

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 )  
 )  
v. )  
 )  
GLENA KAY MACKEY, O.T., )  
LICENSE NO. OT111, )  
 )  
Defendant. )

NOV 18 2011

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 11-04-4210

**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, Elizabeth A. Scott, Assistant Attorney General, and for its Complaint against the Defendant, Glena Kay Mackey, OT, Oklahoma license no. OT111, 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 occupational therapists in the State of Oklahoma pursuant to 59 O.S. 888.1 *et seq.* and 59 Okla. Stat. §480 *et seq.*

2. Defendant, Glena Kay Mackey, OT, holds Oklahoma occupational therapy license no. OT111.

**PRIOR ARRESTS/CRIMINAL ACTS**

3. On or about February 17, 2000, Defendant was arrested and subsequently charged with **OBSTRUCTING AN OFFICER** and **RESISTING AN OFFICER**, both **MISDEMEANORS**. Defendant eventually plead guilty to the charges on or about November 22, 2004.

4. On or about February 28, 2002, Defendant was charged with **OBTAINING MERCHANDISE BY BOGUS CHECK**, a **MISDEMEANOR**. On or about December 17, 2004, Defendant paid the fine and the case was dismissed.

5. On or about January 24, 2008, Defendant applied for reinstatement of her Oklahoma occupational therapy license. In response to the question "Have you ever been arrested, charged with, or convicted of a felony or misdemeanor, other than traffic violations?", Defendant answered "NO".

6. As a result of her false answers on her licensure application, Defendant was asked to appear before the Occupational Therapy Advisory Committee. Defendant advised the Committee that she was unable to attend due to a prior commitment. The Committee recommended reinstatement and on or about June 17, 2008, Defendant's Occupational Therapist license was reinstated.

### CURRENT ARREST/CRIMINAL ACTS

7. On or about December 19, 2008, Defendant was arrested and charged in the Circuit Court of Pulaski County, State of Arkansas, with **FELONY MEDICAID FRAUD** and **FELONY FAILURE TO MAINTAIN AND SUPPLY RECORDS** based upon certain incidents where Defendant submitted claims to Medicaid for occupational therapy services which were false.

8. On or about March 5, 2010, Defendant plead guilty to **FELONY MEDICAID FRAUD**. She received a five (5) year probation, was fined \$30,000.00 and was also required to pay restitution of \$10,000.00.

9. On or about March 26, 2010, the Arkansas State Medical Board filed a Complaint against Defendant based upon her conviction for Felony Medicaid Fraud.

10. As a result of her felony conviction, on or about June 3, 2010, the Arkansas State Medical Board **REVOKED** Defendant's Arkansas Occupational Therapy license.

11. Title 435 of the Oklahoma Administrative Code, §5135-1-5.2(b) provides as follows:

“(b) The Board shall revoke the license of a person licensed by the Board who has a final felony conviction.”

12. Defendant is guilty of unprofessional conduct in that she:

- A. Has engaged in unprofessional conduct as defined by the rules established by the Board, or violated the Code of Ethics adopted and published by the Board in violation of 59 O.S. § 888.9(A)(2).

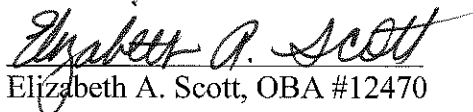
- B. Violated any lawful order, rule, or regulation rendered or adopted by the Board in violation of 59 O.S. § 888.9(A)(4) and OAC 435:30-1-10(a)(29).
- C. Violated any provision of this act (the Occupational Therapy Practice Act) in violation of 59 O.S. § 888.9(A)(5).
- D. Was convicted of, or confessed to or plead no contest to a felony or misdemeanor in violation of OAC 435:30-1-10(a)(2).
- E. Engaged in dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public in violation of OAC 435:30-1-10(a)(3).
- F. Participated in fraud, abuse and/or violation of state or federal laws in violation of OAC 435:30-1-10(a)(6).
- G. Engaged in fraudulent billing practices and/or violation of Medicare and Medicaid laws or abusive billing practices in violation of OAC 435:30-1-10(a)(7).
- H. Engaged in the improper management of medical records, inaccurate recording, falsifying or altering of patient records in violation of OAC 435:30-1-10(a)(8).

### *Conclusion*

WHEREFORE, plaintiff 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 the revocation or suspension of the Defendant's license to practice as an occupational therapist in the State of Oklahoma, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as an occupational therapist in the State of Oklahoma.

Dated this 18<sup>th</sup> day of November, 2011 at 4:00 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Elizabeth A. Scott". The signature is written in a cursive style with a horizontal line underneath the name.

Elizabeth A. Scott, OBA #12470  
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Oklahoma State Board of Medical  
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