

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

**FILED**

STATE OF OKLAHOMA, ex rel., )  
OKLAHOMA STATE BOARD OF )  
MEDICAL LICENSURE AND )  
SUPERVISION, )

APR - 8 2011

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )

vs. )

CASE NO. 10-06-4008

MELANIE JUNE BROWN, R.C., )  
R.C. LICENSE NO. 2842, )

Defendant. )

**COMPLAINT**

COMES NOW the 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, and for its Complaint against the Defendant, Melanie June Brown, R.C., alleges and states as follows:

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. Defendant, Melanie June Brown, R.C., holds respiratory care license no. RC2842 and has practiced in both Oklahoma and Arkansas.

**2007 ARREST**

3. On or about April 20, 2007, Defendant was arrested in Van Buren, Arkansas and charged with **FLEEING** and **POSSESSION OF MISBRANDED DRUGS**, Case No. 2007-01448, in the District Court of Crawford County, State of Arkansas. Defendant plead guilty and paid a fine and court costs.

**2008 ARREST**

4. On or about July 12, 2008, Defendant was arrested by the Fort Smith Police Department for **POSSESSION OF A CONTROLLED DANGEROUS SUBSTANCE**, a **FELONY**, Case No. 20081141A. That charge is still pending.

## 2010 ARREST

5. On or about March 15, 2010, Defendant was involved in a single car accident in Sallisaw, Oklahoma. When police officers arrived, they noted that Defendant appeared to be impaired and had a clump of a white substance on her tongue as well as in the saliva in the corners of her mouth. Defendant admitted to the police that she had taken some Hydrocodone earlier that day. Officers searched her car and found a pill on the front seat of the car, as well as two (2) vials containing various pills, some of which were later identified as Lorcet. Police also found a rolled up five (5) dollar bill with white residue on it. Defendant admitted to the police that she used the rolled up five (5) dollar bill to snort Hydrocodone after crushing it. At that time, Defendant was arrested.

6. After Defendant was arrested, she was taken to the Sequoyah Memorial Hospital where she submitted to drug test. The test came back positive for Hydrocodone, Promethazine, Fluoxetine and Norfluoxetine. The white powder on the rolled up five (5) dollar bill also tested positive for Hydrocodone.

7. On or about March 22, 2010, Defendant was charged with **DRIVING UNDER THE INFLUENCE-DRUGS, POSSESSION OF A CONTROLLED DANGEROUS SUBSTANCE WITHOUT A VALID PRESCRIPTION, AND POSSESSION OF DRUG PARAPHERNALIA**, Case No. CM-2010-00202, in the District Court of Sequoyah County, State of Oklahoma. Defendant subsequently plead no contest and was ordered to attend DUI School, pay all court costs and fines and to be placed on DA Supervised Probation.

8. On or about August 19, 2010, at the request of Board staff, Defendant submitted to an assessment at the Medical Therapy Group. During the assessment, Defendant admitted that she had a problem with substance abuse.

9. On or about August 24, 2010, Defendant was admitted to The Referral Center for detox. Defendant then transferred to Roadback, Inc. for treatment, where she stayed until October 26, 2010.

## ARKANSAS DISCIPLINARY ACTION AND RELAPSE

10. On or about August 18, 2010, the Arkansas State Medical Board entered an **EMERGENCY ORDER OF SUSPENSION** whereby it suspended Defendant's Arkansas respiratory care practitioner license. The suspension was based upon the 2010 arrest for DUI and Possession of a Controlled Dangerous Substance, the 2007 arrest in Crawford County, Arkansas for Possession of Misbranded Drugs and other drug related offenses, as well as Defendant's failure to advise the Arkansas State Medical Board about these criminal offenses.

11. On or about December 3, 2010, Defendant appeared before the Arkansas State Medical Board on the Emergency Order of Suspension. At that time, the Board continued the

hearing to allow Defendant time to enter into a monitoring contract with the Arkansas Medical Foundation and to develop a record of compliancy.

12. On or about February 23, 2011, Defendant was called to submit a urine specimen for a drug test pursuant to her monitoring contract with Arkansas. Defendant did not cooperate with the collection company, as she “dropped” her specimen on three (3) different occasions.

13. On or about March 9, 2011, Defendant was again called to submit a urine specimen for a drug test. She was unable to submit a specimen at that time. On March 10, 2011, Defendant contacted the Arkansas Medical Foundation and admitted that she had used opiates the previous day, on March 9, 2011. She also admitted that she had used opiates over the holidays before signing her contract with the Foundation. Finally, she admitted that she had gone to the emergency room the prior week and received Vistaril and Clonidine, of which she did not notify the Foundation. At that time, Defendant was advised by the Arkansas Medical Foundation that they could no longer advocate for her.

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

- A. She is unfit or incompetent by reason of negligence, habits, or other causes of incompetency in violation of 59 O.S. §2040(2).
- B. She is addicted to, or has improperly obtained, possessed, used or distributed habit-forming drugs or narcotics in violation of 59 O.S. §2040(4).
- C. She is guilty of dishonest or unethical conduct in violation of 59 O.S. §2040(5).
- D. She 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 O.S. §2040(9).
- E. She violated any provision of the Respiratory Care Practice Act or the rules promulgated by the Board in violation of OAC 435:45-5-3(21) and 59 O.S. §2040(8).
- F. She violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, agreement or order of the Board in violation of OAC 435:45-5-3(24).

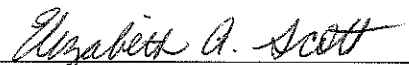
- G. She is guilty of fraud or deceit in procuring or attempting to procure a license or renewal of a license to practice respiratory care in violation of 59 O.S. §2040(1) and OAC 435:45-5-3(8).
- H. She has engaged in the habitually intemperate or addicted use of any drug, chemical or substance which could result in behavior that interferes with the practice of respiratory care and the responsibilities of the licensee in violation of OAC 435:45-5-3(1).
- I. She has plead no contest to a drug related offense in violation of OAC 435:45-5-3(6).
- J. She violated the "Standards of Ethics and Professional Conduct" adopted by the Board in violation of OAC 435:45-5-3(11).

15. These allegations raise serious concerns about Defendant's ability to practice as a respiratory care practitioner in the State of Oklahoma with reasonable skill and safety.

WHEREFORE, plaintiff requests that the Board conduct a hearing, and upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a respiratory care practitioner in the State of Oklahoma.

Dated this 8<sup>th</sup> day of April, 2011.

Respectfully submitted,

  
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Attorney for State ex rel.  
Oklahoma Board of Medical Licensure and  
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