

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.)
KIMBERLY DAWN BARNETT, R.C.,)
R.C. LICENSE NO. 1398)
Defendant.)

DEC 14 2012

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 09-06-3783

COMPLAINT

COMES NOW the Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (“Board”), by and through its attorney, Kathryn R. Savage, Assistant Attorney General, and for its Complaint against the Defendant, Kimberly Dawn Barnett, R.C., 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 respiratory care therapists in the State of Oklahoma pursuant to *Okla. Stat. tit. 59, §§480 et seq.* and *2026 et seq.*

2. Defendant, Kimberly Dawn Barnett, R.C., holds respiratory care license no. RC1398, and is authorized to practice as a respiratory care practitioner under the terms of *Final Order of Probation* entered March 26, 2010, with a **FIVE (5) YEAR** term of **PROBATION**.

3. The *Final Order of Probation* sets forth Defendant’s terms of probation and provides that Defendant shall be on probation and conditions of probation include but are not limited to:

E. Defendant will submit for analysis biological fluid specimens to include, but not limited to, blood and urine, upon request of the Board or its designee, and Defendant will pay for the costs attendant thereto.

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

K. Defendant shall enter and continue counseling for trauma and substance abuse issues with a counselor approved in advance by the Board Secretary in writing, and will authorize in writing the release of any and all records of that treatment to the Board or its

designee. Defendant shall additionally submit quarterly reports from her counselor to the Board Secretary for his review. Defendant will remain in treatment until both the counselor and the Board Secretary authorize her release from counseling.

P. Defendant will keep current payment of all assessments by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of her case, including but not limited to a minimum of \$150.00 per month probation monitoring fee.

T. 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.

4. The provisions cited above have not been modified or deleted but remain in full force and effect as terms and conditions of Defendant's probation.

5. The Defendant has failed to comply with the *Final Order of Probation* issued by the Board by not attending three (3) AA meetings per week of a 12-step program; failing to meet the requirements of the Oklahoma Health Professionals Program; failing to notify the Compliance Officer regarding employment status and failing to enter counseling to address trauma and substance abuse issues.

6. Defendant is guilty of unprofessional conduct in that:

A. She is unfit or incompetent by reason of negligence, habits, or other causes of incompetency in violation of *Okla. Stat. tit. 59, §2040(2)*.

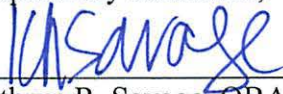
B. She is guilty of dishonest or unethical conduct in violation of *Okla. Stat. tit. 59, §2040(5)*.

C. She violated any provisions of the medical practice act or the rules and regulations of the Board or of any action, stipulation, agreement or order of the Board in violation of *Oklahoma Administrative Code* section 435:45-5-3(24).

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 license to practice as a respiratory care practitioner in the State of Oklahoma, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



Kathryn R. Savage, OBA #18990

Assistant Attorney General

101 N.E. 51st Street

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Attorney for the Oklahoma State Board
Of Medical Licensure and Supervision