

Prior Arrests/Criminal Acts

4. On or about February 17, 2000, Defendant was arrested and subsequently charged with **OBSTRUCTING AN OFFICER** and **RESISTING AN OFFICER**, both **MISDEMEANORS**. Defendant eventually pled guilty to the charges on or about November 22, 2004.
5. 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.
6. 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".
7. 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

8. 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.
9. 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.
10. On or about March 26, 2010, the Arkansas State Medical Board filed a Complaint against Defendant based upon her conviction for Felony Medicaid Fraud.
11. 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.
12. 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.”

Conclusions of Law

13. 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.
14. 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).

The Board found the Defendant's OT license should be reinstated under terms of **PROBATION**.

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 **REINSTATED UNDER A FIVE (5) YEAR TERM OF PROBATION** as of the date of this hearing, July 25, 2013.

2. Said probation shall have the following terms and conditions:

Standard Terms:


- a. Defendant will conduct her practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Board. Any question of interpretation regarding the Act or this order shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Board or its designee.
- b. Defendant will furnish a copy of this order to each and every state in which she holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which she holds or anticipates holding any form of staff privileges or employment.
- c. Defendant will keep the Board informed of her current address.
- d. Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of her case unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- e. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.
- f. Defendant shall make herself available for one or more personal appearances before the Board or its designee upon request.
- g. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or designee.
- h. Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Coordinator to obtain copies of medical records and authorize the Compliance Coordinator to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.
- i. Failure to meet any of the terms of your Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify license after

due notice and hearing.

- j. A copy of this Order will be provided to Defendant as soon as it has been processed.

Specific Terms:


- k. Defendant will practice in an environment to be approved by Board Secretary under supervision regarding Defendant's patient charts, records and billing codes.
- l. Defendant will obtain thirty-six (36) hours of continuing education ***in addition to the standard required forty (40) hours.*** Ten (10) of these additional hours are to be obtained on-site in the area of ethics and at least one-half of the remaining additional hours shall also be obtained on-site (as opposed to online.)
- m. Defendant's charts, records and billing codes will be reviewed by Defendant's supervisor with supervisor to provide quarterly reports to the Occupational Therapist Advisory Committee regarding Defendant's compliance.
- n. Defendant shall provide a copy of this Board Order to her supervisor in addition to her employer.
- o. Defendant will pay to the Board a minimum of \$30.00 per month until all costs and fees due and owing the Board are paid in full.



Gerald C. Zumwalt, M.D., Secretary
Oklahoma State Board of
Medical Licensure and Supervision

Certificate of Service

I certify that on the 2nd day of August, 2013, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Glenna Kay Mackey, 532 Fine Way, Alma, OK 72921.



Barbara J. Smith, Legal Assistant