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

		FILED
STATE OF OKLAHOMA, ex rel.,)	NOV 1.5 2012
OKLAHOMA STATE BOARD OF)	NOV 1 5 2013
MEDICAL LICENSURE AND SUPERVISION,)))	OKLAHOMA STATE BOARD OF MEDICAL LICENSURE & SUPERVISION
Plaintiff,	ý	
Vs.)	CASE NO. 12-02-4505
QUINTON OZELL ROSS, RC, LICENSE NO. RC 927,)	
)	
)	
Defendant.)	

FINAL ORDER OF REVOCATION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on November 7, 2013, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Scott Randall Sullivan, Special Prosecutor for the Board, appeared for the plaintiff and the defendant appeared not.

The Board *en banc* after reviewing the exhibits admitted 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 practitioners in the State of Oklahoma pursuant to Title 59 Okla. Stat. §480 et seq. and §2026 et seq.

2. Defendant, Quinton Ozell Ross, RC, holds Oklahoma respiratory care license no. RC 927.

Unprofessional Conduct

- 1. On or about February 24, 2012, Defendant, in an online renewal of his respiratory care therapist license no. RC 927, answered "YES" to the following questions:
 - "D. Have you ever been arrested for, charged with or convicted of a felony or misdemeanor other than a traffic violation?
 - F. Have you been addicted to or abused any drug or chemical substance including alcohol?" and
 - G. Have you obtained an assessment or been treated for use of any drug or chemical substance including alcohol?"
- 2. Defendant also included the following explanation in his licensure renewal:
 - "D. Arrested October 2011 but not yet formally charged with armed robbery.
 - F. Treated at Laureate for alcohol abuse 2011.
 - G. Treated at Laureate for alcohol abuse 2011."
- 3. Upon investigation, it was found that on or about October 11, 2011, Defendant was arrested and charged with FELONY ROBBERY WITH DANGEROUS WEAPON (Count #1); and POSSESSION OF FIREARM DURING COMMISSION OF A FELONY (Count #2) in the District Court of Rogers County, State of Oklahoma, Case No. CF-2011-637.
- 4. Further investigation showed that on or about October 13, 2011, Defendant was arrested and charged with ELUDING A POLICE OFFICER (Count #1); RESISTING AN OFFICER (Count #2); and OBSTRUCTING AN OFFICER (Count #4) in the District Court of Tulsa County, State of Oklahoma, Case No. CF-2011-3887.
- 5. On or about February 26, 2013, Defendant waived his right to a jury trial and pled GUILTY to FELONY ROBBERY WITH DANGEROUS WEAPON (Count #1); and POSSESSION OF FIREARM DURING COMMISSION OF A FELONY (Count #2) in the District Court of Rogers County, State of Oklahoma, Case No. CF-2011-637. On July 9, 2013 Defendant was sentenced to ten (10) years

- with five (5) of those years to be served in the confinement of the Oklahoma Department of Corrections and the remaining five (5) years suspended.
- 6. On or about July 30, 2013, Defendant waived his right to a jury trial and pled GUILTY to ELUDING A POLICE OFFICER (Count #1); RESISTING AN OFFICER (Count #2); and OBSTRUCTING AN OFFICER (Count #4) in the District Court of Tulsa County, State of Oklahoma, Case No. CF-2011-3887. Defendant's sentencing in this matter is scheduled for October 1, 2013.
- 7. Title 59 O.S. §513(A) provides as follows:

"Upon proof of a final felony conviction by the courts, the Board shall **revoke** the license..." (Emphasis added.)

- 8. Defendant is guilty of unprofessional conduct in that he engaged in:
 - a) Dishonest or unethical conduct in violation of Title 59 O.S. §2040(5);
 - b) Has been guilty of unprofessional conduct as defined by the rules established by the Board, or of violating the code of ethics adopted by the board violation of Title 59 O.S. §2040(9);
 - c) Conviction of, or plea to a felony in violation of Oklahoma Administrative Code Rule 435:5-3-(5); and
 - d) Conviction of a drug related offense in violation of Oklahoma Administrative Code Rule 435:5-3-(6).

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. 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 he engaged in:
 - a) Dishonest or unethical conduct in violation of Title 59 O.S. §2040(5);
 - b) Has been guilty of unprofessional conduct as defined by the rules established by the Board, or of violating the code of ethics adopted by the board violation of Title 59 O.S. §2040(9);

- c) **Conviction** of, or plea to a **felony** in violation of Oklahoma Administrative Code Rule 435:5-3-(5); and
- d) **Conviction** of a drug related offense in violation of Oklahoma Administrative Code Rule 435:5-3-(6).
- 3. The Board further found that Defendant's license should be **REVOKED**.

Order

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

- The license of Defendant, Quinton Ozell Ross,, RC, Oklahoma respiratory care practitioner license no. 927, is hereby REVOKED as of the date of this hearing, November 7, 2013.
- 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 15 day of November, 2013.

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

Certificate of Mailing

I certify that on the 454 day of November, 2013, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Quinton Ozell Ross, RC, 814 N. Country Club Road, Muskogee, OK 74403.

Barbara J. Smith, Legal Assistant