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

FILED

OCT 12 2000

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA EX REL. THE OKLAHOMA BOARD OF MEDICAL LICENSURE AND SUPERVISION,	)	
Plaintiff,	)	
v.	)	**Case No. 00-03-2167**
FELIPE RUIZ LAMAS, R.C., LICENSE NO. RC944	)	
Defendant.	)	

FINAL ORDER OF REVOCATION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on September 28, 2000, 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, reviewing the exhibits admitted and the sworn testimony of witnesses, 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 therapists in the State of Oklahoma pursuant to 59 Okla. Stat. §§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, Felipe Ruiz Lamas, holds Oklahoma respiratory therapist license no. 944.

4. On February 10, 2000, Defendant committed two (2) separate acts of sexual misconduct on patients at Tulsa Regional Medical Center and was subsequently dismissed from his employer based upon his actions of misconduct.

5. Defendant is guilty of unprofessional conduct as follows:

A. He is guilty of dishonest or unethical conduct in violation of 59 Okla. Stat. §2040(5).

B. He has violated the following provision of the rules promulgated by the Board under 59 Okla. Stat. §2040(9):

(1) Conduct likely to deceive, defraud, or harm the public in violation of OAC 435:10-7-4(11) and 59 O.S. §509(9).

(2) Commission of any act of sexual abuse, misconduct, or exploitation related or unrelated to the licensee's practice in violation of OAC 435:10-7-4(23).

(3) 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. §509(18).

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 and the Oklahoma Respiratory Care Practice Act. 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 as follows:

A. He is guilty of dishonest or unethical conduct in violation of 59 Okla. Stat. §2040(5).

B. He has violated the following provision of the rules promulgated by the Board under 59 Okla. Stat. §2040(9):

(1) Conduct likely to deceive, defraud, or harm the public in violation of OAC 435:10-7-4(11) and 59 O.S. §509(9).

(2) Commission of any act of sexual abuse, misconduct, or exploitation related or unrelated to the licensee's practice in violation of OAC 435:10-7-4(23).

(3) 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. §509(18).

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. §509(9) and (18), 59 O.S. §2040(5) and (9), and OAC Title 435:10-7-4(11) and (23).

Order

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

1. The license of Defendant, Felipe Ruiz Lamas, R.C., Oklahoma respiratory care practitioner license no. 944, is hereby **REVOKED** as of the date of this hearing, September 28, 2000.

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 12 day of October, 2000.

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

CERTIFICATE OF SERVICE

I certify that on the 12 day of October, 2000, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Felipe Ruiz Lamas, 1844 Blackberry Rd. NE, Rio Rancho, NM 87124.

Janet Owens

Janet Owens