

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

FILED

OCT - 7 2022

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.*)
OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
)
MEGAN DUTCH KELLEY, R.C.,)
LICENSE NO. RC 2911,)
)
Defendant.)

Case No. 22-03-6106

ORDER OF DEFAULT JUDGMENT

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision ("Board") on September 15, 2022, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and the rules of the Board.

Joseph L. Ashbaker, Assistant Attorney General ("AAG Ashbaker"), appeared for Plaintiff. Defendant, Megan Dutch Kelley, RC, appeared not, nor was she represented by counsel.

AAG Ashbaker made an offer of proof as to the evidence. The Board, having considered representations of counsel, sworn testimony of the witness, Board Investigator Robbin Roberts, and being fully apprised of the premises, finds the following has been established by clear and convincing evidence.

FINDINGS OF FACT

1. In Oklahoma, Defendant holds respiratory care practitioner license no. 2911, originally issued June 14, 2007.
2. Defendant's R.C. license expired as of June 30, 2021. Defendant treated forty-nine (49) patients at Ascension St. John Medical Center, after her license had expired.
3. Any conclusion of law below which is more properly characterized as a finding of fact is hereby incorporated as a finding of fact.

CONCLUSIONS OF LAW

4. The Board has jurisdiction over the subject matter and 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. 59 O.S. § 2026 *et seq.*, Okla. Admin. Code §§ 435:1-1-1 *et seq.*, 435:45-1-1 *et seq.*
5. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 504; Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.
6. Defendant was properly served and failed to appear and shall be considered in default. The Board accepts the allegations set forth in the complaint as true. Okla. Admin. Code §§ 435:3-3-8
7. Defendant by default is guilty of unprofessional conduct as follows:
 - a. Dishonest or unethical conduct in violation of 59 O.S. §2040(5).
 - b. Has practiced respiratory care after the license has expired or has been suspended in violation of 59 O.S. §2040(6).
 - c. Has been 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).
 - d. Failing to timely make application for license renewal in violation of Okla. Admin. Code §435:45-5-3(14).
 - e. Any finding of fact above which is more properly characterized as a conclusion of law is hereby incorporated as a conclusion of law.

ORDER

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

1. **MEGAN DUTCH KELLEY, R.C.**, Oklahoma respiratory care practitioner license no. 2911, is hereby **REPRIMANDED**.
2. Defendant shall pay a fine of one thousand dollars (\$1,000.00).
3. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.
4. A copy of this Agreed Order shall be provided to Defendant as soon as it is processed.

This Order is subject to review and approval by the Oklahoma Attorney General, and this Order shall become final upon completion of the review by the Oklahoma Attorney General unless disapproved, in which case this Order shall be null and void.

Dated this 22 day of September, 2022.

Steven Katsis MD
Steven Katsis (Sep 22, 2022 12:57 CDT)

Sep 22, 2022

Steven Katsis, M.D., Vice-President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Certificate of Service

This is to certify that on the 7th day of October, 2022, a true and correct copy of this Agreed Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail
Megan Dutch Kelley
3300 W. Broadway Court
Broken Arrow, OK 74012
Defendant

Shelley Crowder
Shelley Crowder

FILED

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OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION



JOHN M. O'CONNOR
ATTORNEY GENERAL

Billy H. Stout, M.D., Board Secretary
State Board of Medical Licensure and Supervision
101 N.E. 51st Street
Oklahoma City, OK 73105-1821

October 4, 2022

Re: Kelley, Case No. 22-03-6106

Dear Dr. Stout:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Medical Licensure and Supervision ("Board") intends to take with respect to Case No. 22-03-6106.

Pursuant to Executive Order 2019-17, Qualifying Boards need not submit "(iv) actions that impose only a fine or a requirement for additional education, and (v) actions that do not affect the status of the license or otherwise prevent the licensee from continuing to participate in the occupation." Because the proposed action does not affect the status of the license or otherwise prevent the licensee from continuing to participate in the occupation, no review by our office is necessary.

A handwritten signature in black ink, appearing to read "Thomas R. Schneider".

THOMAS R. SCHNEIDER
DEPUTY GENERAL COUNSEL