

**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,)

JUL 21 2005

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

) **Plaintiff,**)

v.)

Case No. 04-07-2842

CARLEEN ALICIA RAHN, PTA)
LICENSE NO. TA336,)

) **Defendant.**)

VOLUNTARY SUBMITTAL TO JURISDICTION

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 for the State of Oklahoma, and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Carleen Alicia Rahn, PTA, Oklahoma license no. TA336, who appears in person and through counsel, Aimee Salalati, proffer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on February 10, 2005 and acknowledges that hearing before the Board would result in some sanction under the Physical Therapy Practice Act.

Defendant, Carleen Alicia Rahn, PTA, states that she is of sound mind and is not under the influence of, or impaired by, any medication or drug and that she fully recognizes her right to appear before the Board for 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 has been reviewed and discussed with her and her legal counsel.

PARTIES' AGREEMENT AND STIPULATIONS

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

Findings of Fact

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physical therapy assistants in the State of Oklahoma pursuant to 59 Okla. Stat. §§ 480 *et seq.* and 887.1 *et seq.*
2. Defendant, Carleen Alicia Rahn, PTA holds physical therapy assistant license no. TA336 in the State of Oklahoma.
3. Beginning April 27, 2004 through May 21, 2004, Defendant was treated for alcohol abuse at Valley Hope.
4. On July 9, 2004, Integris Clinton Regional Hospital, the hospital where Defendant was employed, obtained a drug screen from Defendant. The test was requested based upon the fact that other employees smelled alcohol on Defendant while she treated patients. This test showed positive levels for Alcohol.
5. Based upon her positive drug screen, Defendant was terminated by Integris Clinton Regional Hospital.
6. On or about August 28, 2004, Defendant was involved in a single car accident and was charged with Criminal Misdemeanor/Driving Under the Influence (Alcohol) and Transporting an Open Container (Alcohol). Defendant subsequently pled guilty to the charges and received probation and a one (1) year deferred sentence.
7. Pursuant to the criminal charges filed against her, on or about September 14, 2004, Defendant submitted to an Alcohol and Drug Assessment by Joseph V. LoVecchio, Ph.D.
8. In or around January 2005, Defendant relapsed on alcohol.
9. Based upon this relapse, on or about May 9, 2005, Defendant submitted to a re-evaluation by Joseph V. LoVecchio, Ph.D.
10. Based on the allegations stated above, Defendant is guilty of unprofessional conduct as follows:
 - A. Used ... intoxicating liquors to an extent which affects the professional competency of the licensee in violation of 59 O.S. §887.13(4).

- B. Is guilty of conduct unbecoming a person licensed as a physical therapist or physical therapy assistant or guilty of conduct detrimental to the best interests of the public or his profession in violation of 59 O.S. §887.13(9).
- C. Is guilty of any act in conflict with the ethics of the profession of physical therapy in violation of 59 O.S. §887.13(10).
- D. Is guilty of dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public in violation of OAC 435:20-5-8(b)(5).
- E. Engaged in conduct which potentially or actually jeopardizes a patient's life, health or safety in violation of OAC 435:20-5-8(b)(9).
- F. Is guilty of habitual intemperance ... [to any] substance that could result in behavior that interferes with the practice of physical therapy and the responsibilities of the licensee in violation of OAC 435:20-5-8(b)(13).
- G. Was convicted of, or confessed to or pled no contest to a felony or misdemeanor in violation of OAC 435:20-5-8(b)(26).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Physical Therapy Practice 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, Carleen Alicia Rahn, PTA, Oklahoma physical therapy assistant license no. TA336, is guilty of the unprofessional conduct set forth below based on the foregoing facts:

- A. Used ... intoxicating liquors to an extent which affects the professional competency of the licensee in violation of 59 O.S. §887.13(4).
- B. Is guilty of conduct unbecoming a person licensed as a physical therapist or physical therapy assistant or guilty of conduct detrimental to the best interests of the public or his profession in violation of 59 O.S. §887.13(9).
- C. Is guilty of any act in conflict with the ethics of the profession of physical therapy in violation of 59 O.S. §887.13(10).

- D. Is guilty of dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public in violation of OAC 435:20-5-8(b)(5).
- E. Engaged in conduct which potentially or actually jeopardizes a patient's life, health or safety in violation of OAC 435:20-5-8(b)(9).
- F. Is guilty of habitual intemperance ... [to any] substance that could result in behavior that interferes with the practice of physical therapy and the responsibilities of the licensee in violation of OAC 435:20-5-8(b)(13).
- G. Was convicted of, or confessed to or pled no contest to a felony or misdemeanor in violation of OAC 435:20-5-8(b)(26).

