

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 28 2012

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)
)

v.)
ROBERT MONTELLE BRADBURY, R.C.,)
R.C. LICENSE NO. 3385)

Case No. 12-06-4566

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, Robert Montelle Bradbury, RC, 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 respiratory care practitioners in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* and §2026 *et seq.*

2. Defendant, Robert Montelle Bradbury, RC, holds Oklahoma respiratory care license no. RC3385.

3. On or about September 16, 2010, Defendant was granted a respiratory care practitioner license under terms of an Agreement for Licensure based upon a history of alcohol abuse and treatment. The agreement provides as follows:

5. Applicant 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.

9. Applicant will notify the Board or its designee of any relapse, including entry, or re-entry, into an inpatient rehabilitation, assessment, or evaluation program and shall provide to the Board or its designee written

RC 3385

authorization for any and all records associated with said treatment, assessment or evaluation.

4. The provisions cited above have not been modified or deleted but remain in full force and effect as terms and conditions of Defendant's licensure under agreement.

5. On or around June 6, 2012, Defendant provided a urine specimen at the request of the Board's Compliance Department through the Affinity testing facility. The specimen tested positive for Alcohol. Defendant subsequently admitted to Board Compliance Officer Gary Ricks that he had relapsed and had been using alcohol for several months prior to that positive drug test.

6. Defendant is guilty of unprofessional conduct in that he:

- A. He is unfit or incompetent by reason of negligence, habits, or other causes of incompetency in violation of 59 O.S. §2040(2).
- B. He is habitually intemperate in the use of alcoholic beverages in violation of 59 O.S. §2040(3) and OAC 435:45-5-3(1).
- C. He 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).
- D. He 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).
- E. He 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).

7. These allegations raise serious concerns about Defendant's ability to practice as a respiratory care practitioner in the State of Oklahoma with reasonable skill and safety.

WHEREFORE, plaintiff 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, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a respiratory care practitioner in the State of Oklahoma.

Respectfully submitted,



Elizabeth A. Scott (OBA #12470)
Assistant Attorney General
State of Oklahoma
101 N.E. 51st Street
Oklahoma City, OK 73105
Attorney for the Plaintiff