

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

FILED

MAY 16 2024

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.*)
OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
vs.)
)
KAYLA BOSTON, R.C.,)
LICENSE NO. RC 3298,)
)
Defendant.)

Case No. 24-03-6305

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), by and through the undersigned counsel for the Plaintiff, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, along with KAYLA BOSTON, R.C. (“Defendant”), Oklahoma Respiratory Care Practitioner License No. 3298, who appears in person and by and through counsel, James M. Barber (collectively, the “Parties”), hereby offer this Order Accepting Voluntary Submittal to Jurisdiction (herein, “Order” or “Agreement”) for acceptance by the Board. Okla. Admin. Code § 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant admits to the allegations herein contained and further acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (“Act”). 59 O.S. § 480, *et seq.*

Defendant, KAYLA BOSTON, 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 he fully recognizes her right to appear before the Board for an 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 may be reviewed and discussed with her by legal counsel prior to execution.

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Defendant herein, if any, shall not be regarded as evidence against her

in a subsequent disciplinary hearing. Defendant will be free to defend herself and no inferences will be made from her willingness to have this Order accepted by the Board. The Parties stipulate that neither the presentation of this Order nor the Board's consideration of this Order shall be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not be grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.

Findings of Fact

The Plaintiff, Defendant, and the Board staff each stipulate and agree as follows:

1. In Oklahoma, Defendant holds Respiratory Care Practitioner License No. 3298.
2. On March 14, 2024, a *Verified Complaint* and *Citation* were each filed by the Board. Hearing was set for May 16, 2024. Defendant was served on March 20, 2024 by certified mail, restricted delivery.

Allegations of Professional Misconduct

3. Defendant was, pursuant to Okla. Admin. Code § 435:45-5-1(f), to complete twelve (12) hours of continuing respiratory care education (CRCE) hour between the dates of November 1, 2021 and October 31, 2023.
4. At 4:01 am on October 31, 2023, Defendant submitted an application for renewal of her Oklahoma Respiratory Therapy license. In doing so, Defendant certified that she had obtained twelve (12) hours of Board approved continuing education and that she had the original documentation in her possession to verify the same.
5. Defendant's licensing file was selected for a random CRCE audit pursuant to Okla. Admin. Code § 435:45-5-1(k).
6. An email was sent to Defendant on or about November 8, 2023 informing her of said audit and requesting her to submit proof of continuing education hours she had completed to date. Subsequent emails were sent on November 15, 2023 and December 6, 2023.
7. Defendant did not submit proof of having completed any hours of CRCE. Further, Defendant did not send any response to the emails sent to her and she did not provide any contact information in her licensing file.
8. Further, Okla. Admin. Code § 435:45-5-1(l) states:

“(l) Compliance.

(1) Licensees selected for audit must submit verification of meeting the continuing education requirement.

(2) Failure to submit such records shall constitute an incomplete application and shall result in the application being returned to the licensee and the licensee being unable to practice.

(3) A license obtained through misrepresentation shall result in Board action.”

9. The foregoing act(s) and/or omission(s) constitute unprofessional conduct as defined under the Respiratory Care Practice Act and corresponding regulations, as detailed herein.

Conclusions of Law

1. 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.* and Okla. Admin. Code §§ 435:45-1-1 *et seq.* The Board has specific authority to oversee and discipline in this matter pursuant to 59 O.S. 2040 and Okla. Admin. Code § 435:45-5-3.
2. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 2041(A); Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.
3. The Board is authorized to suspend, revoke or order any other appropriate conditions against the license of any Respiratory Care Practitioner holding a license to practice in the State of Oklahoma for unprofessional conduct. 59 O.S. §2040. and Okla. Admin. Code 435:45-5-
4. The Board is authorized to accept voluntary submittals to jurisdiction mutually agreed to by parties to a disciplinary action to resolve the action without need for a hearing. 75 O.S. § 309(E); Okla. Admin. Code § 435:5-1-5.1.
5. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
 - a. Obtaining or attempting to obtain a license, certificate or documents of any form as a respiratory care practitioner by fraud or deception, in violation of Okla. Admin. Code § 435:45-5-3(8);
 - b. Violating any provision of the Respiratory Care Practice Act or the rules promulgated by the Board, in violation of Okla. Admin. Code § 435:45-5-3(21).

ORDERS

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

1. The Board hereby adopts the Agreement of the Parties in this *Order Accepting Voluntary Submittal to Jurisdiction*, including the findings of fact and conclusions of law stated herein.

2. **KAYLA BOSTON, R.C.**, Oklahoma Respiratory Care Practitioner License No. 3298 Oklahoma Physical Therapist license no. 4837, is hereby formally **REPRIMANDED**.
3. **KAYLA BOSTON, R.C.**, shall pay a fine of \$500.00 within 120 days of this Order being entered.
4. **KAYLA BOSTON, R.C.**, shall complete 24 hours of continuing respiratory care education (CRCE), and provide documentation of the same to Medical Board licensing staff, no later than October 31, 2025.
5. Any violation of the terms, conditions and requirements of this Agreement shall constitute evidence of unprofessional or dishonorable conduct, which may result in disciplinary action, including suspension or revocation.
6. 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.
7. A copy of this Order shall be provided to Defendant as soon as it is processed.

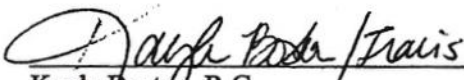
Dated this 16th day of may, 2024.



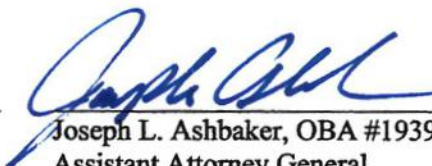
Billy H. Stout, M.D., Board Secretary
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION



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



Kayla Boston, R.C.
Oklahoma License No. RC 3298
Defendant Pro Se



Joseph L. Ashbaker, OBA #19395
Assistant Attorney General
STATE OF OKLAHOMA,
OFFICE OF ATTORNEY GENERAL
Attorney for Plaintiff

ACKNOWLEDGMENT

STATE OF OKLAHOMA)
)
COUNTY OF Custer) ss.

This instrument was acknowledged before me on the 15 day of April,
2024, by Kayla Boston.

Renee Koschek
Notary Public
Commission Expiration: 1.9.24



Certificate of Service

This is to certify that on the 17th day of May, 2024, the foregoing instrument was transmitted as indicated, postage prepaid, to the following:

U.S. First Class Mail, and Email
Kayla Boston, R.C.
21279 E. 1030 Road
Foss, Oklahoma 73647
Defendant Pro Se

E-Mail
Joseph L. Ashbaker, AAG
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Attorney for Plaintiff

Shelley Crowder
Shelley Crowder