

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).

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. 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).

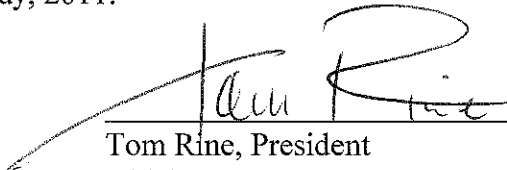
3. The Board further found that the Defendant's license should be suspended based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §2040(1), (2), (4), (5), (8) and (9) and OAC 435:45-5-3(1), (6), (8), (11), (21) and (24).

Order

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

1. The license of Defendant, Melanie June Brown, R.C., Oklahoma license no. 2842, is hereby **SUSPENDED INDEFINITELY** as of the date of this hearing, May 19, 2011.
2. Upon reinstatement of her Arkansas respiratory care license, Defendant may apply for reinstatement of her Oklahoma respiratory care 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. 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.
4. 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.
5. Defendant's suspended license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs.


Dated this 19 day of May, 2011.



Tom Rine, President
Oklahoma State Board of
Medical Licensure and Supervision

CERTIFICATE OF SERVICE

I certify that on the 20 day of May, 2011, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Melanie June Brown, 9312 Darlington Circle, Ft. Smith, Arkansas 72908.



Janet Swindle