahoma. Such acts and omissions occurred within the physical territory of the State of Oklahoma.

Allegations of Unprofessional Conduct

3. This matter originated on October 3, 2007, when the board staff received information from Detective P.H. with the Oklahoma City Police Department Sex Crimes Division that Defendant had been accused of inappropriately touching a patient. The ensuing investigation revealed 17 female patients, ranging from 21 to 41 years of age, who made complaints. On March 31, 2008, criminal felony charges were filed on Defendant, in Cleveland County. On April 8, 2008, Defendant signed an agreement not to practice medicine until the complaint against him has been heard by the Board.

4. Each of the 17 victims complained of inappropriate behavior on the part of Defendant. The complaints consisted of Defendant having his patients remove articles of clothing in whole or in part for no therapeutic or medically necessary reason, and would ignore protests made by patients. The complaints also allege that Defendant would touch the complainants in lewd, lascivious, seductive and sexually demeaning ways, including, but not limited to, touching victims on their thighs, buttocks, breasts, nipples, anus and vaginal areas on numerous occasions. It is clear that the inappropriate touching and language was unwanted, unwelcomed, unsolicited and unreciprocated by the victims. The complaints and subsequent testimony made it clear that Defendant used his license, status and position to make his victims doubt their own judgment and used the medical exams as a pretext to allow him an opportunity to commit these sexual violations.
5. Defendant was tried in Cleveland County District Court on or about June 6, 2010, which ended in a mistrial. Subsequently, Defendant pled guilty to three counts of Breach of the Peace by Language in violation of Title 21 §1361.
6. The evidence produced at trial and through this Board's investigation established that these acts occurred. Just some of the examples of acts testified to or reported by victims are:
 - a. When a patient came in complaining of a sore throat, Defendant used this opportunity to feel, grope and fondle her legs, raise her bra exposing her breasts, held her breast and pulled on her pants and looked down them. During this exam, Defendant never checked the ears, nose and throat area of the patient. Defendant did not ask the patient if he could do these things to her nor did he give her advanced warning that he intended to do these things.
 - b. When a patient came in for a vaginal exam, Defendant brutally rubbed her vagina and vaginal area while making lewd comments about her vagina. On a subsequent visit Defendant rubbed the patient's vagina and rectum while asking inappropriate questions about patient's boyfriend and their sex life.
 - c. When a patient came to see Defendant complaining of abdominal pain, Defendant had the patient lie down and take her lower clothes off. Defendant then rubbed her buttocks and spread her buttocks apart.
 - d. When a patient came to see Defendant for back pain, numbness in her legs as well as menstrual issues and urinary tract infections, Defendant repeatedly made lewd and inappropriate comments. Defendant also rubbed the patient's clitoris during the subsequent exam.
7. The agreement not to practice medicine executed by Defendant is dated April 8, 2008. It is clear by this agreement that Defendant has been out of the practice of medicine for over 6 years. As such Defendant is unsuitable for the unrestricted practice of medicine and must be evaluated to determine his expertise and abilities. If found wanting,

Defendant should be required to get the training needed to ensure he is fit to practice medicine.

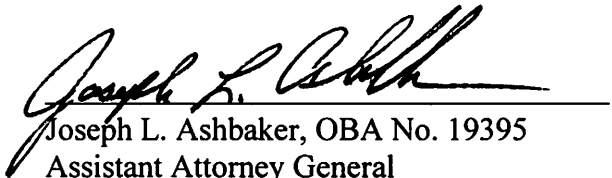
8. Based on the foregoing, the Defendant is guilty of professional misconduct as follows:

- a. Engaging in dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public, in violation of 59 O.S. 2011, § 509(8).
- b. The commission of any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine, in violation of 59 O.S. 2011, § 509(9).
- c. The violation, or attempted violation, direct or indirect, of any of the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, either as a principal, accessory or accomplice, in violation of 59 O.S. 2011, § 509(13)
- d. 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, in violation of 59 O.S. 2011, § 509(17).
- e. The inability to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition, in violation of 59 O.S. 2011, § 509(15).
- f. Conduct likely to deceive, defraud or harm the public, in violation of Okla. Admin. Code § 435:10-7-4(11).
- g. Commission of any act of sexual abuse, misconduct, or exploitation related or unrelated to the licensee's practice of medicine and surgery, in violation of Okla. Admin. Code § 435:10-7-4(23).
- h. Abuse of physician's position of trust by coercion, manipulation or fraudulent representation in the doctor-patient relationship, in violation of Okla. Admin. Code § 435:10-7-4(44).
- i. Engaging in predatory sexual behavior, in violation of Okla. Admin. Code § 435:10-7-4(45).
- j. Gross or repeated negligence in the practice of medicine and surgery, in violation of Okla. Admin. Code § 435:10-7-4(15).

- k. Being physically or mentally unable to practice medicine and surgery with reasonable skill and safety, in violation of Okla. Admin. Code § 435:10-7-4(17).
- l. The inability to practice medicine and surgery with reasonable skill and safety to patients by reason of age illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition, in violation of Okla. Admin. Code § 435:10-7-4(40).

Conclusion

Given the foregoing, the undersigned requests 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 and any other appropriate action with respect to the Defendant's professional license, including an assessment of costs and attorney's fees incurred in this action as provided by law.



Joseph L. Ashbaker, OBA No. 19395
Assistant Attorney General
General Counsel Section
OFFICE OF THE ATTORNEY GENERAL
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105
405/521.3921
405/522.4536 – Facsimile

– Primary Contact Information –

OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
101 N.E. 51st Street
Oklahoma City, Oklahoma 73105
405/962.1400
405/962.1499 – Facsimile

VERIFICATION

I, Jana Lane, under penalty of perjury under the laws of the State of Oklahoma, state as follows:

1. I have read the above Complaint regarding the Defendant, Jeffrey Porras, M.D.; and
2. The factual allegations contained therein are true and correct to the best of my knowledge and belief.

Jana Lane
Jana Lane, Investigator
Oklahoma State Board of Medical Licensure & Supervision

08-22-2014
Date

Oklahoma City, OK
Place of Execution