

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

FILED

NOV 03 2011

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

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)
)

v.)

Case No. 11-04-4221

AMY CHRISTINE WALKER, P.A.)
LICENSE NO. PA1419,)

Defendant.)
)

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

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 for the State of Oklahoma, and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Amy Christine Walker, P.A., Oklahoma license no. PA1419, who appears in person and pro se, proffer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on September 23, 2011, and acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and the Physician Assistant Act.

Defendant, Amy Christine Walker, P.A., 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 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 has been reviewed and discussed with her.

PARTIES' AGREEMENT AND STIPULATIONS

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

Findings of Fact

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physician assistants in the State of Oklahoma pursuant to 59 Okla. Stat. §519 *et seq.* The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.

2. Defendant, Amy Christine Walker, P.A., holds Oklahoma physician assistant license no. PA1419 and at the time of the events in question, practiced at FastER Care in Oklahoma City, Oklahoma under the supervision of Andrew Hoelscher, M.D.

PRIOR SUBSTANCE ABUSE TREATMENT

3. In or around late 2007, Defendant began abusing Lortab. She obtained the Lortab by asking physician friends and other physician assistants to call in the medications for her.

4. In or around January 2008, while working at Midwest Regional Medical Center in Midwest City, Oklahoma, Defendant found a stack of pre-signed prescriptions. She took them and wrote them to herself for Lortab. The pharmacy became suspicious, contacted the emergency department where she worked, and confirmed that the prescriptions were not legitimate.

5. As a result of this incident, Defendant signed a two (2) year contract with the Health Professionals Recovery Program. She also obtained outpatient treatment at the St. Anthony Start Program for six (6) weeks.

6. In January 2010, Defendant completed her contract with the HPRP and was released.

CURRENT SUBSTANCE ABUSE

7. In or around March 2010, just two (2) months after completing her contract with the HPRP, Defendant relapsed on Lortab. Defendant's drug use quickly escalated to IV Dilaudid she obtained which was to be wasted at her work at FastER Care. Defendant admits that she would order more Dilaudid than needed, she would give the patient some of the Dilaudid, and would take the rest for her personal use. Defendant admits that she injected the Dilaudid while she was at work.

8. Defendant admits that she also used IV Fentanyl while at work when she could not obtain Dilaudid.

9. On or about April 2011, Defendant's supervising physician became suspicious and confronted Defendant, at which time she admitted that she had relapsed.

10. Beginning on or about May 4, 2011 and continuing until August 1, 2001, Defendant obtained inpatient treatment for substance abuse at Palmetto.

11. Subsequent to leaving treatment, Palmetto learned that Defendant had not been honest regarding a relationship with another patient during her treatment and required her to return to Palmetto to address her dishonesty with the treatment team. Palmetto then revised its aftercare recommendations to address this issue.

12. Defendant is guilty of unprofessional conduct in that:

- A. She has violated a provision of the Medical Practice Act or the rules promulgated by the Board pursuant to OAC 435:15-5-11(a)(7).
- B. She has engaged in dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).
- C. She has violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of OAC 435:10-7-4(39).
- D. She habitually uses intoxicating liquors or habit-forming drugs in violation of OAC 435:15-5-11(a)(1), 59 O.S. §509(4) and OAC 435:10-7-4(3).
- E. She is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).
- F. She has engaged in the commission of any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine in violation of 59 O.S. §509(9).

- G. She has violated or attempted to violate, directly or indirectly, any of the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, either as a principal, accessory or accomplice in violation of 59 O.S. §509(13).
- H. She has engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).
- I. She has confessed to a crime involving violation of the antinarcotic or prohibition laws and regulations of the federal government and the laws of this state in violation of 59 O.S. §509(7).
- J. She failed to keep complete and accurate records of the purchase and disposal of controlled drugs or narcotic drugs in violation of 59 O.S. §509(10).
- K. She prescribed, dispensed or administered controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribed, dispensed or administered controlled substances or narcotic drugs without medical need in accordance with published standards in violation of 59 O.S. §509(16).
- L. She prescribed, dispensed or administered controlled substances or narcotic drugs in excess of the amount considered good medical practice or prescribed, dispensed or administered controlled substances or narcotic drugs without medical need in accordance with published standard in violation of OAC 435:10-7-4(2) and (6).
- M. She violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- N. She prescribed, sold, administered, distributed, ordered, or gave any drug legally classified as a controlled substance or recognized as an addictive dangerous drug to a family member or to himself or herself in violation of OAC 435:10-7-4(26).

- O. She purchased or prescribed any regulated substance in Schedule I through V, as defined by the Uniform Controlled Dangerous Substance Act, for the physician's personal use in violation of OAC 435:10-7-4(5).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Physician Assistant Act, the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant, Amy Christine Walker, Oklahoma physician assistant license no. PA1419, is guilty of unprofessional conduct set forth below based on the foregoing facts:

- A. She has violated a provision of the Medical Practice Act or the rules promulgated by the Board pursuant to OAC 435:15-5-11(a)(7).
- B. She has engaged in dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).
- C. She has violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of OAC 435:10-7-4(39).
- D. She habitually uses intoxicating liquors or habit-forming drugs in violation of OAC 435:15-5-11(a)(1), 59 O.S. §509(4) and OAC 435:10-7-4(3).
- E. She is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).
- F. She has engaged in the commission of any act which is a violation of the criminal laws of any state

when such act is connected with the physician's practice of medicine in violation of 59 O.S. §509(9).

