

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

FILED

APR 10 2009

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

Plaintiff,

v.

KYLE LEMOINE SANDERS, OT
LICENSE NO. OT1367

Defendant.

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 09-02-3685

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, Kyle Lemoine Sanders, OT, 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 Therapists in the State of Oklahoma pursuant to 59 Okla. Stat. §888.9 *et seq.*

2. Defendant, Kyle Lemoine Sanders, OT, holds Oklahoma license no. OT1367, and is authorized to practice as an occupational therapist in the State of Oklahoma.

3. On or about April 16, 2004, Defendant and the Board Secretary entered into an Agreement for Licensure based upon Defendant's plea of guilty to driving while intoxicated on February 12, 2003. The Board subsequently ratified the Agreement for Licensure and issued Defendant a license to practice as an occupational therapist on or about May 20, 2004.

4. On or about July 19, 2007, the Board terminated Defendant's Agreement for Licensure, thereby issuing Defendant an unrestricted occupational therapist license.

5. In or around 2006, Defendant began to use Marijuana on a monthly basis. His use escalated and in or around September 2008, he was using Marijuana several times a week.

6. On or about February 6, 2009, Defendant was working at Jane Phillips Medical Center in Bartlesville, Oklahoma. Upon receiving complaints from co-workers that Defendant

frequently spoke of illegal drug use, as well as complaints that drugs were visible in his car, Defendant's supervisor asked him to provide a urine specimen, which subsequently tested positive for Marijuana.

7. Based upon Defendant's positive drug test for Marijuana, Defendant's employer terminated him.

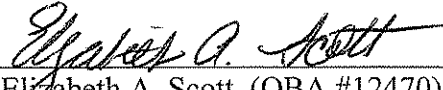
8. Defendant is guilty of unprofessional conduct in that he:

- A. Engaged in unprofessional conduct as defined by the rules established by the Board, or violated the Code of Ethics adopted and published by the Board in violation of 59 O.S. §888.9(A)(2).
- B. Violated any provision of this act in violation of 59 O.S. §888.9(A)(5) and 435:30-1-10(29).
- C. Was convicted of, confessed to, or plead no contest to a felony or misdemeanor in violation of 435:30-1-10(a)(2).
- D. Engaged in dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public in violation of 435:30-1-10(a)(3).
- E. Engaged in the habitual intemperance or the habitual use of habit-forming drugs in violation of 435:30-1-10(a)(10).
- F. Engaged in the habitual intemperance or addicted use of any drug, chemical or substance that could result in behavior that interferes with the practice of occupational therapy and the responsibilities of the licensee in violation of 435:30-1-10(a)(11).
- G. Engaged in the unauthorized possession or use of illegal or controlled substances or pharmacological agents without lawful authority or prescription by an authorized and licensed independent practitioner of the State of Oklahoma in violation of 435:30-1-10(a)(12).
- H. Engaged in any conduct which potentially or actually jeopardizes a patient's life, health or safety in violation of 435:30-1-10(a)(19).

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 therapist 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 "Elizabeth A. Scott", is written over a horizontal line.

Elizabeth A. Scott (OBA #12470)
Assistant Attorney General
State of Oklahoma
5104 N. Francis, Suite C
Oklahoma City, OK 73118

Attorney for the Plaintiff