

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

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)

Plaintiff)

v.)

Case No. 12-06-4555

CORY DALE WALKINGSTICK, OTA,)
LICENSE NO. OA1194,)

Defendant.)

VOLUNTARY SUBMITTAL TO JURISDICTION

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 for the State of Oklahoma and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Cory Dale Walkingstick, OTA, Oklahoma license no. OA1194, who appears in person and pro se, offer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on June 8, 2012 and further acknowledges that hearing before the Board would result in some sanction under the Oklahoma Occupational Therapy Practice Act.

Defendant, Cory Dale Walkingstick, OTA, states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his 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 further acknowledges that he is entitled to have his interests represented by legal counsel and that he has elected to proceed without legal representation, thereby waiving his right to an attorney. Defendant acknowledges that he has read and understands the terms and conditions stated herein.

PARTIES' AGREEMENT AND STIPULATIONS

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

Findings of Fact

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).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Occupational Therapy Practice Act and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Based on the foregoing facts, Defendant, Cory Dale Walkingstick, Oklahoma license OA1194, is guilty of the unprofessional conduct set forth below:

- 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).

Order

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

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.

2. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, Cory Dale Walkingstick, OTA, holding Oklahoma license No. OA1194, is hereby placed on **PROBATION** for a period of five (5) years under the following terms and conditions:

A. Defendant will conduct his practice in compliance with the Oklahoma Occupational Therapy Practice 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 notify the Board or its designee of any relapse, including entry or re-entry into any rehabilitation, assessment, or evaluation program and shall provide to the Board or its designee written authorization for any and all records associated with said treatment, assessment or evaluation. Defendant acknowledges and agrees that the Board may use such information against Defendant in any future disciplinary proceedings.

C. Defendant will not administer, dispense or possess any drugs in Schedules I through V.

D. Defendant will submit for analysis biological fluid specimens including, but not limited to, blood and urine, as well as hair follicles, upon request of the Board or its designee, and Defendant will pay for the costs attendant thereto.

E. Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need and only during that time in which he is being treated by the physician for that specific medical need. Defendant has the affirmative duty to inform any and every doctor treating him of the Board Order immediately upon initiation, or continuation of treatment.

F. Defendant 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.

G. Defendant will authorize in writing the release of any and all medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.

H. Defendant will enter and continue individual psychotherapy no less than one (1) time per month to deal with his substance abuse issues with a therapist approved in advance by the Board Secretary in writing. Defendant will authorize in writing the release of any and all records of that treatment to the Board. Defendant shall continue said treatment until released by the Board and shall provide quarterly reports from his therapist to the Board Secretary for his review.

I. Defendant will attend three (3) meetings per week of a local 12-step program and will obtain a sponsor.

J. Defendant will furnish a copy of this order to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.

K. Defendant will keep the Board informed of his current address.

L. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.

M. Defendant shall promptly notify the Board of any citation or arrest for any criminal offense.

N. Defendant will keep current payment of all assessments by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of his case, which shall include but is not limited to a one hundred fifty dollar (\$150.00) per month fee during the term of probation, unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.


(\$150.00) per month fee during the term of probation, unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.

O. Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

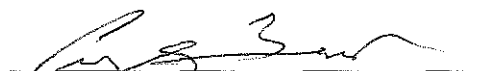
P. Defendant shall submit any required reports and forms on a timely, accurate and prompt basis to the Compliance Coordinator or designee.


Q. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

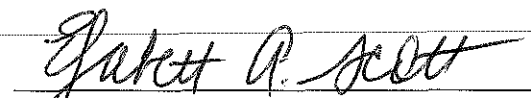
Dated this 12 day of July, 2012.


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

AGREED AND APPROVED:


Cory Dale Walkingstick, OA1194


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


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