

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, )

FEB 03 2000

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )

v. )

Case No. 99-09-2115

TERRY L. RICE, R.C., )  
R.C. LICENSE NO. 201, )

Defendant. )

**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, Terry L. Rice, R.C., Oklahoma R.C. license no. 201, who appears in person and through his attorney, Kyle N. Sweet, 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 27, 1999 and acknowledges that hearing before the Board would result in some sanction under the Respiratory Care Practice Act.

Defendant, Terry L. Rice, R.C., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his 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 he has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with him by his attorney

## ***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 respiratory therapists in the State of Oklahoma pursuant to 59 Okla. Stat. §§ 480 *et seq.* and 2026 *et seq.*

2. Defendant, Terry L. Rice, R.C., holds respiratory care license no. RC201 in the State of Oklahoma.

3. On July 10, 1999, Defendant took a 30cc bottle of liquid Lortab that had been ordered for a patient at the Grady County Memorial Hospital from a medication cart and consumed the same.

4. Defendant had previously been treated for alcohol abuse at Presbyterian Health South in 1989. Since that time, Defendant admitted that he has relapsed on alcohol.

5. Based on the allegations stated above, Defendant is guilty of unprofessional conduct as follows:

- A. He is unfit or incompetent by reason of negligence, habits, or other causes of incompetency in violation of 59 Okla. Stat. §2040(2).
- B. He is addicted to, or has improperly obtained, possessed, used or distributed habit-forming drugs or narcotics in violation of 59 Okla. Stat. §2040(4).
- C. He is guilty of dishonest or unethical conduct in violation of 59 O.S. §2040(5).
- D. He has violated the following provision of the rules promulgated by the Board under 59 Okla. Stat. §2040(9):
  - (1) Conduct likely to deceive, defraud, or harm the public in violation of OAC 435:10-7-4(11) and 59 O.S. §509(9).

### *Conclusions of Law*

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Respiratory Care Practice 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, Terry L. Rice, R.C., Oklahoma respiratory care license no. 201, is guilty of the unprofessional conduct set forth below based on the foregoing facts:

- A. He is unfit or incompetent by reason of negligence, habits, or other causes of incompetency in violation of 59 Okla. Stat. §2040(2).
- B. He is addicted to, or has improperly obtained, possessed, used or distributed habit-forming drugs or narcotics in violation of 59 Okla. Stat. §2040(4).
- C. He is guilty of dishonest or unethical conduct in violation of 59 O.S. §2040(5).
- D. He has violated the following provision of the rules promulgated by the Board under 59 Okla. Stat. §2040(9):
  - (1) Conduct likely to deceive, defraud, or harm the public in violation of OAC 435:10-7-4(11) and 59 O.S. §509(9).

### *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. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, Defendant shall be placed on PROBATION for a period of five (5) years under the following terms and conditions:

- A. Defendant will conduct his practice in compliance with the Oklahoma Respiratory Care Practice 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. Defendant will furnish to each and every state in which he holds licensure or applies for licensure and hospitals, clinics or other institutions in which he 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.

C. Upon request of the Board Secretary, Defendant will request all hospitals in which he practices to furnish to the Board Secretary a written statement regarding monitoring of his practice while performing services in or to that hospital.

D. Defendant will obtain and maintain a primary care physician.

E. Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of the Oklahoma State Board of Medical Licensure and Supervision or its designee, and Defendant will pay for the analysis thereof.

F. Defendant will not prescribe, administer, dispense or possess any drugs in Schedules 2-5 except to hospital inpatients or emergency room patients.

G. Defendant will complete fourteen (14) hours of substance abuse education as recommended by the NAIC-Center for Oklahoma Alcohol & Drug Services, Inc. within the next twelve (12) months.

H. Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating him of the Board Order immediately upon initiation, or continuation of treatment.

I. Defendant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances.

J. Defendant will attend two (2) meetings per week of

Alcoholics Anonymous or another 12-Step program approved in advance by the Board Secretary.

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

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

M. Defendant will authorize in writing the release of any and all records of his medical, emotional or psychiatric treatment to the Oklahoma State Board of Medical Licensure and Supervision and will authorize the Compliance Consultant to the Board to discuss his case and treatment with the individuals providing Defendant's treatment.

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

O. Defendant will keep current payment of all assessment by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of his case.

P. 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.

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

R. Defendant will notify the Board or its designee of any slip, relapse, entry or re-entry into an inpatient rehabilitation, assessment, or evaluation program and shall provide to the Board or its designee written authorization for any and all records associated with said treatment, assessment or evaluation. Defendant acknowledges and agrees that the Board may use such information against Defendant in any future disciplinary proceedings.

S. 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.

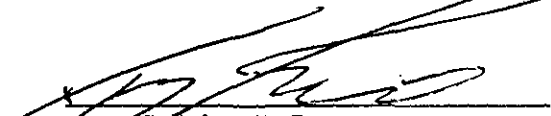
3. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs, and shall keep current all payments for monitoring his compliance with this agreement.

Dated this 3 day of ~~January~~<sup>February</sup>, 2000.

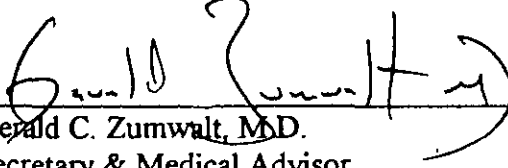


Billy Stout, M.D., President  
Oklahoma State Board of  
Medical Licensure and Supervision

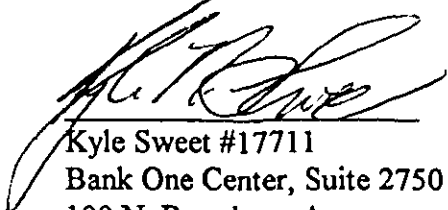
**AGREED AND APPROVED:**



Terry L. Rice, R.C.  
License No. RC201

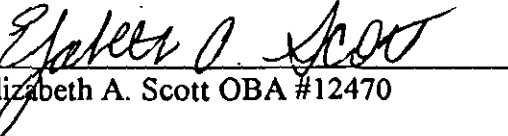


Gerald C. Zumwalt, M.D.  
Secretary & Medical Advisor  
Oklahoma State Board of  
Medical Licensure and Supervision



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Attorney for the Oklahoma State Board  
of Medical Licensure and Supervision

CERTIFICATE OF MAILING

This is to certify that on this 7th day of February, 2000, a true and correct copy of this order was mailed, postage prepaid, to : Terry Rice, RC, 728 West Dakota Ave., Chickasha, Ok 73018.

Janet Owens  
Janet Owens, Secretary