

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

FILED

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
Plaintiff,)

JUL 19 2013

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

v.) Case No. 12-09-4613

JENNIFER GOUCHER,)
LICENSE NO. OA 1007,)
Defendant.)

AMENDED COMPLAINT

COMES NOW the Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Scott Randall Sullivan, Special Prosecutor, and for its Complaint against the Defendant, Jennifer Goucher, OTA, alleges and states as follows:

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.*
2. Defendant Jennifer Goucher holds Oklahoma license no.OA1007.
3. On 09-24-2012 Board staff received a phone call from Defendant wherein she reported her recent arrest and conviction for shoplifting in El Reno resulting in a **deferred felony conviction**. She also reported her previous shoplifting case in Custer County which was still pending. During the phone call Defendant stated she has "a diagnosis of bipolar/schizophrenia and fibromyalgia" and is taking "expensive medications.

Criminal Charges

4. A search of Oklahoma Supreme Court Network and Oklahoma District Court Records revealed Defendant has had the following criminal actions:
5. **12/27/2010:** Delaware County District Court charged with the misdemeanor Obtaining Merchandise by Means of Bogus Check case **CM-2010-00991**. This case was Dismissed /Settled on 09/14/2012.
6. **01/26/2011:** Ottawa County District Court charged with the misdemeanor Obtaining Merchandise by Means of Bogus Check case **CM-2011-00089**. This case is Pending.

7. **06/26/2012:** Custer County District Court charged with Felony Larceny of Merchandise and Obtaining Cash/Merchandise by False Pretense case **CF-2012-260**. Defendant pled guilty on 11/02/2012 and received a Deferred sentence on both counts.
8. **07/18/2012:** Canadian County District Court charged with Felony Larceny of Merchandise and Possession of CDS (Schedule III Hydrocodone) case **CF-2012-415**. Defendant pled guilty on 08/06/2012 and received a Deferred on both counts.
9. **12/12/2012:** Canadian County District Court issued an Arrest Warrant for Failure to Comply With a Court Order in reference to case **CF-2012-415**. Defendant was arrested on 04/29/2013.
10. **01/04/2013:** Custer County District Court charged with misdemeanor Larceny of Merchandise case **CM-2013-012**. Defendant pled guilty on 02/28/2013 and received thirty days in the Custer County jail.
11. **01/09/2013:** Custer County District Court charged with Felony Larceny of Merchandise case **CF-2013-013**. Defendant pled guilty on 02/28/2013 and received a five (5) year sentence with all but six months suspended.
12. **03/08/2013:** Major County District Court charged with misdemeanor Obtaining Merchandise by Means of Bogus Check case **CM-2013-00054**. This case is pending.

Fraudulent Licensure Renewal

13. On Defendant's Occupational Assistant Licensure renewal dated **10-30-2011**, she answered "**NO**" to question "**D**" which asks, "Have you been arrested for, charged with, or convicted of a felony or misdemeanor other than a traffic violation?"
14. On Defendant's Occupational Assistant Licensure renewal dated **11-15-2012**, she answered "**NO**" to "**D**" which asks, "Have you been arrested for, charged with, or convicted of a felony or misdemeanor other than a traffic violation?"
15. On Defendant's Occupational Assistant Licensure renewal dated **11-15-2012**, she answered "**NO**" to question "**H**" which asks "Have you had any mental or physical disorder or condition, which if untreated, could affect your ability to practice competently". On Canadian County case **CF-2012-415**, her Plea of Guilty-Summary of Facts filed **08-06-2012** lists she has Schizophrenia according to Dr. Cummings in Ponca City. Defendant also stated she has a diagnosis of bipolar/schizophrenia to Board Investigator RD when she self reported on **09/24/2012**.
16. On or about **11-15-2012**, Defendant submitted her Application for Renewal of Oklahoma Occupational Therapy Assistant License and was asked the following question:
 - R. Have you obtained 20 hours of approved continuing education and have all the documentation to verify these hours?

In response to this question, Defendant answered "**YES.**"

17. By letter dated **12-10-2012**, Defendant was notified that she had been randomly selected to submit documentation of the required twenty (20) hours of continuing education she had represented that she had obtained between November 1, 2010 and October 31, 2012. She was advised that the documentation must be received in the Board offices by January 11, 2013.
18. Defendant did not send in the required documentation by January 11, 2013.
19. On or about **01-17-2-2013**, Defendant was notified by certified mail that the required documentation of proof of continuing education had not been received. Defendant was further advised that if the required documentation was not received by March 1, 2013, disciplinary action could be initiated.
20. As of the date of the filing of this Amended Complaint, Defendant has not submitted the required documentation of proof of continuing education.
21. Title 59 O.S. §508 provides as follows:

"Whenever any license has been procured or obtained by fraud or misrepresentation...it shall be the duty of the State Board of Medical Licensure and Supervision to take appropriate disciplinary action in the same manner as is provided... for the disciplining of unprofessional conduct."

