

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

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

Plaintiff,)

v.)

NATISHA LEIGH DELOZIER)
LICENSE NO. PTA 1647,)

Defendant.)

FILED
MAY 09 2016
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 14-10-5061

ORDER OF DEFAULT JUDGMENT
AND REVOCATION OF LICENSE

The above numbered and entitled cause came on for hearing at the office of the Oklahoma State Board of Medical Licensure and Supervision (herein, "State" or "Board"), on March 10, 2016, at 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and rules of the Board, the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250-323 and the Oklahoma Open Meetings Act, 25 O.S. §§ 301-314.

Natisha Leigh Delozier, P.T.A. ("Defendant"), holding Oklahoma physical therapist assistant license no. 1647, appeared not, nor did she appear through counsel.

Joseph L. Ashbaker, Assistant Attorney General appeared on behalf of the State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision.

The Board *en banc*, after hearing the presentation of AAG Ashbaker, reviewing the prima facie evidence and being fully apprised of the premises, found that there is clear and convincing evidence to support the following:

Findings of Fact

1. Defendant currently holds Oklahoma physician assistant license no. 1647. Defendant also holds physical therapist licenses in Arizona and Oregon.
2. On August 8, 2014, Defendant signed an Agreement for Licensure ("Agreement") with the Board, because of her history of alcohol abuse and concerns about her ability to practice safely. The Agreement was filed on September 18, 2014.

3. On or about September 17, 2014, Defendant provided a urine specimen through the Affinity program. Subsequently, on September 25, 2014, the urine specimen tested positive for Ethyl Alcohol.
4. On September 25, 2014, Mr. Gary Ricks, Board Compliance Coordinator informed Defendant that the positive test was a violation of her Agreement. Defendant admitted that she had "two glasses of wine" and took full responsibility for her actions.
5. On October 3, 2014, Defendant executed an Agreement with the Board Not to Practice in Oklahoma ("ANTP"), which was received by the Board on October 9, 2014.
6. On October 31, 2014, a Complaint and Citation with a scheduled Board hearing date of May 14, 2015, were filed for violations of the Agreement, paragraphs 1, 2, 4, 8, and 11. The Complaint cited unprofessional conduct for violations of the medical practice act or the rules and regulations of the board or of any action. A Third Amended Citation was filed on July 10, 2015 with a Board hearing date of March 10, 2016.
7. On August 27, 2015, the Complaint, Third Amended Citation and a Scheduling Order for the March 10, 2016 Board meeting, and several procedural documents were served upon Defendant. Proof of Service by private process server is filed of record on September 8, 2015.
8. On February 17, 2016, the Board filed a Motion for Default Judgment against Defendant for failure to file an answer to the Complaint. On March 1, 2016, Defendant was served with the Motion for Default Judgment and a Letter Notice of the March 10, 2016 Board hearing. Proof of service by private process server was filed of record on March 18, 2016.
9. Defendant failed to appear in person or through an attorney at the Board hearing on March 10, 2016. Defendant has not contacted the Board or Board's counsel since service of the Motion for Default.
10. The Board *en banc* found the State has proven, by clear and convincing evidence, that Defendant is in default for failing to respond to the October 31, 2014 Complaint and Third Amended Citation. Defendant has also failed to respond to the February 17, 2016 Motion for Default Judgment and Default Notice of Hearing.
11. The Board *en banc* further found the State has proven by clear and convincing evidence, based on the prima facie evidence presented by AAG Ashbaker, that Defendant is guilty of unprofessional conduct as follows:
 - A. Natisha Leigh Delozier, P.T.A., did ingest a substance which caused the body fluid sample that she provided to test positive for alcohol after having signed an Agreement with the Board that she would not do so.

