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COMMONWEALTH OF KENTUCKY
STATE BOARD OF MEDICAL LICENSURE
CASE NO. 649

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY DICK C. LARUMBE, M.D., LICENSE NO. 18387, 2205 CARTER AVENUE, BOX 972, ASHLAND, KENTUCKY 41105

AGREED ORDER OF PROBATION

Comes the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel B, and Dick C. Larumbe, M.D., and based upon their mutual desire to fully resolve the pending grievances without formal disciplinary proceedings, enter into the following Agreed Order of Probation:

STIPULATIONS OF FACT

The parties stipulate to the following facts, which serve as the factual basis for this Agreed Order of Probation:

1. At all relevant times, Dick C. Larumbe, M.D., was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee's medical specialty is Psychiatry.
3. Patient "A" reported to the Board that she had obtained treatment from the licensee in July 1995 at Kings Daughters Hospital in Ashland, Kentucky. Patient "A" was having relationship problems and suicidal thoughts; she had taken eight Tylenol and felt as if she was having a nervous breakdown. The licensee acted appropriately throughout his hospital treatment of

Patient "A." When the licensee discharged Patient "A" from the hospital, he recommended that she follow-up with him in his private practice.

According to Patient "A," the licensee acted inappropriately with her on her fourth visit to his office. She alleges that, at the conclusion of that session, she stood up to leave and the licensee stood up with her. According to the patient, the licensee came over and put his arms around her to hug her; he then pulled her to him and started running his arms up and down her side pressing them against her breasts. Patient "A" stated that the licensee then pulled her tighter to him, pressing his clothed erection against her pelvic area and asked her, "Does that feel good?" Patient "A" states that she pushed away from the licensee and left his office.

4. The licensee was interviewed by the Board's investigator on January 10, 1997. The licensee denied the allegations; he stated the most contact he would have with a patient was to pat them on the back or the shoulder. When asked, the licensee stated that no other patients had made any complaint of sexual misconduct against him.

5. The Board's subsequent investigation revealed that three different patients had previously raised some form of complaint about the licensee's inappropriate conduct with them.

6. Patient "B" walked off the psychiatric unit, prior to her scheduled discharge, on March 6, 1991. When contacted by

hospital personnel, the patient's family informed the hospital's staff about the incident. According to family members, the licensee had returned alone to Patient "B"'s hospital room, after seeing her with a nurse present. While they were alone, the licensee allegedly began rubbing the patient's arm, while discussing discharge plans. Patient "B" stated that he then put his arms around her and "kind of bit her on the neck or nibbled around on her neck." Hospital records indicate that the licensee was informed of this report.

7. Patient "C" was admitted to Kings Daughters' Hospital on April 19, 1988 and, after her admission, related an incident involving the licensee that occurred during her admission around April 1987. According to Patient "C," the licensee attempted to seduce her during her hospital admission during 1987. Patient "C" stated that the licensee had instructed her to go home and masturbate and to call him while she was doing so. She stated that the licensee then asked her to touch herself, to masturbate in front of him. According to Patient "C," the licensee then asked her to touch his genitals. Patient "C" stated that the licensee then chased her around his office. As noted, this information was provided to the staff at Kings Daughters' Hospital in 1988.

8. Patient "D" wrote to the Chief of Staff at Kings Daughters' Hospital on August 15, 1984 and reported that, during a July 9, 1984 visit, the licensee "...took sexual liberties which were not

within the doctor-patient relationship." Upon investigation, Patient "D" reported that the licensee had put his arm around her, hugged her, pressed himself against her and kissed her on the mouth three times. When he tried to kiss her again, the patient turned her head and then left his office. The licensee responded to the allegations by stating that he had put his arm around her shoulders, as a gesture of friendliness, in walking toward the business office.

9. The licensee has advised the Board that he has no independent recollection of Patients "B" or "C." He has also advised the Board's investigator that he did not recall these complaints.

10. If the case were to proceed to an evidentiary hearing, the licensee would introduce evidence contesting the allegations by Patients "A" through "D."

STIPULATED CONCLUSIONS OF LAW

The parties stipulate to the following Conclusions of Law, which serve as the legal basis for this Agreed Order of Probation:

1. The licensee is subject to regulation and discipline by the Board.
2. Based upon the information provided by Patients "A" through "D," the Board's Hearing Panel could conclude, by a preponderance of the evidence, that the licensee had violated KRS 311.595(4) and 311.595(9).
3. Given the expected conflict in the evidence, the Board's

Hearing Panel could also find in the licensee's favor on one or more of the allegations presented.

4. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties are authorized to fully resolve a pending action through informal means.

5. The Board has the legal authority to impose sanctions against the licensee's Kentucky medical license pursuant to KRS 311.595(4) and 311.595(9).

AGREED ORDER OF PROBATION

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and based upon their mutual desire to fully resolve these grievances without further formal disciplinary action, the parties enter into the following AGREED ORDER OF PROBATION:

1. The license to practice medicine in the Commonwealth of Kentucky held by Dick C. Larumbe, M.D., is placed on probation for a period of five (5) years, to commence upon the filing of this Agreed Order of Probation.

2. During that probationary period, the licensee's Kentucky medical license is subject to the following terms and conditions:

a. Within 20 days of the filing of this Order, the licensee shall have made arrangements for a psychosexual evaluation through the Kentucky Physicians Health Foundation - Impaired Physicians Program (IPP) and for any other evaluation(s) recommended by IPP.

- b. The licensee shall cause the results of the evaluation(s) to be provided to the Board's General Counsel, immediately upon completion of the evaluation report.
- c. After reviewing the result of the evaluation(s), the Medical Director, IPP, shall determine whether the licensee should submit to any treatment regimen to minimize the risk of recurrence of an inappropriate sexual contact with a patient(s). If so, the Medical Director shall prepare and present to the licensee a contract with IPP, with specified terms and conditions, to be signed by the licensee.
- d. If the Medical Director determines that it is appropriate for the licensee to enter into a contractual relationship with IPP, the licensee shall take all steps to fully execute that contract within seven (7) days of its presentation to him by the Medical Director. The licensee shall then comply fully with all terms and conditions of his contractual relationship with IPP, for the duration of the contract.
- e. The licensee shall have a chaperon present during any examination of a female patient, at any location; the chaperon shall not be related to the licensee in any manner. The licensee shall further cause the chaperon to note in the patient's chart the fact of the chaperon's attendance at the examination and to report any inappropriate action by the licensee.
- f. The licensee shall permit agents of the Board to review his patient charts, upon request, and, if deemed appropriate by the

Board's agents, shall arrange for those agents to interview the chaperon(s) regarding the licensee's compliance with this Agreed Order of Probation.


g. The licensee shall comply with all provisions of the Kentucky Medical Practice Act, KRS 311.530 et seq.

h. Any violation of the terms and conditions of this Agreed Order of Probation shall be grounds for immediate suspension of and may be grounds for further disciplinary action against the licensee's Kentucky medical license.

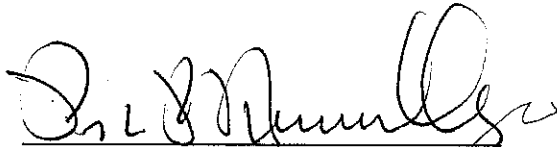
SO AGREED this 4th day of ~~August~~^{September}, 1997.

FOR DR. LARUMBE:


DICK C. LARUMBE, M.D.


MICHAEL J. CURTIS, ESQ.
ATTORNEY FOR DR. LARUMBE

FOR THE BOARD:


PRESTON P. NUNNELLEY, M.D.
CHAIRMAN, INQUIRY PANEL B

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