

**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,)
)
v.)
)
JON MICHAEL DRAGOO, R.C.,)
LICENSE NO. RC 4878,)
)
Defendant.)

FILED

DEC 19 2022

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 22-07-6141

ORDER OF INDEFINITE SUSPENSION

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (“Board”) on November 17, 2022, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and the rules of the Board.

Alex A. Pedraza, Assistant Attorney General (“AAG Pedraza”), appeared for Plaintiff. Defendant Jon Michael Dragoo, R.C. appeared pro se.

AAG Pedraza made an offer of proof as to the evidence and testimony was given. The Board, having considered representations of counsel, sworn testimony of the witness, Board Investigator Jim Stokes, sworn testimony of the Defendant, Jon Michael Dragoo, and being fully apprised of the premises therein, finds the following has been established by clear and convincing evidence.

FINDINGS OF FACT

1. In Oklahoma, Defendant holds Oklahoma License No. RC 4878.
2. Defendant has been licensed as a respiratory care practitioner by the Board since March 7, 2019.
3. Defendant presented to his place of employment, St. Francis Health System, Tulsa, OK, for his employment shift on June 17, 2022. During shift, Defendant was “suspected” by “multiple employees” of being under the influence of intoxicating substances. Defendant was asked to voluntarily submit to a drug and alcohol analysis to which he agreed. Defendant’s results were positive for alcohol, and Defendant was subsequently terminated on June 29, 2022 as a result.
4. Any conclusion of law below which is more appropriately characterized as a finding of fact is hereby incorporated as a finding of fact.

CONCLUSIONS OF LAW

5. The Board has jurisdiction over the subject matter and 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. 59 O.S. § 2026, *et seq.* and Okla. Admin. Code 435:45-1-1 *et seq.*
6. Notice was provided to Defendant as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 504; Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.
7. Based on the foregoing, Defendant is guilty of violating the following relevant provisions of law:
 - a. Dishonest or unethical conduct, in violation 59 O.S. 2040(5);
 - b. Engaging in 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 59 O.S. 2040(9), to wit:
 - i. Any conduct which potentially or actually jeopardizes a patient's life, health or safety on violation of Okla. Admin. Code § 435:45-5-3(3);
 - ii. Negligence while in practice as a respiratory care practitioner or violating the "Standards of Ethics and Professional Conduct" adopted by the Board in violation of Okla. Admin. Code § 435:45-5-3(11);
 - iii. Violating any provision of the Respiratory Care Practice Act or the rules promulgated by the Board in violation of Okla. Admin. Code § 435:45-5-3(21);
 - iv. Violating any provision(s) 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 Okla. Admin. Code § 435:45-5-3(24);
 - v. Failure to demonstrate behavior that reflects integrity, supports objectivity, and fosters trust in the profession and its professionals, in violation of Okla. Admin. Code § 435:45-5-4(1); and
 - vi. Failure to refuse to participate in illegal or unethical acts, in violation of Okla. Admin. Code § 435:45-5-4(8).
8. Any finding of fact above which is more appropriately characterized as a conclusion of law is hereby incorporated as a conclusion of law.

ORDER

IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision that **JON MICHAEL DRAGOO, R.C.**, is found guilty of unprofessional conduct as described herein.

IT IS FURTHER ORDERED by the Oklahoma State Board of Medical Licensure and Supervision that **JON MICHAEL DRAGOO, R.C.**, Oklahoma respiratory care practitioner license no. 4878, is hereby suspended indefinitely. Defendant is permitted to apply for reinstatement from

suspension as provided by law and upon proof of enrollment and participation in the Oklahoma Allied Professional Peer Assistance Program. Further, a personal appearance before the Board is required after applying for reinstatement.

IT IS FURTHER ORDERED, promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

A copy of this Order shall be provided to Defendant as soon as it is processed.

This Order is subject to review and approval by the Oklahoma Attorney General, and this Order shall become final upon completion of the review by the Oklahoma Attorney General unless disapproved, in which case this Order shall be null and void.

Dated this 19th day of December, 2022.



Steven Katsis (Nov 23, 2022 10:29 CST)

Steven Katsis, M.D., President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

CERTIFICATE OF SERVICE

This is to certify that on the 19th day of December, 2022, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail

Mr. Jon Michael Dragoo
1547 S. Newport Ave
Tulsa, Oklahoma 74120
DEFENDANT


Shelley Crowder



FILED

DEC 19 2022

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

JOHN M. O'CONNOR
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2022-54A

Billy H. Stout, M.D., Board Secretary
State Board of Medical Licensure and Supervision
101 N.E. 51st Street
Oklahoma City, OK 73105-1821

December 19, 2022

Re: Dragoo; Case No. 22-07-6141

Dear Dr. Stout:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Medical Licensure and Supervision ("Board") intends to take with respect to Case No. 22-07-6141. Defendant holds a respiratory care practitioner license in the State of Oklahoma.

The Respiratory Care Practice Act authorizes the Board to suspend the license of a respiratory care practitioner for dishonest, unethical or unprofessional conduct.¹ 59 O.S.2021, § 2040(2), (9). The Board may reasonably believe that the proposed action is necessary to deter future violations and to protect the public.

According to a Board complaint, in June 2022, Defendant was terminated from his job as a respiratory care practitioner at a hospital after testing positive for alcohol while on duty.

The Board proposes to indefinitely suspend the license and require Defendant to pay costs of this action. Defendant may apply for reinstatement of his license by providing proof of participation in the Professional Peer Assistance Program and appearing before the Board.

It is, therefore, the official opinion of the Attorney General that the State Board of Medical Licensure and Supervision has adequate support for the conclusion that this board action advances the State's policy of protecting the health, safety, and well-being of the citizens of Oklahoma.

A handwritten signature in black ink, appearing to read "John M. O'Connor".

JOHN M. O'CONNOR
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink, appearing to read "Thomas R. Schneider".

THOMAS R. SCHNEIDER
ACTING GENERAL COUNSEL

¹ Oklahoma statutes and the Board rules define "unprofessional conduct" to include 1) conduct which "potentially . . . jeopardizes a patient"; 2) violation of the Standard of Ethics and Professional Conduct Rules by failing to (a) behave in a manner that reflects integrity and fosters trust; or (b) refusing to participate in unethical acts; or 3) violation of the Act or other Board rules. OAC 435:45-5-3(3), (11), (21), (24); OAC 435:45-5-4(1), (8).