

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

FILED

NOV 03 2011

IN THE MATTER OF THE
APPLICATION OF

HOLLY TINA MYERS, R.C.,

FOR REINSTATEMENT OF OKLAHOMA
RESPIRATORY CARE LICENSE NO. 2215

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 07-05-3290

**ORDER GRANTING REINSTATEMENT OF
LICENSE UNDER TERMS OF PROBATION**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision on November 3, 2011, at the Board office, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and rules of the Board.

Defendant, Holly Tina Myers, R.C., appeared in person and pro se.

Elizabeth A. Scott, Assistant Attorney General, appeared on behalf of the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision.

The Board *en banc* heard testimony, reviewed the exhibits presented, and being fully apprised of the premises, entered the following Findings of Fact, Conclusions of Law, and Orders:

Findings of Fact

1. The Board *en banc* has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the rules of the Board.

2. On November 1, 2007, after hearing before the Board *en banc*, the Board entered a Final Order of Suspension whereby it suspended Defendant's license for a minimum of six (6) months after which time she could apply for reinstatement. The Board further ordered that she must appear before the Respiratory Care Advisory Committee for a Committee recommendation prior to seeking reinstatement by the Board.

3. Defendant is now seeking reinstatement of her Oklahoma respiratory care license no. RC2215.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to reinstate the license of a respiratory care practitioner pursuant to 59 O.S. §§480 et seq. and 2026 et seq.
2. The Board may impose practice parameters and other restrictions as necessary to protect the health, safety and welfare of the public under 59 O.S. §2026 et seq.

ORDER

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

1. Defendant's respiratory care practitioner license shall be reinstated under the following terms and conditions of **PROBATION**, which shall continue for a period of **FIVE (5) YEARS** from the date of reinstatement under the following terms and conditions:
 - A. Defendant will conduct her 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 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.
 - C. Defendant will not administer, dispense or possess any drugs in Schedules I through V.
 - D. Defendant will submit for analysis biological fluid specimens including, but not limited to, blood and urine, upon request of the Board or its designee, and Defendant will pay for the costs attendant thereto.
 - E. 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.

F. 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.

G. 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.

H. Defendant shall sign a contract with and comply with all requirements of the Oklahoma Allied Professional Peer Assistance Program.

I. Defendant shall attend one (1) 12-Step meeting per week.

J. Defendant shall practice under direct supervision for four (4) months.

K. Defendant will enter and continue counseling for her trauma issues with a counselor approved in advance 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. Frequency of counseling shall be determined by the counselor. Defendant shall submit quarterly reports from her counselor to the Board Secretary for his review.

L. Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.

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

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

O. Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of her case, including but not limited to a one-hundred fifty dollar (\$150.00) per month monitoring fee.

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


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

2. During the period of probation, failure to meet any of the terms of probation will constitute cause for the Executive Director of the Board to immediately suspend Defendant's license pursuant to 59 O.S. §506(B).

3. Defendant's suspension will be lifted, and her license will be reinstated only upon payment in full of all costs and expenses incurred by the State of Oklahoma.

4. A copy of this written order shall be sent to Defendant as soon as it is processed.

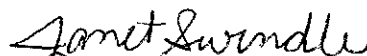
Dated this 3 day of November, 2011.



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

Certificate of Service

On the 4 day of November, 2011, a true and correct copy of this order was mailed, postage prepaid, to Holly Tina Myers, P.O. Box 140594, Broken Arrow, OK 74014.



Janet Swindle