

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, )

NOV 02 2007

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )

v. )

Case No. 07-05-3290

HOLLY TINA WELLS, R.C., )  
LICENSE NO. 2215 )

Defendant. )

FINAL ORDER OF SUSPENSION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on November 1, 2007, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared not.

The Board *en banc* after hearing arguments of counsel and reviewing the exhibits admitted, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

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

2. 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.

3. Defendant, Holly Tina Wells, R.C., holds respiratory care license no. RC2215 in the State of Oklahoma.

4. On or about April 9, 2007, Defendant was stopped by the Broken Arrow Police Department for not having a license plate displayed. The police searched her car and arrested her for possessing almost one (1) gram of Methamphetamine, used smoking devices and a loaded semi-automatic pistol.

5. After her arrest, the police again questioned Defendant, at which time she admitted that she had been abusing Methamphetamine and that she had smoked Methamphetamine in her home just prior to leaving and being stopped by the Broken Arrow Police Department earlier that afternoon.

6. Broken Arrow Police subsequently obtained a search warrant for Defendant's home, where they found three (3) zip-top baggies of compressed marijuana, four (4) baggies containing crystal Methamphetamine, and a set of counter-balance scales with Methamphetamine residue.

7. As a result of the search warrant, Defendant was again arrested on April 9, 2007 and charged in the District Court of Wagoner County, State of Oklahoma in the case styled State of Oklahoma v. Holly Tina Wells, Case No. CF-07-00098A with **UNLAWFUL POSSESSION OF CONTROLLED DANGEROUS DRUGS WITH INTENT TO DISTRIBUTE, UNLAWFUL POSSESSION OF DRUG PARAPHERNALIA, AND POSSESSION OF CONTROLLED DANGEROUS DRUGS WITHOUT AFFIXING APPROPRIATE TAX STAMP.**

8. Based on the allegations stated above, Defendant is guilty of unprofessional conduct in that she:

- A. Is 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 Okla. Stat. §2040(9) and 435:45-5-3(24).
- B. 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. Is guilty of dishonest or unethical conduct in violation of 59 O.S. §2040(5).
- D. Has violated any provision of the Respiratory Care Practice Act in violation of 59 O.S. §2040(8) and 435:45-5-3(21).
- E. 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 435:45-5-3(2).

- F. Is unfit or incompetent by reason of negligence, habits, or other causes of incompetency in violation of 59 Okla. Stat. §2040(2).
- G. Confessed to or pled no contest to a felony or a crime involving moral turpitude in violation of 435:45-5-3(5).
- H. Confessed to or pled no contest to a drug related offense in violation of 435:45-5-3(6).

### *Conclusions of Law*

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to 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 is guilty of unprofessional conduct in that she:

- A. Is 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 Okla. Stat. §2040(9) and 435:45-5-3(24).
- B. 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. Is guilty of dishonest or unethical conduct in violation of 59 O.S. §2040(5).
- D. Has violated any provision of the Respiratory Care Practice Act in violation of 59 O.S. §2040(8) and 435:45-5-3(21).
- E. 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 435:45-5-3(2).

- F. Is unfit or incompetent by reason of negligence, habits, or other causes of incompetency in violation of 59 Okla. Stat. §2040(2).
- G. Confessed to or pled no contest to a felony or a crime involving moral turpitude in violation of 435:45-5-3(5).
- H. Confessed to or pled no contest to a drug related offense in violation of 435:45-5-3(6).

3. The Board further found that the Defendant's license should be suspended based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §2040(2), (4), (5), (8) and (9) and OAC 435: 45-5-3 (2), (5), (6), (21) and (24).

### *Order*

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

1. The license of Defendant, Holly Tina Wells, R.C., Oklahoma license no. 2215, is hereby **SUSPENDED** as of the date of this hearing, November 1, 2007 for a minimum of six (6) months.
2. After six (6) months, Defendant may apply for reinstatement of her respiratory case license, at which time she must appear before the Respiratory Care Advisory Committee for a Committee recommendation prior to seeking reinstatement by the Board.
3. During her period of suspension, Defendant shall submit to monitoring by the Board's Compliance Consultant, including, but not limited to, random drug testing, and shall pay all costs associated with the monitoring.
4. If the Board reinstates Defendant's Respiratory Care Practitioner License after her suspension, it shall be under terms of probation to be determined at that time by the Board, with consideration of any recommendations of the Respiratory Care Advisory Committee.
5. 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.
6. Defendant's suspended license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs.

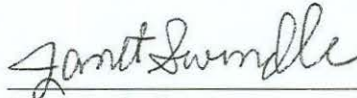
Dated this 2 day of November, 2007.



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

**CERTIFICATE OF SERVICE**

I certify that on the 5 day of November, 2007, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Holly Wells, 20110 E. 37<sup>th</sup> Street South, Broken Arrow, OK 74014-1757.



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Janet Swindle