

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

STATE OF OKLAHOMA, *ex rel.*)
OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
vs.)
)
DARLENE MARIE SNYDER, O.A.,)
LICENSE NO. OA 1015,)
)
Defendant.)

FILED

SEP 16 2021

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 21-01-5965

ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION

The State of Oklahoma, ex rel. Oklahoma State Board of Medical Licensure and Supervision ("Board"), by and through the Joseph L. Ashbaker, Assistant Attorney General, for the State of Oklahoma ("State") and the staff of the Board, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, along with Darlene Marie Snyder, O.A. ("Defendant"), Oklahoma Occupational Therapy Assistant License no. 1015, who appears in person, (collectively, the "Parties"), and offer this Order Accepting Voluntary Submittal to Jurisdiction (herein, "Order" or "Agreement") for acceptance by the Board. Okla. Admin. Code § 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant admits to the allegations herein contained and further acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Occupational Therapy Practice Act ("Act"). 59 O.S. § 888.1, *et seq.*

Defendant, Darlene Marie Snyder, O.A., states that she is of sound mind and is not under the influence of, or impaired by, any medication or drug and that she fully recognizes her right to appear before the Board for an evidentiary hearing on the allegations made against her. Defendant hereby voluntarily waives her right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that she has read and understands the terms and conditions stated herein, and that this Agreement may be reviewed and discussed with her by legal counsel prior to execution.

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Defendant herein, if any, shall not be regarded as evidence against her in a subsequent disciplinary hearing. Defendant will be free to defend herself and no

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D.S.

inferences will be made from her willingness to have this Order accepted by the Board. The Parties stipulate that neither the presentation of this Order nor the Board's consideration of this Order shall be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not be grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.

Findings of Fact

1. Defendant was employed by Northwest Physical Therapy and Sports Rehabilitation as an occupational therapy assistant. She was assigned to work at Share Convalescent Home in Alva Oklahoma in December 2020. The administrator at Share Convalescent Home, responding to a complaint that Defendant wasn't spending much time with patients, reviewed video footage in comparison to times Defendant documented. The documented time did not match the actual time spent with patients.
2. The documentation discrepancies are as follows:
 - December 30, 2020
 - Room 207: 16 Actual minutes, 38 minutes documented
 - Room 208: 12 actual minutes, 101 minutes documented
 - December 31, 2020
 - Room 207: 0 actual minutes, 38 documented minutes
 - Room 208: 24 actual minutes, 91 documented minutes
3. Board Investigator Melissa Davis, R.N., interviewed Defendant on April 12, 2021. Defendant admitted that her submitted time was not accurate but stated that it was accidental, not on purpose. She stated that she had many significant stressors and included her patient documentation time in addition to her patient care time which is not normally done. This, however, does not make sense given the actual times versus the documented times. It does not, for example, explain the zero minutes spent in room 207 on December 31 compared to the 38 minutes documented.

Conclusions of Law

4. The Board has jurisdiction over the subject matter and is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of Occupational Therapists and Occupational Therapy Assistants in the State of Oklahoma. 59 O.S. 2011, § 887.1 *et seq.* Okla. Admin. Code §§ 435:1-1-1 *et seq.*
5. Notice was given as required by law and the rules of the Board. 59 O.S. 2011, § 504 and Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.

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6. The Board is authorized to suspend, revoke or order any other appropriate sanctions against the license of any Occupational Therapist and Occupational Therapy Assistant holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. 59 O.S. 888.1 et seq. Okla. Admin. Code § 435:30-1-1 et seq. 59 O.S. Supp. 2014, § 503. This authority is quasi-judicial 59 O.S. 2011, § 513(A)(1). These actions are authorized by 59 O.S. 2015, § 887.13(10); 435:20-5-9(2), (3), (5).
7. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
 - a. Dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public, in violation of Okla. Admin. Code 435: 30-1-10(a)(2).
 - b. Fraudulent billing practices and/or violation of Medicare and Medicaid laws, in violation of OAC 435:30-1-10(a)(6).
 - c. Violation of any provision(s) of the Occupational Therapy Practice Act or the rules and regulations of the board in violation of Okla. Admin. Code 435: 30-1-10(a)(28) and 59 O.S. §888.9(4) and (5).

Orders

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

1. The Board hereby adopts the Agreement of the Parties in this Order Accepting Voluntary Submittal to Jurisdiction, including the findings of fact and conclusions of law stated herein.
2. **DARLENE MARIE SNYDER, O.A.**, agrees and understands that she is formally reprimanded and understands that such reprimand will be reported to the National Practitioners Data Bank.
3. **DARLENE MARIE SNYDER, O.A.**, Defendant will submit to supervision in her professional capacity for a period of 6 months. Defendant's supervisor, who must be approved in advance by the Board Secretary, must provide bi-monthly reports to the Board's Compliance Officer.
4. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.
5. A copy of this Order shall be provided to Defendant as soon as it is processed.

Dated this 15th day of September, 2021.

Board 

D.S. 

Louis W Cox M.D.

Louis Cox, M.D., President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Darlene Marie Snyder

Darlene Marie Snyder, O.A.
License No. 1015
Defendant

Billy H. Stout

Billy H. Stout, M.D., Board Secretary
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

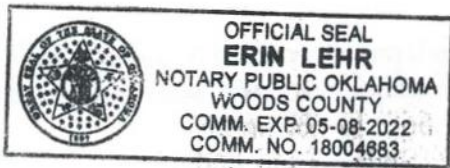
Joseph L. Ashbaker

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ACKNOWLEDGMENT

STATE OF OKLAHOMA)
)
COUNTY OF woods) ss.

This instrument was acknowledged before me on the 8th day of September, 2021, by
Darlene Marie Snyder.



Erin Lehr

Notary Public
Commission Expiration: May 08, 2021

Board *[Signature]*

D.S. *[Signature]*