

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

FILED

SEP 12 2013

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
Plaintiff,)
)
)
)
v.)
)
HOLLY TINA MYERS,)
LICENSE NO. RC2215)
Defendant.)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 07-05-3290

VOLUNTARY SURRENDER OF LICENSE
IN LIEU OF PROSECUTION

State of Oklahoma)
)
Oklahoma County)

I, Holly Tina Myers, RC, being of lawful age and after first being duly sworn, depose and state as follows:

1. I hereby voluntarily surrender my Respiratory Care license no. 2215.
2. The surrender of my license is freely and voluntarily made. I have not been subject to any coercion or duress, and I am fully aware of the consequences of the surrender of my license.
3. I am the subject of an investigation by the Oklahoma State Board of Medical Licensure and Supervision involving allegations that if proven, would constitute grounds for disciplinary action by the Board.
4. The allegations to which I have pled guilty are as follows:
5. Defendant, Holly Tina Myers, holds Oklahoma license no. RC2215.

History with the Board

6. 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.

7. On November 3, 2011, after hearing before the Board en banc, Defendant was placed on probation for a term of five (5) years pursuant to the Order Granting Reinstatement of License Under Terms of Probation filed herein on November 3, 2011.

Violation of Probation

8. Pursuant to the terms of Defendant's probation, Defendant is required to check in each day for random monthly drug testing through Affinity. Defendant has missed checking in with Affinity 29 times in an eight-month period. Defendant was contacted by Board Staff, Ms. Crowder, after each missed call-in to discuss her reasons for same and to help her stay focused during the probation period. **Defendant was drug tested once a month and never missed taking a random drug test.**

9. In December of 2012 Defendant injured her knee, requiring surgery and physical therapy. She started blaming her missed call-ins on her knee injury and the pain it was causing her as well as the ongoing pain and time associated with her physical therapy. Ms. Crowder and the Board's Compliance Coordinator attempted to help Defendant by staying in contact with her, but she continued to apologize and said she would do better in the future.

10. On March 1, 2013 Defendant submitted to a random urine test. The test was positive for Ethyl. An ETG was subsequently performed on the test. The cutoff level for a positive result is set at 500. Defendant tested at a level of 4175.

11. On or about March 15, 2013 Board's Compliance Coordinator contacted the Defendant to discuss her positive drug test. Initially she denied drinking alcohol and blamed the positive result on medications. After further discussion she admitted she attends "business mixers where wine is served." When asked if she drank any wine she said, "I don't think so. I will need to check the date of the mixer." Upon further discussion and questioning by the Board's Compliance Coordinator, Defendant ultimately denied consuming any alcohol while on probation.

12. Defendant is in violation of the following paragraphs of the Order Granting Reinstatement of License Under Terms of Probation filed herein on November 3, 2011:

Paragraph 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.

13. Defendant is guilty of unprofessional conduct in that she is in:

Violation of any provision(s) of the medical practice act or the rules and regulations of the Board or of any action, stipulation or agreement of the Board as stated in *Oklahoma Administrative Code Rule 435:10-7-4 (39)*.

14. I hereby submit my wallet card and wall certificate as evidence of my intent to surrender my license.

15. I hereby agree that I will not apply for reinstatement of my Oklahoma ~~Physical Therapist Assistant~~ ^{Respiratory Care} license for a minimum of one year from the entry of the Order Accepting Voluntary Surrender in Lieu of Prosecution, and that if the Board ever reinstates my Oklahoma ~~Physical Therapist Assistant~~ ^{Respiratory Care} license, it will be under terms of probation to be set by the Board at the time of reinstatement.

16. As a condition to accepting my surrender of license in lieu of prosecution, I acknowledge that the Board may require me to pay all costs expended by the Board for any legal fees and costs, expended by the Board for any legal fees and costs, and any investigation, probation and monitoring fees, including but not limited to staff time, salary and travel expense, witness fees and attorney fees.

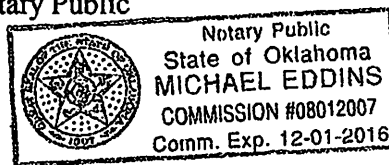
DATED this 11th day of Sept, 2013.

Holly Tina Myers
Holly Tina Myers, RC

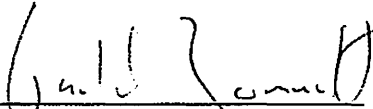
Subscribed and sworn before me this 11th day of Sept, 2013.

Michael Eddins
Notary Public

My commission expires on 12-1-2016



ACCEPTED:



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

Date: 9-12-13



Oklahoma State Board
of Medical Licensure and Supervision
License Number: 2215

PROBATION

Licensee Name: HOLLY TINA MYERS, R.C.P.

License Type: Respiratory Care Practitioner

License Restrictions:

Beginning On 09-Dec-2012 To: 30-Nov-2014

The undersigned certifies that the person has been issued
a license to practice in the State of Oklahoma.



Sec'y, Medical Board