

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,)

JUN 08 2012

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 12-06-4555

CORY DALE WALKINGSTICK, OTA)
LICENSE NO. OA1194)

Defendant.)

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, Cory Dale Walkingstick, 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 occupational therapy assistants in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* and §888.1 *et seq.*

2. Defendant, Cory Dale Walkingstick, OTA, holds Oklahoma occupational therapy assistant license no. OA1194.

3. On or about February 7, 2011, Defendant was granted an occupational therapy assistant license under terms of an Agreement for Licensure based upon a history of substance abuse. The agreement provides as follows:

5. Applicant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances, including but not limited to alcohol.

4. The provision cited above has not been modified or deleted but remains in full force and effect as a term and condition of Defendant's licensure under agreement.

5. On or around April 3, 2012, Defendant provided a urine specimen at the request of the Board's Compliance Department through the Affinity testing facility. The specimen subsequently tested positive for Alcohol. Defendant subsequently admitted to Board Compliance Officer Gary Ricks that he had relapsed and had used alcohol on another occasion prior to that positive drug test.

6. Under the Board's contract with the Affinity testing facility, licensees who are being drug tested are required to call in to the program daily to determine if they will be drug tested that day. Subsequent to Defendant's positive drug test on April 3, 2012, Defendant failed to comply with the daily check-in requirement on three (3) separate days during May 2012.

7. Defendant is guilty of unprofessional conduct in that he:

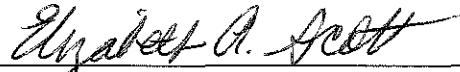
- A. Engaged in the habitual use of habit-forming drugs or was habitually intemperate in violation of OAC 435:30-1-10 (10).
- B. Engaged in unprofessional conduct as defined by the rules established by the Board, or violating the Code of Ethics adopted and published by the Board in violation of 59 O.S. § 888.9(A) (2) and OAC 435:30-1-10 (29).
- C. Violated any provision of this act in violation of 59 O.S. § 888.9(A) (5).
- D. Violated any lawful order, rule, or regulation rendered or adopted by the Board in violation of 59 O.S. § 888.9(A) (4).
- 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 (3).

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 occupational therapy assistant license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



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