- G. She has violated or attempted to violate, directly or indirectly, any of the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, either as a principal, accessory or accomplice in violation of 59 O.S. §509(13).
- H. She has engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).
- I. She has confessed to a crime involving violation of the antinarcotic or prohibition laws and regulations of the federal government and the laws of this state in violation of 59 O.S. §509(7).
- J. She failed to keep complete and accurate records of the purchase and disposal of controlled drugs or narcotic drugs in violation of 59 O.S. §509(10).
- K. She prescribed, dispensed or administered controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribed, dispensed or administered controlled substances or narcotic drugs without medical need in accordance with published standards in violation of 59 O.S. §509(16).
- L. She prescribed, dispensed or administered controlled substances or narcotic drugs in excess of the amount considered good medical practice or prescribed, dispensed or administered controlled substances or narcotic drugs without medical need in accordance with published standard in violation of OAC 435:10-7-4(2) and (6).
- M. She violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- N. She prescribed, sold, administered, distributed, ordered, or gave any drug legally classified as a

controlled substance or recognized as an addictive dangerous drug to a family member or to himself or herself in violation of OAC 435:10-7-4(26).

- O. She purchased or prescribed any regulated substance in Schedule I through V, as defined by the Uniform Controlled Dangerous Substance Act, for the physician's personal use in violation of OAC 435:10-7-4(5).

Order

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

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.

2. The license of Defendant, Amy Christine Walker, P.A., Oklahoma physician assistant license no. PA1419, is hereby **SUSPENDED** beginning May 6, 2011, and continuing for a period of **SIX (6) MONTHS** until November 6, 2011.

3. At the conclusion of the period of suspension, Defendant shall be placed on **PROBATION** for a period of **FIVE (5) YEARS** under the following terms and conditions:

- A. Defendant will conduct her practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act and the Physician Assistant Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act shall be submitted in writing to the Board and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Oklahoma State Board of Medical Licensure and Supervision.

- B. Upon request of the Board Secretary, Defendant will request all hospitals or facilities in which she anticipates practicing to furnish to the Board Secretary of the Oklahoma State Board of Medical Licensure and Supervision a written statement regarding monitoring of her practice while performing services in or to that hospital or facility.

- C. Defendant will furnish to each and every state in which she holds licensure or applies for licensure and hospitals, clinics or other institutions in which she holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.
- D. Defendant will not prescribe, administer, dispense or possess any drugs in Schedules II through V.
- E. Defendant will submit for analysis biological fluid specimens to include, but not limited to, blood and urine, as well as hair samples upon request of the Board or its designee, and Defendant will pay for the costs attendant thereto.
- F. Defendant will not prescribe, administer, or dispense any medications for personal use or for that of any family member.
- G. Defendant will take no medication except that which is authorized by a physician treating her for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating her of the Board Order immediately upon initiation, or continuation of treatment.
- H. Defendant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances, including but not limited to alcohol.
- I. Defendant will sign a contract with and attend a minimum of one (1) meeting per week of the Health Professionals Recovery Program unless excused by the HPRP.
- J. Applicant will additionally attend a minimum of three (3) meetings per week of a local 12-Step program.
- K. Defendant shall obtain a sponsor.
- L. Defendant shall enter and continue counseling with Barbara Young or another counselor approved in advance in writing by the Board Secretary, 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.

M. Defendant shall enter and continue marriage counseling with a counselor approved in advance in writing by the Board Secretary, 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.

N. Defendant shall practice in a controlled environment approved in advance in writing by the Board Secretary and shall limit her work hours to forty (40) hours per week with on-site supervision by her supervising physician at all times.

O. Defendant shall comply with all recommendations of Palmetto.

P. Defendant shall return to Palmetto for all recommended follow-up care or treatment.

Q. Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.

R. Defendant shall promptly notify the Board of any entry into a treatment program for substance abuse.

S. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse.

T. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of her current address.

U. 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 \$150.00 per month probation monitoring fee.

V. Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

W. Defendant shall make herself available for one or more personal appearances before the Board or its designee upon request.

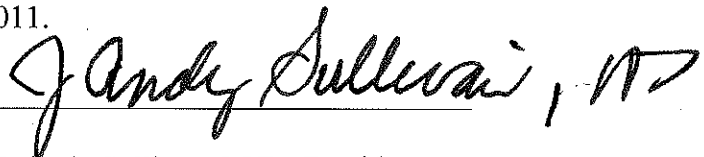
X. Defendant shall submit any required reports and forms on a timely, accurate and prompt basis to the Compliance Coordinator or designee.

Y. 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. Defendant's suspended license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs and expenses incurred by the State of Oklahoma.

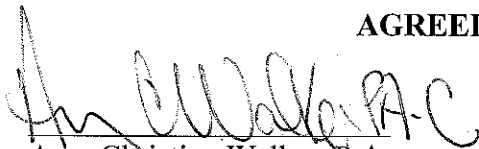
5. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

Dated this 3 day of November, 2011.

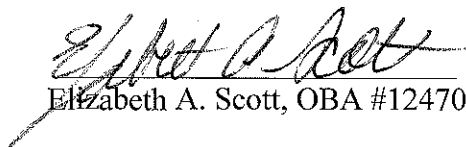


J. Andy Sullivan, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision


AGREED AND APPROVED



Amy Christine Walker, P.A.
License No. PA1419



Elizabeth A. Scott, OBA #12470
Assistant Attorney General
State of Oklahoma
101 N.E. 51st Street
Oklahoma City, OK 73105


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

CERTIFICATE OF MAILING

I certify that on the 4 day of November, 2011, I mailed a true and correct copy of the Order Accepting Voluntary Submittal to Jurisdiction to Amy Christine Walker, 2901 Alyssum Court, Edmond, OK 73034.


Janet Swindle