

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).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. 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).

3. The Board further found that the Defendant's occupational therapy license should be revoked based upon any or all of the violations of the unprofessional conduct provisions of 59 Okla. Stat. §888.9(A) (2), (3), (4), and (5) and OAC 435:30-1-10(a) (2), (3), (6), (7), (8), and (29).

Order

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


1. The license of Defendant, Glena Kay Mackey, OT, Oklahoma license no. 111, is hereby **REVOKED** as of the date of this hearing, January 12, 2012.

2. If the Board reinstates Defendant's Occupational Therapy License, it shall be under terms of probation to be determined at that time by the Board, with consideration of any recommendations of the Occupational Therapy Advisory Committee.

3. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

4. Defendant's revoked license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs.


Dated this 12 day of January, 2012.



J. Andy Sullivan, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

CERTIFICATE OF SERVICE

I certify that on the 13 day of January, 2012, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Glena Kay Mackey, 532 Fine Way, Alma, OK 72921.



Janet Swindle