

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

FILED

FEB 27 2013

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, ex rel.,)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)
)
Plaintiff,)
)
vs.)
)
KIMBERLY DAWN BARNETT, R.C.,)
R.C. LICENSE NO. 1398,)
)
)
Defendant.)

CASE NO. 09-06-3783

VOLUNTARY SURRENDER OF LICENSE
IN LIEU OF PROSECUTION

State of Oklahoma)
)
_____ County)

I, Kimberly Dawn Barnett, R.C., being of lawful age and after first being duly sworn, depose and state as follows:

1. I hereby voluntarily surrender my Oklahoma respiratory care license no. RC1398.
2. The surrender of my license is freely and voluntarily made. I have not been subject to any coercion or duress, and I am fully aware of the consequences of the surrender of my license.
3. I am the subject of an investigation by the Oklahoma State Board of Medical Licensure and Supervision involving allegations that if proven, would constitute grounds for disciplinary action by the Board.
4. The allegations to which I have plead guilty are as follows:

- A. On or about October 6, 2008, Defendant was involved in a car accident near Hooker, Oklahoma. When questioned by the Oklahoma Highway Patrol, Defendant admitted consuming a wine cooler and some Valium several hours prior to the accident. Defendant was subsequently arrested on December 19, 2008 and was charged in the case styled State of Oklahoma v. Kimberly D. Barnett, Case No. CM-08-00564 in the District Court of Texas County, State of Oklahoma with **Driving a Motor Vehicle While Under the Influence of Drugs**. This case is still pending.
- B. On or about May 16, 2009, Defendant attempted suicide by overdosing on Oxycontin and Amytriptoline. Defendant's daughter found her and called for help. Defendant was taken to Southwest Medical Center in Kansas where she remained for several days after which time she was discharged to her mother.
- C. On or about May 29, 2009, while staying with her mother in Ardmore, Oklahoma, Defendant attempted to overdose on medications by ingesting three (3) Xanax 0.5 mg. pills along with three (3) Valium 10 mg. pills. Defendant's family took care of her at their home upon learning that she ingested these medications. Defendant has no recollection of this incident.
- D. On or around June 4, 2009, Defendant returned to her home in Plains, Kansas. She claims that she again attempted to overdose on prescription medication.
- E. On or about June 7, 2009, Defendant was working at Memorial Hospital of Texas County in Guymon, Oklahoma. A co-worker reported that Defendant talked to her about wanting to die and wanting to kill her husband, whom she was divorcing at that time. She also told the co-worker that she had taken a handful of Valium and other medications the night before (June 6, 2009) with the intention of overdosing. She then questioned the co-worker about what certain medications in the ICU refrigerator were used for. The co-worker then left the ICU to attend to a patient.
- F. Later that day, after Defendant had completed her shift and left the hospital, supervisors examined the emergency room crash cart and ICU crash cart and noted that several medications were missing. A review of hospital security video showed Defendant removing items from the emergency room crash cart. The value of the items stolen was approximately \$1,373.00.
- G. After completing her shift at Memorial Hospital, Defendant contacted her mother and advised her that she had stolen Valium and Xanax from her mother, and that she had just taken a number of these medications. When

questioned later, Defendant claimed that she did not remember this conversation with her mother.

- H. Later that day on June 7, 2009, law enforcement officers called Defendant at her home and advised her that they knew she had stolen the medications from the crash cart. Defendant then agreed to turn over the stolen medications to law enforcement officers at her home. However, before law enforcement officers arrived at her home, Defendant was involved in an auto accident in Seward County, Kansas. Officers then searched her vehicle and found medications, medicine vials and syringes stolen from the Memorial Hospital of Texas County on the floor of her car.
- I. Defendant claims that she does not remember stealing the medications from Memorial Hospital of Texas County, nor does she remember the car wreck.
- J. When the law enforcement officer questioned her at the accident scene, Defendant stated that she had taken too much of her medications and felt sick. The law enforcement officer administered a field sobriety test to Defendant, which Defendant was not able to complete. Defendant was then arrested and transported to Southwest Medical Center in Seward County, Kansas for treatment. At the hospital, she admitted to taking approximately thirty (30) Xanax and another thirty (30) pills of an unknown type. Defendant was then admitted to the intensive care unit for treatment for an overdose of prescription medications.
- K. On or about June 9, 2009, Defendant was charged in the case styled State of Oklahoma v. Kimberly D. Barnett, Case No. CF-09-00122 in the District Court of Texas County, State of Oklahoma with Burglary in the Second Degree, Grand Larceny and Knowingly Concealing Stolen Property. This case is still pending.
- L. Defendant was subsequently transferred to the psychiatric unit at Southwest Medical Center until she was released on June 10, 2009 and transferred to the Seward County jail.
- M. While at the Seward County jail, Defendant attempted to slit her wrists with a spork. Defendant did not receive any medical attention for this attempt to harm herself.
- N. On or about June 11, 2009, Defendant bonded out of jail and was released to her mother. Defendant's mother contacted Mental Health Services of Oklahoma and arranged for Defendant to be admitted to Red Rock Adult Crisis Unit in Norman, Oklahoma for treatment on June 15, 2009. While at Red Rock, Defendant repeatedly told staff that she had attempted

suicide on eight (8) occasions in the past she would say she was still suicidal to stay in the hospital and avoid going to jail.

