

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,)

JUN 30 2011

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)
)

v.)

Case No. 11-06-4252

ANGELA JUNE AVERY, OTA)
LICENSE NO. OA316,)

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, Angela June Avery, OTA, 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 Occupational Therapy Assistants in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* and 888.1 *et seq.*

2. Defendant, Angela June Avery, OTA, holds Oklahoma Occupational Therapy Assistant license no. OA316 and is authorized to practice as an occupational therapy assistant.

3. On or about October 12, 2010, Defendant submitted her Application for Renewal of Oklahoma Occupational Therapy Assistant License and was asked the following question:

R. Have you obtained 20 hours of approved continuing education and have all the documentation to verify these hours?

In response to this question, Defendant answered "YES".

4. The renewal form further provides that "Random Audits shall be made at the direction of the Occupational Therapy Advisory Committee to verify information submitted. Keep evidence of CEU hours."

5. By letter dated December 29, 2010, Defendant was notified that she had been randomly selected to submit documentation of the required twenty (20) hours of continuing education she had represented that she had obtained between November 1, 2008 and October 31, 2010. She was advised that the documentation must be received in the Board offices by January 14, 2011.

6. Defendant did not send in the required documentation by January 14, 2011.

7. On or about January 21, 2011, Defendant was notified by certified mail that the required documentation of proof of continuing education had not been received. Defendant was further advised that if the required documentation was not received by March 15, 2011, disciplinary action could be initiated.

8. As of the date of the filing of this Complaint, Defendant has not submitted the required documentation of proof of continuing education.

9. Title 59 O.S. §508 provides as follows:

"Whenever any license has been procured or obtained by fraud or misrepresentation...it shall be the duty of the State Board of Medical Licensure and Supervision to take appropriate disciplinary action in the same manner as is provided... for the disciplining of unprofessional conduct."

Section 508 further provides as follows:

"Use of fraudulent information to obtain a license shall be a misdemeanor offense, punishable, upon conviction, by the imposition of a fine of not less than One Thousand Dollars (\$1,000.00), or by imprisonment in the State Penitentiary for not more than one (1) year, or by both such fine and imprisonment."

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

- A. Obtained a license by means of fraud, misrepresentation, or concealment of material facts in violation of 59 O.S. § 888.9(A) (1) and OAC 435:30-1-10(a) (24).
- B. Engaged in unprofessional conduct as defined by the rules established by the Board, or violating the Code of Ethics

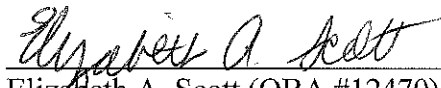
adopted and published by the Board in violation of 59 O.S. § 888.9(A) (2) and OAC 435:30-1-10 (29).

- C. Violated any provision of this act in violation of 59 O.S. § 888.9(A) (5).
- D. Violated any lawful order, rule, or regulation rendered or adopted by the Board in violation of 59 O.S. § 888.9(A) (4).
- E. Engaged in dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public in violation of OAC 435:30-1-10 (3).
- F. Falsified documents submitted to the Occupational Therapy Committee or the Oklahoma State Board of Medical Licensure and Supervision in violation of OAC 435:30-1-10 (23).

Conclusion

WHEREFORE, the Plaintiff respectfully 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 and any other appropriate action with respect to Defendant's occupational therapy assistant license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



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