Order

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

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.

2. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, Defendant shall be placed on **PROBATION** for a period of five (5) years under the following terms and conditions:

A. Defendant will conduct her practice in compliance with the Oklahoma Physical Therapy Practice Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act shall be submitted in writing to the Board and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Oklahoma State Board of Medical Licensure and Supervision.

B. Defendant will furnish to each and every state in which she holds licensure or applies for licensure and hospitals, clinics or other institutions in which she holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of

Medical Licensure and Supervision.

C. Upon request of the Board Secretary, Defendant will request all hospitals in which she practices to furnish to the Board Secretary a written statement regarding monitoring of her practice while performing services in or to that hospital.

D. Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of the Oklahoma State Board of Medical Licensure and Supervision or its designee, and Defendant will pay for the analysis thereof.

E. Defendant will take no medication except that which is authorized by a physician treating her for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating her of the Board Order immediately upon initiation, or continuation of treatment.

F. Defendant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances, including, but not limited to alcohol.

G. Defendant will attend ninety (90) meetings in ninety (90) days, and thereafter will attend three (3) meetings per week of a 12-Step program approved in advance by the Board Secretary.

H. Defendant shall obtain counseling with a counselor approved in advance by the Board Secretary. Defendant shall continue with said counseling until both the counselor and the Board approve discontinuance of counseling. Defendant shall submit quarterly reports of her progress from her counselor to the Board Secretary for his review.

I. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse.

J. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or his designee.

K. Defendant will authorize in writing the release of any and all records of her medical, emotional or psychiatric treatment to the Oklahoma State Board of Medical Licensure and Supervision and

will authorize the Compliance Consultant to the Board to discuss her case and treatment with the individuals providing Defendant's treatment.

L. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of her current address.

M. Defendant will keep current payment of all assessment by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of her case.

N. Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

O. Defendant shall make herself available for one or more personal appearances before the Board or its designee upon request.

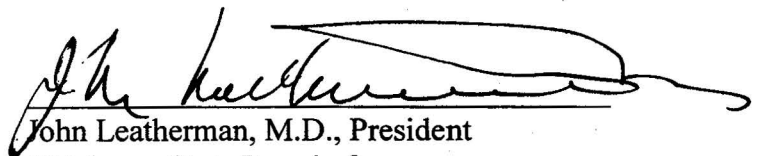
P. Defendant will notify the Board or its designee of any slip, relapse, entry or re-entry into an inpatient rehabilitation, assessment, or evaluation program and shall provide to the Board or its designee written authorization for any and all records associated with said treatment, assessment or evaluation. Defendant acknowledges and agrees that the Board may use such information against Defendant in any future disciplinary proceedings.

Q. Defendant shall comply with all requirements of her probation with the District Court of Custer County, State of Oklahoma.

R. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

3. 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, and shall keep current all payments for monitoring her compliance with this agreement.

Dated this 21 day of July, 2005


John Leatherman, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

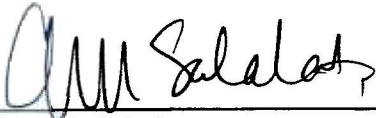
AGREED AND APPROVED:



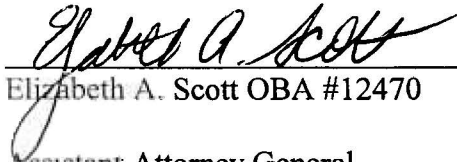
Carleen Alicia Rahn, PTA
License No. TA336



Gerald C. Zumwalt, M.D.
Secretary & Medical Advisor
Oklahoma State Board of
Medical Licensure and Supervision



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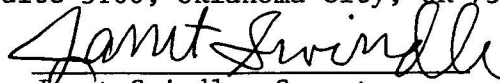
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Attorney for Defendant,
Carleen Alicia Rahn

Attorney for the Oklahoma State Board
of Medical Licensure and Supervision

CERTIFICATE OF SERVICE

I certify that on the 22nd day of July, 2005, I mailed, via first class mail, postage prepaid, a true & correct copy of this Voluntary Submittal Jurisdiction to Aimee Salalati, 204 N. Robinson Suite 3100, Oklahoma City, OK 73102.



Janet Swindle, Secretary