

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

FILED

JAN 24 2003

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 02-07-2529

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
)
DAVID RAY HILL, R.C.,)
LICENSE NO. RC722)
)
)
)
Defendant.)

FINAL ORDER OF REVOCATION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on January 16, 2003, 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, 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 O.S. §§ 480 *et seq.* and 2026 *et seq.*
2. 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.

3. Defendant, David Ray Hill, R.C., holds respiratory care license no. RC722 in the State of Oklahoma.

4. On or about May 29, 2002, Defendant stole a credit card from a purse in a patient's room while working at Mercy Memorial Hospital in Ardmore, Oklahoma. Defendant subsequently used the credit card to purchase approximately three hundred dollars (\$300.00) worth of merchandise at the hospital uniform shop.

5. On or about June 6, 2002, Defendant was charged in the District Court of Carter County, State of Oklahoma, Case No. CF-2002-253, with **FELONY, TAKING OF A CREDIT CARD.**

6. On or about October 31, 2002, Defendant plead guilty to **FELONY, TAKING OF A CREDIT CARD.** Defendant received a three (3) year sentence, with all but ten (10) days suspended, with credit for time served. Defendant was also ordered to pay costs, fines, assessments and restitution, and was placed on probation for the term of his suspended sentence.

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

- A. He is guilty of dishonest or unethical conduct in violation of 59 O.S. §2040(5).
- B. 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).
- C. He has been convicted of, or confessed to or plead no contest to, a felony or a crime involving moral turpitude in violation of OAC 435:45-5-3(5).

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

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 Respiratory Care Practice Act, and the applicable regulations. The Board is authorized to enforce these acts as necessary to protect the public health, safety and welfare.

2. Defendant is guilty of unprofessional conduct as follows:

- A. He is guilty of dishonest or unethical conduct in violation of 59 O.S. §2040(5).
- B. 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).
- C. He has been convicted of, or confessed to or plead no contest to, a felony or a crime involving moral turpitude in violation of OAC 435:45-5-3(5).


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(5) and (9), or OAC 435:45-5-3(5).

Order

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

1. The license of Defendant, David Ray Hill, RC, Oklahoma license no. 722, is hereby **REVOKED** as of the date of this hearing, January 16, 2003.
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.

Dated this 27 day of January, 2003.


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

CERTIFICATE OF SERVICE

I certify that on the 27 day of January, 2003, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order of Revocation to David Ray Hill, P.O. Box 404, Poteau, OK 74953.


Janet Swindle