Section 508 further provides as follows:

"Use of fraudulent information to obtain a license shall be a misdemeanor offense, punishable, upon conviction, by the imposition of a fine of not less than One Thousand Dollars (\$1,000.00), or by imprisonment in the State Penitentiary for not more than one (1) year, or by both such fine and imprisonment."

21. Defendant is guilty of unprofessional conduct in that she engaged in:
 - a) Obtaining a license by means of fraud, misrepresentation, or concealment of material facts in violation of Title 59 O.S. §888.9(A)1;
 - b) Engaging in unprofessional conduct as defined by the rules established by the Board, or violating the Code of Ethics adopted and published by the Board in violation of Title 59 O.S. §888.9(A)2;
 - c) Being convicted of any federal or state law, excepting any misdemeanor, traffic law or municipal ordinance in violation of Title 59 O.S. §888.9(A)3;
 - d) Violating any lawful order, rule, or regulation rendered or adopted by the Board in violation of Title 59 O.S. §888.9(A)4;

- e) Violating any provisions of this act in violation of Title 59 O.S. §888.9(A)5;
- f) Conviction of a felony or of any offense involving moral turpitude in violation of *Oklahoma Administrative Code Rule 435:30-1-10(A)(1)*;
- g) Conviction of, or confession of or plea of no contest to a felony or misdemeanor in violation of *Oklahoma Administrative Code Rule 435:30-1-10(A)(2)*;
- h) Dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public in violation of *Oklahoma Administrative Code Rule 435:30-1-10(A)(3)*;
- i) Procuring, aiding or abetting a criminal operation in violation of *Oklahoma Administrative Code Rule 435:30-1-10(A)(5)*;
- j) Participation in fraud, abuse and/or violation of state or federal laws in violation of *Oklahoma Administrative Code Rule 435:30-1-10(A)(6)*;
- k) Obtained a license by means of fraud, misrepresentation, or concealment of material facts in violation of *Title 59 O.S. § 888.9(A) (1)* and *Oklahoma Administrative Code 435:30-1-10(a) (24)*.
- l) Engaged in unprofessional conduct as defined by the rules established by the Board, or violating the Code of Ethics adopted and published by the Board in violation of *Title 59 O.S. § 888.9(A) (2)* and *Oklahoma Administrative Code Rule 435:30-1-10 (29)*.
- m) Violated any provision of this act in violation of *Title 59 O.S. § 888.9(A) (5)*.
- n) Violated any lawful order, rule, or regulation rendered or adopted by the Board in violation of *Title 59 O.S. § 888.9(A) (4)*.
- o) Engaged in dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public in violation of *Oklahoma Administrative Code Rule 435:30-1-10 (3)*.
- p) Falsified documents submitted to the Occupational Therapy Committee or the Oklahoma State Board of Medical Licensure and Supervision in violation of *Oklahoma Administrative Code Rule 435:30-1-10 (23)*.
- q) Unauthorized possession or use of illegal or controlled substances or pharmacological agents without lawful authority or prescription by an authorized and licensed independent

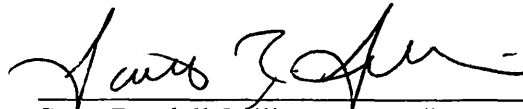
practitioner of the State of Oklahoma in violation of *Oklahoma Administrative Code Rule 435:30-1-10(A)(12)*;

- r) Obtaining or attempting to obtain a license, certificate or documents of any form as an occupational therapist or occupational therapy assistant by fraud or deception in violation of *Oklahoma Administrative Code Rule 435:30-1-10(A)(24)*; and
- s) Failure to report to the Board any adverse action taken against him or her by another licensing jurisdiction (United States or foreign), by any governmental agency, by any law enforcement agency, or by an court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section in violation of *Oklahoma Administrative Code Rule 435:30-1-10(A)(30)*.

Conclusion

WHEREFORE, the Plaintiff respectfully requests that the Board conduct a hearing, and upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to Defendant's medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



Scott Randall Sullivan, OBA #11179
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101 N.E. 51st Street
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Attorney for Plaintiff