- O. Defendant remained at Red Rock for treatment for eight (8) days until June 23, 2009, at which time she requested that she be allowed to transfer to Griffin Memorial Hospital for further treatment.
- P. On or about June 23, 2009, Judge Jequita Napoli entered an Order of Admission to Medical Facility directed to Defendant wherein she found Defendant incompetent to make decisions concerning her own treatment. Judge Napoli ordered that Defendant should be admitted to a medical facility for treatment as a mentally ill person.
- Q. Defendant entered Griffin Memorial Hospital for treatment on June 23, 2009, but was discharged that same day due to Griffin's finding that she was not in need of additional treatment.
- R. Defendant claims that she does not remember the majority of the incidents that have occurred since June 7, 2009.
- S. On or about June 25, 2009, Defendant executed an Agreement with Eric Frische, M.D., Medical Advisor to the Board, that she would not practice respiratory care until the Complaint to be filed against her had been heard by the Board.
- T. On or about March 11, 2010 Defendant was put on probation. During her time on probation she has violated the following terms of her Board Order:
 - (i) Paragraph E – Defendant failed to check in and drug test with OHPP;
 - (ii) Paragraph I – Defendant failed to attend any AA meetings since 09/15/2012 and has not obtained a sponsor; and
 - (iii) Paragraph K – Defendant has made no attempt to attend counseling for trauma and substance abuse.

5. Further, I am guilty of unprofessional conduct in that I have/or I am:

- A. Unfit or incompetent by reason of negligence, habits, or other causes of incompetency in violation of 59 O.S. §2040(2).

- B. Addicted to, or has improperly obtained, possessed, used or distributed habit-forming drugs or narcotics in violation of 59 O.S. §2040(4).
- C. Dishonest or unethical conduct in violation of 59 O.S. §2040(5).
- D. Engaged in the unauthorized possession and use of illegal or controlled substances or pharmacologic agents without lawful authority or prescription by an authorized and licensed independent practitioner of the state of Oklahoma in violation of OAC 435:45-5-3(2).
- E. Guilty of unprofessional conduct as defined by the rules established by the Board, or of violating the code of ethics adopted and published by the Board in violation of 59 O.S. §2040(9).
- F. Violated any provision of the Respiratory Care Practice Act or the rules promulgated by the Board in violation of OAC 435:45-5-3(21) and 59 O.S. §2040(8).
- G. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, agreement or order of the Board in violation of OAC 435:45-5-3(24).
- H. Been adjudged mentally incompetent by a court of competent jurisdiction in violation of OAC 435:45-5-3(13).

6. Further, I admit I am guilty of violating the following terms of my probation pursuant to Order of the Board:

- (i) Paragraph E – Failed to check in and drug test with OHPP;
- (ii) Paragraph I – Failed to attend any AA meetings since 09/15/2012 and has not obtained a sponsor; and
- (iii) Paragraph K – Has made no attempt to attend counseling for trauma and substance abuse.

7. I hereby submit my wallet card and wall certificate as evidence of my intent to surrender my license.

8. I hereby agree that I will not apply for reinstatement of my Oklahoma medical license for a minimum of one year from the entry of the Order Accepting Voluntary Surrender in Lieu of Prosecution, and that if the Board ever reinstates my Oklahoma medical license, it will be under terms of probation to be set by the Board at the time of reinstatement.

9. As a condition to accepting my surrender of license in lieu of prosecution, I acknowledge that the Board may require me to pay all costs expended by the Board for any legal fees and costs, and any investigation, probation and monitoring fees, including but not limited to staff time, salary and travel expense, witness fees and attorney fees.

DATED this 3 day of March, 2013



Kimberly Dawn Barnett, RC

Subscribed and sworn before me this _____ day of _____, 2013

Notary Public

My commission expires on _____.



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

ACCEPTED:

Dated: March 7, 2013

GARY,

No notary here
in this little town.

Not one within 30
miles + I cannot leave her
for that long. I have
tried!!!

Himberg

RECEIVED

MAR - 6 2013

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

Board of Medical Licensure & Supervision State of Oklahoma

101 N.E. 51st Street
Oklahoma City, Oklahoma 73105-1821



P.O. Box 18256
Oklahoma City, Oklahoma 73154-0256

February 28, 2013

Kimberly Dawn Barnett, R.C
110 Wichita St
Forgan, Ok 73938

Kimberly,

Please sign and have this document notarized. You may use the enclosed Pre-paid FedEx envelope to return the document to our office as soon as possible. If you have any questions or concerns please feel free to contact me at (405)962-1420.

Sincerely,

A handwritten signature in cursive script that reads "Shelley Crowder".

Shelley Crowder
Secretary