

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

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

Plaintiff,)

v.)

DOYLE WINSTON ROSE, R.C.,)
LICENSE NO. RC359,)

Defendant.)

FILED

APR 28 2008

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 08-03-3467

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, Doyle Winston Rose, RC, 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 practitioners in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* and 2026 *et seq.*

2. Defendant, Doyle Winston Rose, R.C., holds Oklahoma respiratory care license no. RC359 and is authorized to practice as a respiratory care practitioner.

3. On or about January 7, 2008, Defendant was Patient DBD's treating respiratory therapist and Jana Baker, D.O. was the patient's physician at OSU Medical Center in Tulsa, Oklahoma.

4. On or about January 7, 2008, Dr. Baker asked Defendant about the ventilator settings the patient was on. Defendant responded and Dr. Baker advised him that she was going to check with the senior resident and that some of the settings might have to be changed. Dr. Baker checked with the senior resident and they wrote ventilator orders that were different than those reported by Defendant. Dr. Baker and the senior resident additionally adjusted the ventilator to the settings set forth in their orders.

5. Defendant subsequently entered the patient's room and adjusted the ventilator settings to those he thought were appropriate for the patient. He additionally wrote over and

changed the physician orders for the ventilator settings to reflect the settings he thought were appropriate for the patient. He did not advise the physicians that he was changing the ventilator settings or physician orders.

6. When Dr. Baker learned that the ventilator settings had been changed, she questioned Defendant and he admitted that he had changed the settings as well as the written physician orders to reflect the settings he thought were appropriate. Defendant additionally admitted that he had changed physician orders in the past on other patients.

7. When Defendant's supervisor learned that he had written over and changed the physician orders and that Defendant admitted these actions, Defendant was terminated by his employer.

8. Defendant is guilty of unprofessional conduct in that he:
- A. Has been 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).
 - B. 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).
 - 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. Falsely manipulated ... patient records... in violation of OAC 435:45-5-3(4).
 - E. Is guilty of dishonest or unethical conduct in violation of 59 O.S. §2040(5).
 - F. Engaged in inaccurate recording, falsifying or altering of patient records in violation of OAC 435:45-5-3(17).

Conclusion

WHEREFORE, the Plaintiff respectfully 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 and any other appropriate action with respect to Defendant's respiratory care practitioner license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,

A handwritten signature in cursive script that reads "Elizabeth A. Scott". The signature is written in black ink and is positioned above a horizontal line.

Elizabeth A. Scott (OBA #12470)
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State of Oklahoma
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Attorney for the Plaintiff