

IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF OKLAHOMA

STATE BOARD OF OSTEOPATHIC)
EXAMINERS,)
STATE OF OKLAHOMA,)

Petitioner,)

v.)

Case No. 0415-45

DONALD W. LAMOUREAUX, D.O.,)
Osteopathic Medical License No. 4785)

Respondent.)

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND EMERGENCY
ORDER OF SUSPENSION**

This matter comes before the State Board of Osteopathic Examiners [Board] at an emergency hearing held on May 1, 2015, at the Embassy Suites Hotel, Norman, Oklahoma, in the above-styled individual proceeding. After reviewing the Emergency Complaint and Exhibits, hearing the testimony of the Board's witness, and asking questions of the Board's witness, the Board adopts, by clear and convincing evidence, the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Donald W. Lamoureux, D.O. [Dr. Lamoureux] is the holder of an out-of-state license to practice osteopathic medicine in the State Of Oklahoma, license number 4785. His also holds a Missouri license, number 2008014963. His primary practice location is in Horseshoe Bend, Arkansas, license number E2759. Dr. Lamoureux attended Kansas City University of Osteopathic Medicine in Kansas City, Missouri from 1994 through 1998, and graduated in 1998. Dr. Lamoureux received his license as an osteopathic physician and surgeon in Oklahoma from the Board in 2010. As of the date of this Emergency Complaint, his license is in good standing.

2. Proper notice of this proceeding was attempted. However, Dr. Lamoureux has failed to update his contact information with the Board.

3. Evidence at the hearing included that on April 22, 2015, the Board received a copy of an Emergency Order of Suspension and Notice of Hearing issued by the Arkansas Board. This Order of April 10, 2015, suspended the license of Dr. Lamoureaux pending a disciplinary hearing on June 4, 2015. Included with the Order was a copy of a Criminal Complaint from the United States District Court for the Western District of Arkansas filed on February 5, 2015. The Complaint stated that Dr. Lamoureaux engaged in an online conversation with an undercover officer and made arrangements to travel out of state for the purpose of having sexual relations with a minor. (Testimony of Richard Zimmer, Chief Investigator for the Board and Exhibit 1.)

4. Evidence at the hearing also included an affidavit in support of the Criminal Complaint prepared by a Task Force Officer investigating criminal violations relating to child exploitation and child pornography. The officer posed as an adult mother offering her four year old daughter for sexual exploitation. Dr. Lamoureaux expressed in many conversations that he wanted to "teach" the 4 year old how to have sex. He also said he wanted to penetrate the minor digitally, orally, and with toys. Dr. Lamoureaux asked if he could bruise her vagina and anus. Dr. Lamoureaux wanted to meet the officer at a motel in Missouri for the purpose of abusing the child by slapping, biting, and being rough. Dr. Lamoureaux set up a bank account and deposited money for expenses related to meeting with the child. (Testimony of Richard Zimmer, Chief Investigator for the Board and Exhibit 2.)

CONCLUSIONS OF LAW

1. The Board specifically finds the above Findings of Fact and the following Conclusions of Law to have been proven by clear and convincing evidence. The Board further concludes that it has jurisdiction over individual(s) licensed by the Board to practice osteopathic medicine in the State of Oklahoma, and this individual proceeding pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. §§ 620 et seq. ["Osteopathic Act"] and the Oklahoma Administrative Procedure Act, 75 O.S. §§ 308 et seq.

2. The Board also finds Dr. Lamoureaux is in violation of the Oklahoma Osteopathic Medicine Act, 59 O.S. § 637 [Act] and specifically § 637(A) (2), (3), (6), (8) and (13) of the Act, to wit:

A. The State Board of Osteopathic Examiners may refuse to admit a person or to an examination or may refuse to issue or reinstate or

may suspend or revoke any license issued or reinstated by the Board upon proof that the applicant or holder of such license:

2. Has engaged in the use or employment of dishonesty, fraud, misrepresentation, false promise, false pretense, unethical conduct or unprofessional conduct, as may be determined by the Board, in the furtherance or duties of an osteopathic physician, including, but not limited to the following:
3. Has engaged in gross negligence, gross malpractice or gross incompetence and
6. Has had the authority to engage in the activities regulated by the Board revoked, suspended, restricted, modified or limited, or has been reprimanded, warned or censured, probated or otherwise disciplined by any other state or federal agency, whether or not voluntarily agreed to by the physician including, but not limited to, the denial of licensure, surrender of the license, permit or authority, allowing the license, permit or authority to expire or lapse, or discontinuing or limiting the practice of osteopathic medicine pending disposition of a complaint or completion of an investigation;
8. Is incapable, for medical or psychiatric or any other good cause, of discharging the functions of an osteopathic physician in a manner consistent with the public's health, safety and welfare;
13. Has been guilty of personal offensive behavior, which would include, but not be limited to obscenity, lewdness, molestation and other acts of moral turpitude;

3. The Board concludes that because Dr. Lamoureaux has violated Section 637 of the Act, specifically § 637(A)(2) (3), (6), (8) and (13) and that it has the authority to take emergency disciplinary action.

4. The actions of Dr. Lamoureaux, as described in paragraphs 1-4 of the Findings of Fact and paragraphs 1-3 of the Conclusions of Law, imperatively threaten the public health, safety and welfare that require emergency action by this Board.

EMERGENCY ORDER

The Board, having adopted the above-described Findings of Fact and Conclusions of Law, adopts the following Emergency Order:

1. The license issued by the Board to Dr. Lamoureaux to practice osteopathic medicine in the State of Oklahoma is **SUMMARILY SUSPENDED** pending a Hearing within thirty days from the date of this Emergency Order pursuant to a written request by Dr.

Lamoureaux. The written request shall allow sufficient time for a special meeting to be scheduled by the Board. Said Suspension shall continue until such time as the Board determines that Dr. Lamoureaux' practice of osteopathic medicine does not threaten the public health, safety and welfare.

2. These Findings of Fact, Conclusions of Law and Emergency Order is a public record and subject to disclosure under the Oklahoma Open Records Act.

IT IS SO ORDERED, ADJUDGED AND DECREED.

Dated this 1st day of May, 2015.



C. B. Pettigrew, D.O.
President
State Board of Osteopathic Examiners