

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

STATE OF OKLAHOMA, *ex rel.*,)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE)
AND SUPERVISION,)

Plaintiff,)

v.)

COLLEEN ANN SHEETS, RC)
LICENSE NO. RC 1417,)

Defendant.)

FILED

MAY 13 2021

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 20-11-5945

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), by and through the undersigned counsel for the Plaintiff, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, along with Colleen Ann Sheets, R.C. (“Defendant”), Oklahoma Respiratory Care Practitioner License No. 1417, who appears in person, and through counsel, James Barber (collectively, the “Parties”), hereby offer this Order Accepting Voluntary Submittal to Jurisdiction (herein, “Order” or “Agreement”) for acceptance by the Board. Okla. Admin. Code § 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant admits to the allegations herein contained and further acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (“Act”). 59 O.S. § 480, *et seq.*

Defendant, Colleen Ann Sheets, 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. 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. Defendant acknowledges that she has read and understands the terms and conditions stated herein, and that this Agreement may be reviewed and discussed with her by legal counsel prior to execution.

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Defendant herein, if any, shall not be regarded as evidence against her

in a subsequent disciplinary hearing. Defendant will be free to defend herself and no inferences will be made from her willingness to have this Order accepted by the Board. The Parties stipulate that neither the presentation of this Order nor the Board's consideration of this Order shall be

deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not be grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.

Findings of Fact

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

1. In Oklahoma, Defendant holds Respiratory Care Practitioner License No. 1417.
2. On February 11, 2021, a *Verified Complaint* and *Citation* were each filed by the Board. Hearing was set for May 13, 2021. Defendant was served on February 27, 2021 by private process server. An *Affidavit of Service* was filed on March 1, 2021.
3. Defendant has been represented throughout this proceeding by James Barber, OBA #19305. The parties, through counsel, have remained in communication since Defendant's counsel entered the case.
4. On August 20, 2020, Defendant self-reported to Board staff that she had documented having provided services to a patient; however, Defendant did not actually perform the documented service. In a follow-up letter, dated August 26, 2020, Defendant admitted that on July 27, 2020, Defendant charted an oxygen check on a patient whose oxygen she had not actually checked.
5. On August 4, 2020, approximately one week after the incident, Defendant was written up by her employer for said conduct. More specifically, the employer documented that "Colleen Sheets did not put a patient on oxygen, but charted and charged the patient as if she did which is falsifying clinical documentation. This documentation could result in the commission of Medicare fraud. Fortunately, the erroneous charge was caught and did not get processed." The document further describes "previous employee discussions/performance concerns" as "Numerous other verbal coaching sessions concerning documentation."

Conclusions of Law

6. The Board has jurisdiction over the subject matter and is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of Respiratory Care Practitioners in the State of Oklahoma. 59 O.S. § 2026 *et seq.* and Okla. Admin. Code §§ 435:45-1-1 *et seq.* The Board has specific authority to oversee and discipline in this matter pursuant to 59 O.S. 2040 and Okla. Admin. Code § 435:45-5-3.
7. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 2041(A); Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.



8. The Board is authorized to suspend, revoke or order any other appropriate conditions against the license of any Respiratory Care Practitioner holding a license to practice in the State of Oklahoma for unprofessional conduct. 59 O.S. §2040. and Okla. Admin. Code 435:45-5-3.
9. The Board is authorized to accept voluntary submittals to jurisdiction mutually agreed to by parties to a disciplinary action to resolve the action without need for a hearing. 75 O.S. § 309(E); Okla. Admin. Code § 435:5-1-5.1.
10. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
 - a. Dishonest or unethical conduct, in violation of 59 O.S. §2040(5).
 - b. Engaging in fraudulent billing practices and/or violation of federal Medicare and Medicaid laws or state medical assistance laws, in violation of OAC 435: 45-5-3(a)(12).
 - c. Inaccurate recording, falsifying or altering of patient records, in violation of OAC 435:45-5-3(a)(17).
 - d. Violation of any provision(s) of the medical practice act or the rules and regulations of the Board, in violation of OAC 435:45-5-3(a)(24).

ORDERS

IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The Board hereby adopts the Agreement of the Parties in this *Order Accepting Voluntary Submittal to Jurisdiction*, including the findings of fact and conclusions of law stated herein.
2. **COLLEEN ANN SHEETS, R.C.**, Oklahoma Respiratory Care Practitioner License No. 1417 is hereby formally **REPRIMANDED**.
3. Defendant will submit to supervision in her professional capacity for a period of 6 months. Defendant's supervisor, who must be approved in advance by the Board Secretary, must provide bi-monthly reports to the Board's Compliance Officer.
4. Defendant shall pay a \$500.00 fine on the day this Order is entered.
5. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

6. A copy of this Order shall be provided to Defendant as soon as it is processed.

Dated this 13th day of May, 2021.

[Signature]

Billy Stout, M.D., Board Secretary
Oklahoma State Board
of Medical Licensure and Supervision

[Signature]

James M. Brinkworth, M.D., President
Oklahoma State Board
of Medical Licensure and Supervision

[Signature]

Colleen Ann Sheets, R.C.
License No. 1417
Defendant

[Signature]

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Attorney for Defendant

[Signature]

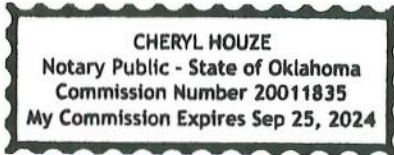
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ACKNOWLEDGMENT

STATE OF OKLAHOMA)
)
) ss.
COUNTY OF)

This instrument was acknowledged before me on the 12 day of May, 2021, by
Colleen Ann Sheets.

Notary Public
Commission Expiration: Sep 25, 2024



[Signature]