

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

STATE OF OKLAHOMA)	
EX REL. THE OKLAHOMA BOARD)	
OF MEDICAL LICENSURE AND)	
SUPERVISION,)	
Plaintiff,)	Case No. 12-06-4566
v.)	
)	
ROBERT M. BRADBURY, R.C.,)	
R.C. LICENSE NO. 3385)	
Defendant.)	

VOLUNTARY SUBMITTAL TO JURISDICTION

Plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision (“Board”), by and through its attorney, Kathryn R. Savage, 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, Robert Montelle Bradbury, R.C., Oklahoma license no. 3385, who appears in person and pro se, proffer this Agreement for acceptance by the Board *en banc* pursuant to *Oklahoma Administrative Code* section 435:5-1-5.1.

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 June 28, 2012, and acknowledges that a hearing before the Board would result in some sanction under the Respiratory Care Practice Act.

Defendant, Robert Montelle Bradbury, R.C., states that he is of sound mind and is not under the influence of or impaired by any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his 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 he has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with him.

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

2. Defendant, Robert Montelle Bradbury, R.C., holds respiratory care license no. RC3385 in the State of Oklahoma.

3. On or about 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 the Board Compliance Officer Gary Ricks that he had relapse and had been using alcohol for several months prior to that positive drug test.

4. 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 *Okla. Stat. tit. 59, §2040(2)*.
- B. He is habitually intemperate in the use of alcoholic beverages in violation of *Okla. Stat. tit. 59, 2040(3)* and *Oklahoma Administrative Code* section 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 *Okla. Stat. tit. 59, §2040(9)*.
- D. He has violated provisions of the Respiratory Care Practice Act and the rules promulgated by the Board in violation of 59 O.S. §2040(8) and 435:45-5-3(21).
- E. He violated provisions of the medical practice act and/or the rules and regulations of the Board or of an action, stipulation, agreement or order of the Board in violation of the *Oklahoma Administrative Code* section 435:45-5-3(24).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Respiratory Care Practice Act ("RCPA") and its applicable regulations. The Board is authorized to enforce the RCPA as necessary to protect the public health, safety and welfare.

2. Defendant, Robert Montelle Bradbury, R.C., Oklahoma respiratory care practitioner license no. 3385, is guilty of the unprofessional conduct set forth below based on the foregoing facts:

- A. He is unfit or incompetent by reason of negligence, habits or other causes of incompetency in violation of *Okla. Stat. tit. 59, §2040(2)*.
- B. He is habitually intemperate in the use of alcoholic beverages in violation of *Okla. Stat. tit. 59, 2040(3)* and *Oklahoma Administrative Code* section 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 *Okla. Stat. tit. 59, §2040(9)*.
- D. He has violated provisions of the Respiratory Care Practice Act and the rules promulgated by the Board in violation of 59 O.S. §2040(8) and 435:45-5-3(21).
- E. He violated provisions of the medical practice act and/or the rules and regulations of the Board or of an action, stipulation, agreement or order of the Board in violation of the *Oklahoma Administrative Code* section 435:45-5-3(24).

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. The License of Defendant, Robert M. Bradbury, R.C., Oklahoma license no. 3385, is hereby **SUSPENDED** beginning October 8, 2012, and continuing for a period of one (1) month until November 8, 2012.

3. Pursuant to the parties' *Voluntary Agreement and Submittal to Jurisdiction*, Defendant's license to practice shall be placed on **PROBATION** for a term of **FIVE (5) YEARS** under the following terms and conditions:

- A. Defendant will conduct his practice in compliance with the Oklahoma Respiratory Care 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 he holds licensure or applies for licensure and hospitals, clinics or other institutions in which he 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 he practices to furnish to the Board Secretary a written statement regarding monitoring of his practice while performing services in or to that hospital.

D. Defendant will not prescribe, administer, dispense or possess any drugs in Schedules II through V.

E. Defendant will enter and continue individual counseling no less than one (1) time per month to deal with his substance abuse issues with a therapist at Recovery Plus as recommended by Valley Hope Association. Defendant will authorize in writing the release of any and all records of that treatment to the Board. Defendant shall continue said treatment until released by the Board and shall provide quarterly reports from his therapist to the Board Secretary for his review.

F. Defendant will sign a contract with and attend a minimum of one (1) meeting per week with the Oklahoma Health Professionals Program.

G. Defendant will attend three (3) meetings per week of a 12-step program.

H. 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.

I. Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Defendant has the affirmative duty to inform any and every

doctor treating him of the Board Order immediately upon initiation, or continuation of treatment.

J. 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.

K. Defendant will not prescribe, administer or dispense any medications for personal use.

L. Defendant shall obtain a primary care physician who shall be responsible for all of his medical needs.

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

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

O. Defendant will authorize in writing the release of any and all records of his 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 his case and treatment with the individuals providing Defendant's treatment and/or any physicians holding Defendant's records.

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

Q. Defendant will keep current payment of all assessment by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of his case, which shall include a one hundred and fifty dollar (\$150.00) per month probation monitoring fee.

R. 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.

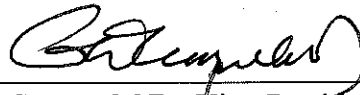
S. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.

T. 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.

U. 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.

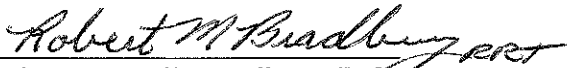
3. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs, and shall keep current all payments for monitoring his compliance with this agreement.

Dated this 8 day of November, 2012.

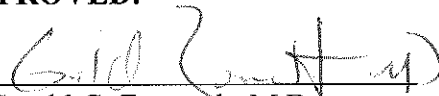


G. David Casper, M.D., Vice-President
Oklahoma State Board of Medical
Licensure and Supervision

AGREED AND APPROVED:



Robert Montelle Bradbury, R.C.



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



Kathryn R. Savage, OBA#18990
Assistant Attorney General

Attorney for the Oklahoma State Board
Of Medical Licensure and Supervision

CERTIFICATE OF MAILING

The undersigned hereby certified that on the 14 day of November, 2012, a true and correct copy of the above and foregoing *Voluntary Submittal to Jurisdiction* was mailed to the following with sufficient postage thereon prepaid:

Robert Bradbury
2120 West 45th Place
Tulsa, Oklahoma 74107

Pro Se Defendant


Shelley Crowder