Conclusions of Law

1. The Board *en banc* 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 physicians, surgeons and other allied health professionals in the State of Oklahoma pursuant to 59 Okla. Stat. § 480 *et seq.* Notice was given as required by law and the rules of the Board.
2. The Board is authorized to suspend, revoke or order any other appropriate sanctions against the license of any physician, surgeon and other allied health professional holding a license to practice medicine in the state of Oklahoma for unprofessional conduct. 59 O.S. Supp. 2014, § 503. 59 O.S. 2011; § 509.1(A)(1); § 59 O.S. 2011 and Supp. 2015, §§ 480-518.1; Okla. Admin Code §§ 435:10-7-4(39). Response required within 20 days after service, 59 O.S. 2014, § 503 and Okla. Admin Code § 435:3-3-8(a). The finding of default is authorized under 75 O.S. 2011, § 309(E) and Okla. Admin. Code §§ 435:3-3-8, § 435:3-3-14. This authority is *quasi-judicial* 59 O.S. 2011, § 513(A)(1).
3. The Board *en banc* concluded that the State has met its burden by clear and convincing evidence that Natisha Leigh Delozier, P.T.A. has violated the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, as stated in the Complaint, case no. 14-10-5061 filed October 31, 2014, against her in paragraph 10.

Orders

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

1. The Motion for Default Judgment against Defendant **NATISHA LEIGH DELOZIER, P.T.A.** is **APPROVED**.
2. The health professional license of Defendant **NATISHA LEIGH DELOZIER, P.T.A.**, Oklahoma physical therapy assistant license no. 1647, is hereby **REVOKED**.
3. 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.
4. A copy of this written order shall be sent to Defendant as soon as it is processed.
5. **This Order is subject to review and approval by the Oklahoma Attorney General, and this Order shall become final upon completion of the review by the Oklahoma Attorney General unless disapproved, in which case this Order shall be null and void.**

Dated this 9th day of May, 2016.



Billy H. Stout, M.D., Board Secretary
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

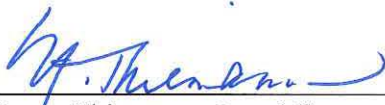
Certificate of Service

This is to certify that on the 10th day of May, 2016, a true and correct copy of this Order was sent by U.S. first-class mail, postage prepaid, to the following:

Natisha Leigh Delozier
13301 S. Lewis Avenue
Bixby, Oklahoma 74008-3686

Natisha Leigh Delozier
101783 Highway 59 North
Sallisaw, Oklahoma 74955

Defendant *Pro Se*



Nancy Thiemann, Legal Secretary



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-202A

FILED

MAY 09 2016

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Billy Stout, M.D., Board Secretary
State Board of Medical Licensure and
Supervision
101 NE 51st Street
Oklahoma City, Oklahoma 73105

March 31, 2016

Dear Board Secretary Stout:

This office has received your request for a written Attorney General Opinion regarding agency action that the State Board of Medical Licensure and Supervision intends to take with respect to physical therapist assistant licensee 1647. The proposed action is to enter default judgment revoking the license to practice as a physical therapist assistant. The licensee had initially been licensed in 2014 with several conditions relating to a history of alcohol abuse. Those conditions included attendance of a twelve-step alcohol abuse program and submission to body fluid testing. The licensee then submitted a body fluid sample containing evidence of alcohol use, after which the licensee admitted to using alcohol and executed an agreement not to practice pending the disciplinary process. After multiple attempts at service, the licensee was finally served nearly 11 months after a complaint was filed with the Board. The licensee did not respond to the complaint, nor did the licensee respond after default judgment was sought.

The Physical Therapy Practice Act, 59 O.S.2011 & Supp.2015, §§ 887.1–887.18, authorizes the Board to discipline licensees if their use of “drugs, narcotics, medication, or intoxicating liquors” has an effect on the licensee’s professional competency, 59 O.S.Supp.2015, § 887.13(A)(4). Further, the Board’s rules require the filing of a “written answer under oath . . . within 20 days after the service” of a citation and complaint, OAC 435:3-3-8(a). Given the licensee’s disregard for the disciplinary process—not even requesting an extension—the Board may reasonably believe that default judgment and the revocation of the license are necessary to deter violations of agreed orders intended to prevent treatment from being compromised by alcohol abuse.

It is, therefore, the official opinion of the Attorney General that the State Board of Medical Licensure and Supervision has adequate support for the conclusion that this action advances the State of Oklahoma’s policy to ensure treatment is not compromised by alcohol abuse.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

