

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.)
)
SUSAN LEE SYKES, R.C.,)
R.C. LICENSE NO. 1244,)
)
Defendant.)

NOV 2 2000

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 00-06-2204

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, Susan Lee Sykes, R.C., Oklahoma license no. 1244, who appears in person and pro se, proffer 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 July 28, 2000, and acknowledges that hearing before the Board would result in some sanction under the Respiratory Care Practice Act.

Defendant, Susan Lee Sykes, R.C., states that she is of sound mind and is not under the influence of, or impaired by, any medication or drug and that she fully recognizes her right to appear before the Board for evidentiary hearing on the allegations made against her. Defendant hereby voluntarily waives her 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 acknowledges that she has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with her.

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 respiratory care practitioners in the State of Oklahoma pursuant to 59 Okla. Stat. §§ 480 *et seq.* and 2026 *et seq.*

2. Defendant, Susan Lee Sykes, R.C., holds respiratory care license no. RC1244 in the State of Oklahoma.

3. In the fall of 1994, Defendant was arrested on a drug-related charge involving marijuana. Based upon this arrest, in September 1995, Defendant was treated for substance abuse at New Hope of Mangum, Oklahoma.

4. On August 26, 1996, Defendant submitted her application for licensure as a respiratory care practitioner. In response to the question "Are you now or have you, within the past two years, been addicted to, or used in excess, any drug or chemical substance including alcohol, or been treated through a rehabilitation program", Defendant answered "NO".

5. From April through June 2000, Defendant stopped attending AA and NA meetings and relapsed on speed.

6. Based on the allegations stated above, Defendant is guilty of unprofessional conduct as follows:

- A. She is unfit or incompetent by reason of negligence, habits, or other causes of incompetency in violation of 59 Okla. Stat. §2040(2).
- B. She is addicted to, or has improperly obtained, possessed, used or distributed habit-forming drugs or narcotics in violation of 59 Okla. Stat. §2040(4).
- C. She is guilty of dishonest or unethical conduct in violation of 59 O.S. §2040(5).
- D. She is guilty of fraud or deceit in procuring or attempting to procure a license or renewal of a license to practice respiratory care in violation of 59 O.S. §2040(1).

- E. She has practiced respiratory care under cover of any license illegally or fraudulently obtained or issued in violation of 59 O.S. §2040(7).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Respiratory Care Practice 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, Susan Lee Sykes, R.C., Oklahoma respiratory care practitioner license no. 1244, is guilty of the unprofessional conduct set forth below based on the foregoing facts:

- A. She is unfit or incompetent by reason of negligence, habits, or other causes of incompetency in violation of 59 Okla. Stat. §2040(2).
- B. She is addicted to, or has improperly obtained, possessed, used or distributed habit-forming drugs or narcotics in violation of 59 Okla. Stat. §2040(4).
- C. She is guilty of dishonest or unethical conduct in violation of 59 O.S. §2040(5).
- D. She is guilty of fraud or deceit in procuring or attempting to procure a license or renewal of a license to practice respiratory care in violation of 59 O.S. §2040(1).
- E. She has practiced respiratory care under cover of any license illegally or fraudulently obtained or issued in violation of 59 O.S. §2040(7).

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, Defendant shall be placed on PROBATION for a period of five (5) years under the following terms and conditions:

A. Defendant will conduct her practice in compliance with the Oklahoma Respiratory Care Practice Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act 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 Oklahoma State Board of Medical Licensure and Supervision.

B. Defendant will furnish to each and every state in which she holds licensure or applies for licensure and hospitals, clinics or other institutions in which she holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.

C. Upon request of the Board Secretary, Defendant will request all hospitals in which she practices to furnish to the Board Secretary a written statement regarding monitoring of her practice while performing services in or to that hospital.

D. Defendant will participate in outpatient counseling with a counselor approved in advance by the Board Secretary. Defendant shall attend counseling at least one time per week unless otherwise directed by her counselor. Defendant shall continue her counseling until discharged by her counselor. Defendant will request that her counselor provide quarterly reports to the Board Secretary for his review.

E. Defendant will attend at least two (2) weekly meetings of a 12-step program.

F. Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of the Oklahoma State Board of Medical Licensure and Supervision or its designee, and Defendant will pay for the analysis thereof.

G. Defendant will take no medication except that which is authorized by a physician treating her for a legitimate medical need.

Defendant has the affirmative duty to inform any and every doctor treating her of the Board Order immediately upon initiation, or continuation of treatment.

H. Defendant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances.

I. Defendant will abide by any outpatient therapy recommended by her Board approved counselor.

J. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse.

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

L. Defendant will authorize in writing the release of any and all records of her medical, emotional or psychiatric treatment to the Oklahoma State Board of Medical Licensure and Supervision and will authorize the Compliance Consultant to the Board to discuss her case and treatment with the individuals providing Defendant's treatment.

M. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of her current address.

N. Defendant will keep current payment of all assessment by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of her case.

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 make herself available for one or more personal appearances before the Board or its designee upon request.


Q. Defendant will notify the Board or its designee of any slip, relapse, entry or re-entry into an inpatient 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.

R. 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.

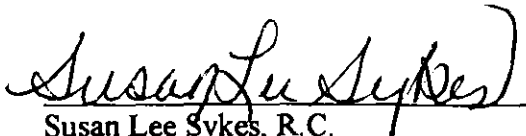
3. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs, and shall keep current all payments for monitoring her compliance with this agreement.

Dated this 2nd day of November, 2000.

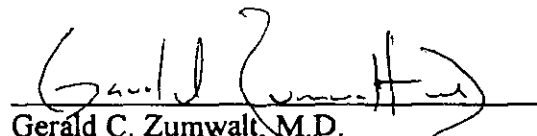


Tim Smalley, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision


AGREED AND APPROVED:



Susan Lee Sykes, R.C.
License No. 1244



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



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