

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

FILED
JUN 01 2016
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.*)
OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
)
SUSAN SHILLING, R.C.,)
LICENSE NO. RC 1244,)
)
Defendant.)

Case No. 16-02-5265

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

Plaintiff, the State of Oklahoma, *ex rel.* the Oklahoma State Board of Medical Licensure and Supervision (“Board”), by and through its attorney, Joseph L. Ashbaker, Assistant Attorney General, for the State of Oklahoma and the staff of the Board, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, along with the Defendant, Susan Shilling, R.C., Oklahoma Respiratory Care License No. 1244, (collectively, the “Parties”) who appears in person, offer this Order Accepting Voluntary Submittal to Jurisdiction (herein, “Order” or “Agreement”) effective May 12, 2016, 2016, for acceptance by the Board *en banc* pursuant to Okla. Admin. Code § 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, the Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on April 7, 2016, and further acknowledges that a hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (“Act”).

The Defendant, Susan Shilling, 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 an evidentiary hearing on the allegations made against her. The 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. The 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.

BOARD *MS*

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FINDINGS OF FACT

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

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 O.S. § 480 *et seq.*
2. Defendant, Susan Shilling, R.C., f/k/a Susan Sykes, holds Oklahoma Respiratory Care License number 1244.

CURRENT ALLEGATIONS OF UNPROFESSIONAL CONDUCT

1. Board Investigators received information advising that in approximately August 2015, Defendant had to leave her shift at work because she had overused her prescribed medications and was unable to perform her duties safely.
2. Defendant has been prescribed numerous medications, but had primarily taken Hydrocodone, Xanax and Ambien. Defendant admitted to Board Investigator Washbourne that she had taken Ambien and Xanax prior to her shift at work, on August 9, 2015, and, as a consequence, she was unable to perform her duties and had to be taken home by a co-worker.
3. On October 26, 2015, Defendant began inpatient treatment at Valley Hope and returned to work thereafter.
4. In January 2016, the Investigators received information alleging concerns regarding Defendant's behavior and substandard care of her patients.
5. Defendant admitted to Investigator Washbourne that subsequent to her discharge from Valley Hope she was noncompliant with the discharge summary therefrom.
6. Defendant admitted that she knowingly procured prescriptions from her physician without informing her physician that she had gone through treatment for substance abuse and without disclosing the recommendations from that treatment.
7. Further, Defendant took medications contrary to the discharge summary and contrary to the recommendations contained therein.
8. Defendant further admitted that she needs help.

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CONCLUSIONS OF LAW

1. Based on the foregoing, the Defendant is guilty of professional misconduct as follows:
 - a. Is addicted to, or has improperly obtained, possessed, used or distributed habit-forming drugs or narcotics; in violation of 59 O.S. 1995, § 2040(4);
 - b. Habitually intemperate or addicted use of any drug, chemical or substance which could result in behavior that interferes with the practice of respiratory care and the responsibilities of the licensee in violation of Okla. Admin. Code §§ 435:45-5-3(a)(1);
 - c. Violating any provision of the respiratory Care Practice Act or the rules promulgated by the board in violation Okla. Admin. Code § 435:45-5-3(a)(21);

ORDERS

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. It is **ORDERED** that the Defendant is hereby placed on **INDEFINITE PROBATION**.
3. It is **ORDERED** that the terms of Defendants' probation are as follows:

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 not supervise allied health professionals that require surveillance of a licensed medical practitioner.

BOARD *SM*

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- d) Defendant will keep the Board informed of her current address.
- e) The Defendant will keep current payment of all assessments by the Board for prosecution, investigation and monitoring of her case, which shall include, but is not limited to, a fee of one hundred fifty dollars (\$150.00) per month during the term of probation, unless the Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- f) Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.
- g) Defendant shall make herself available for one or more personal appearances before the Board or its designee upon request.
- h) Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or designee.
- i) 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.
- j) 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 license after due notice and hearing.

