

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, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
ANITA JETAWN COOPER, R.C., )  
R.C. LICENSE NO. 2538, )  
 )  
Defendant. )

MAY 21 2009

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 08-10-3598

**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, Anita Jetawn Cooper, R.C., Oklahoma license no. 2538, who appears in person and pro se, 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 April 18, 2009, and acknowledges that hearing before the Board would result in some sanction under the Respiratory Care Practice Act.

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

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

2. Defendant, Anita Jetawn Cooper, R.C., holds respiratory care license no. RC2538 in the State of Oklahoma.

3. On or about September 19, 2008, Defendant was working at St. Anthony Hospital in Oklahoma City, Oklahoma. At one point during her shift, Defendant went into the medication room and found that the Pyxis had been left open and that the Lortab drawer was open. Defendant took a handful of Lortab, placed them in her pocket, then left the room.

4. Later that morning, Defendant's supervisor asked her to come with him to the Respiratory Therapy Office. While they were waiting for the Director of Respiratory Therapy to arrive, Defendant asked to go the locker room, at which time she took the Lortab out of her pocket and hid it in her locker.

5. Security personnel subsequently searched Defendant's pockets and found nothing. They then searched her locker and found the stolen drugs, as identified by lot numbers and expiration dates.

6. When St. Anthony staff asked Defendant how she got the Lortab, she lied and told them she had received Lortab samples from her dentist.

7. Based on this incident, Defendant was placed on suspension during the pendency of the investigation.

8. An investigation conducted by the St. Anthony security department revealed five (5) separate occasions where narcotics were missing from the Pyxis and Defendant had access to the Pyxis during the times the narcotics were found to be missing, as evidenced by surveillance videos.

9. Based upon the fact that the stolen Lortab was found in Defendant's locker, that it was identified by lot number, and that Defendant could not document that she had received the Lortab as samples from her dentist, St. Anthony Hospital terminated Defendant's employment.

10. 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. Is habitually intemperate or addicted to any drug, chemical or substance which could result in behavior that interferes with the practice of respiratory care and the responsibilities of the licensee in violation of 435:45-5-3(1).
- F. 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).

### *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, Anita Jetawn Cooper, R.C., Oklahoma respiratory care practitioner license no. 2538, is guilty of the unprofessional conduct set forth below based on the foregoing facts:

- 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. Is habitually intemperate or addicted to any drug, chemical or substance which could result in behavior that interferes with the practice of respiratory care and the responsibilities of the licensee in violation of 435:45-5-3(1).
- F. 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).

***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 term of **FIVE (5) YEARS** 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. Upon request of the Board Secretary, Defendant will request all hospitals in which she practices to furnish to the Board Secretary a written statement regarding monitoring of her practice while performing services in or to that hospital.

D. Defendant will not prescribe, administer, dispense or possess any drugs in Schedules II through V.

E. Defendant will attend three (3) meetings per week of a 12-step program.

F. 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.

G. 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.

H. 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.

I. Defendant will not prescribe, administer or dispense any medications for personal use.

J. Defendant shall obtain a primary care physician who shall be responsible for all of her medical needs.

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, accurate and prompt basis to the Compliance Coordinator

or his designee.

M. Defendant will authorize in writing the release of any and all records of her 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 her case and treatment with the individuals providing Defendant's treatment and/or any physicians holding Defendant's records.

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 Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of her case, which shall include a one hundred dollar (\$100.00) per month probation 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.

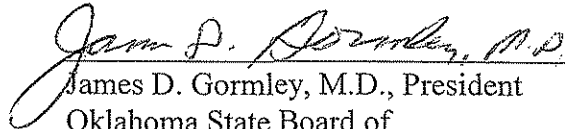
Q. Defendant shall make herself available for one or more personal appearances before the Board or its designee upon request.

R. Defendant 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.

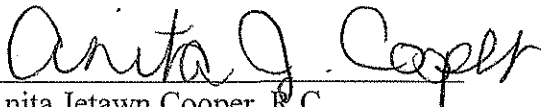
S. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

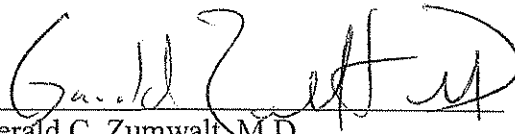
3. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs, and shall keep current all payments for monitoring her compliance with this agreement.

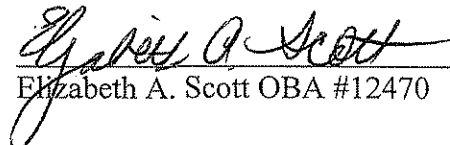
Dated this 21 day of May, 2009.

  
James D. Gormley, M.D., President  
Oklahoma State Board of  
Medical Licensure and Supervision

**AGREED AND APPROVED:**

  
Anita Jetawn Cooper, R.C.  
License No. 2538

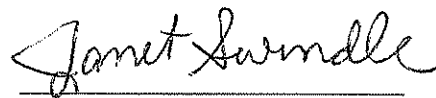
  
Gerald C. Zumwalt, M.D.  
Secretary & Medical Advisor  
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Attorney for the Oklahoma State Board  
of Medical Licensure and Supervision

**CERTIFICATE OF MAILING**

I certify that on the 22 day of May, 2009, I mailed by first class mail a true and correct copy of the Voluntary Submittal to Jurisdiction to Anita Jetawn Cooper, 6206 N.W. 37<sup>th</sup>, Bethany, OK 73008.

  
Janet Swindle