

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.

BRYAN ALAN SWIETEK,  
LICENSE NO. OTA1345,

Defendant.

APR - 4 2013

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 13-03-4700

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, Scott Randall Sullivan, Special Prosecutor, and for its Complaint against the Defendant, Bryan Alan Swietek, 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 physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §888.9 and Rule 435:10-4-11 of the Oklahoma Administrative Code.

2. Defendant, Bryan Alan Swietek, holds Oklahoma license no. OTA1345.

3. On October 11, 2012, Defendant entered into an Agreement for Licensure with the Board in response to questions raised during the application process concerning Applicant's fitness or ability to practice with reasonable skill and safety as a result of an arrest and plea of guilty in 2010 for Driving Under the Influence of Alcohol.

4. Pursuant to the Agreement for Licensure, Defendant is required to take random drug tests through the Affinity Program. On February 22, 2013 Defendant was drug tested and the result was positive for Ethyl. An ETG was subsequently performed on the test. The cutoff level for a positive result is set at 500. Defendant tested at a level of 4003.

5. On March 4, 2013, Board's Compliance Consultant arrived at Defendant's place of employment to discuss the positive test results with Defendant. Defendant signed an Agreement not to Practice effective until he met with Board Staff.

6. On March 8, 2013, Board's Compliance Consultant phoned Defendant and advised he go to The Medical Therapy Group in Oklahoma City for evaluation. Defendant was further advised to be prepared discuss the recommendations based on said evaluation in his meeting with Board Staff scheduled for March 15, 2013.

7. Defendant met with Board Staff on March 15, 2013 wherein his evaluation and recommendations from The Medical Therapy Group were reviewed and discussed. The Medical Therapy Group recommended "**intensive outpatient from a Board-approved entity.**"

8. Defendant phoned Board's Compliance Consultant on or around March 19, 2013 and advised he will begin outpatient treatment at St. Anthony's Hospital.

9. On March 25, 2013, Lyle Kelsey, Executive Director of the Board, released Defendant to return to work.

10. Defendant is in violation of the following paragraphs of his Agreement for Licensure dated October 11, 2012:

Paragraph 4: Applicant will have the affirmative duty not to ingest any substance which will cause a body fluid or hair follicle sample to test positive for prohibited substances, including but not limited to alcohol; and

Paragraph 9: Failure to meet any of the terms of this Agreement shall constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Applicant's license after due notice and hearing.

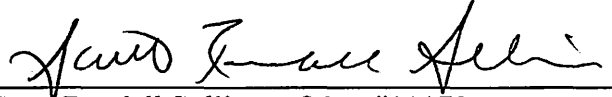
11. Defendant is guilty of unprofessional conduct in that he is in:

Violation of any provision(s) of the medical practice act or the rules and regulations of the Board or of any action, stipulation or agreement of the Board as stated in *Oklahoma Administrative Code Rule 435:10-7-4 (39)*.

### **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 medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Scott Randall Sullivan".

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Scott Randall Sullivan, OBA #11179

OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION

101 N.E. 51<sup>st</sup> Street

Oklahoma City, OK 73105

Attorney for Plaintiff