Specific Terms:


- k) Defendant will inform the Board Secretary of any move from Oklahoma to another licensing jurisdiction.
 - l) Defendant will join and sign a contract with the APPA Program and fulfill the all of the requirements of that contract.
 - m) Defendant will attend and successfully complete an intensive outpatient substance abuse program to be approved in advance by the Board Secretary.
 - n) If Defendant desires to change his employment, the proposed working environment must first be approved by Board Secretary.
4. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.
 5. A copy of this Order shall be provided to Defendant as soon as it is processed.


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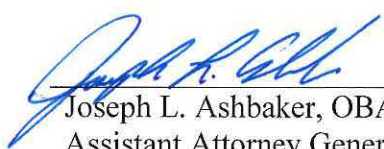
6. This Order is subject to review and approval by the Oklahoma Attorney General, and this Order shall become final upon completion of the review by the Oklahoma Attorney General unless disapproved, in which case this Order shall be null and void.

Dated this 12 day of May, 2016.


Lee Schoeffler, M.D., President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION


Susan Shilling, R.C.
License No. 1244


Billy H. Stout, M.D., Board Secretary
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

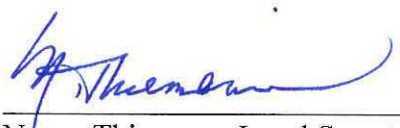

Joseph L. Ashbaker, OBA No. 19395
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101 N.E. 51st Street
Oklahoma City, Oklahoma 73105
T: (405) 962-1400
F: (405) 962-1499

Certificate of Service


This is to certify that on the 2nd day of JUNE, 2016, a true and correct copy of this Order was sent by U.S. first-class mail, postage prepaid, to the following:

Susan Shilling
Route 3, Box 15
Kingfisher, Oklahoma 73750

Defendant *Pro Se*


Nancy Thiemann, Legal Secretary

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OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-323A

FILED
JUN 01 2016
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Billy Stout, M.D., Board Secretary
State Board of Medical Licensure and
Supervision
101 NE 51st Street
Oklahoma City, Oklahoma 73105

May 31, 2016

Dear Board Secretary Stout:

This office has received your request for a written Attorney General Opinion regarding agency action that the State Board of Medical Licensure and Supervision intends to take pursuant to a consent agreement with respect to respiratory care licensee 1244. The proposed action is to impose terms of probation to continue indefinitely until removed by the Board. The terms of probation include entering into a peer-based substance abuse monitoring program, participating in an intensive outpatient substance abuse program, notifying employers of the probation and obtaining Board permission before changing employers, providing certain kinds of mental health and substance abuse information to the Board, and staying current on all payments, including a \$150 per month probation fee.

The licensee had been prescribed several controlled dangerous substances, including hydrocodone and alprazolam. On at least one occasion, the licensee had to leave work because of impaired work ability; on another occasion, the licensee entered inpatient substance abuse treatment, but continued taking medication inconsistently with the terms of licensee's discharge from treatment.

The Respiratory Care Practice Act, 59 O.S.2011 & Supp.2015, §§ 2026–2045, authorizes the Board to discipline licensees who are “addicted to, or ha[ve] improperly . . . used . . . habit-forming drugs or narcotics” or who are “guilty of unprofessional conduct as defined by the rules established by the Board,” 59 O.S.2011, § 2040(4), (9). The Board’s rules clarify that “unprofessional conduct” includes the “intemperate or addicted use of any drug, chemical or substance which could result in behavior that interferes with the practice of respiratory care.” OAC 435:45-5-3(a)(1).

Here, the licensee has exhibited an ongoing problem with substance abuse to the point of direct work impact. The Board may reasonably believe that the agreed terms of probation identified with the licensee are necessary to protect patient safety and public health while allowing the licensee to continue practicing respiratory care.

It is, therefore, the official opinion of the Attorney General that the State Board of Medical Licensure and Supervision has adequate support for the conclusion that this action advances the State of Oklahoma's policy upholding minimum standards of professionalism in the practice of respiratory care.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt". The signature is stylized with a large, sweeping initial "E" and a long horizontal line above the rest of the name.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA