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

FILED

SEP 13 2012

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, ex rel.,)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)
)
Plaintiff,)
)
vs.)
)
GLEN ZACKERY SELLING, PT,)
LICENSE NO. PT3556,)
)
)
Defendant.)

CASE NO. 11-12-4457

**ORDER ACCEPTING
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, Marissa Lane, 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, Glen Zackery Selling, PT., Oklahoma license no. PT3556, who appears in person, 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 March 29, 2012, and acknowledges that hearing before the Board would result in some sanction under the Physical Therapy Practice Act.

Defendant, Glen Zackery Selling, PT, 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 physical therapists in the State of Oklahoma pursuant to 59 Okla. Stat. §§ 480 *et seq.* and 887.1 *et seq.* The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.

2. Defendant, Glen Zackery Selling, PT holds physical therapist license no. PT3556 in the State of Oklahoma and currently practices in Tulsa, Oklahoma.

PRIOR CRIMINAL HISTORY

3. In or around 1984, Defendant was pulled over by the Oklahoma City Police for speeding and driving with a suspended license. When Defendant's car was searched, police officers found controlled dangerous drugs that did not belong to Defendant. He was then arrested and charged with **POSSESSION OF A CONTROLLED DANGEROUS SUBSTANCE**, Case No. CM-84-3356, in the District Court of Oklahoma County. Defendant was convicted of this crime on or about July 25, 1984.

4. In or around 1988, Defendant was pulled over by the Oklahoma City Police. He had been drinking excessively and was arrested and charged with **DRIVING UNDER THE INFLUENCE (ALCOHOL)**, Case No. CM-88-253, in the District Court of Oklahoma County. Defendant was convicted of this crime on March 23, 1988 and received a one (1) year suspended sentence.

5. In or around 1988, Defendant was arrested by the Oklahoma Highway Patrol. At the time, he was intoxicated and was involved in a automobile accident. When the Highway Patrol Officer learned that Defendant was intoxicated and was driving with a suspended license, he was arrested and subsequently charged with **DRIVING UNDER THE INFLUENCE (ALCOHOL), A FELONY**, Case No. CF-88-6734, in the District Court of Oklahoma County. Defendant was convicted of this crime on January 5, 1989 and received a three (3) year suspended sentence, as well as loss of his driving privileges for three (3) years.

6. On or about October 16, 2001, Defendant received a Pardon from Governor Frank Keating for each of these convictions.

7. On or about February 27, 2002, Defendant applied for his Oklahoma Physical Therapist license. On his application, Defendant truthfully disclosed his Pardon and an explanation of the underlying convictions.

8. On or about July 25, 2002, the Board granted Defendant a Physical Therapist license.

CURRENT UNPROFESSIONAL CONDUCT ALLEGATIONS

9. On or about July 27, 2004, Defendant was arrested by the Delaware County Sheriff's Office. At the time of the arrest, he had been driving erratically and had attempted to elude officers who were trying to pull him over. He appeared to be intoxicated at the time of the arrest, he failed to obey the instructions of the officer, and then attacked the officer. After the officer was able to subdue Defendant by handcuffing him, the officer found an open container of alcohol in the car. Defendant was then arrested and asked to submit to the Breathalyzer test. He initially agreed, but then refused to blow into the machine. Defendant was taken to jail, where officers learned that he did not have a current driver's license.

10. On or about July 29, 2004, Defendant was charged with **DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL, ELUDING/ATTEMPTING TO ELUDE POLICE OFFICER, RESISTING AN OFFICER, TRANSPORTING AN OPEN CONTAINER OF BEER, and DRIVING WITHOUT A DRIVER'S LICENSE**, Case No. CM-2004-854, in the District Court of Delaware County.

11. On or about October 18, 2004, Defendant plead guilty to **DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL AND ELUDING/ATTEMPTING TO ELUDE POLICE OFFICER**. He was convicted of these crimes and received a one (1) year suspended sentence.

12. On or about December 27, 2004, Defendant submitted his Application for Renewal of Oklahoma License. On his Application for Renewal, Defendant was asked the following question: "Since the last renewal...[h]ave you been arrested for, charged with, or convicted of a felony or misdemeanor other than a traffic violation?" In response to this question, Defendant lied and answered "NO". Defendant was also asked the following questions: "Since the last renewal...[h]ave you been arrested for, charged with or convicted of a traffic violation involving the use of drugs and/or alcohol?" In response to this question, Defendant lied and answered "NO". Defendant was additionally asked the following question: "Since the last renewal...[h]ave you been addicted to or abused any drug or chemical substance including alcohol?" In response to this question, Defendant lied and answered "NO". Defendant had in fact been arrested for DUI by the Delaware County Sheriff's Department just five (5) months earlier on July 27, 2004.

13. On or about October 2, 2009, Defendant pawned stolen property at a pawn shop in Tulsa. When he pawned the property, he falsely stated that he had owned the property at least one (1) year, when in fact, he had bought the stolen property on the street that same day. As a

result of these fact, Defendant was charged with **FALSE DECLARATION OF OWNERSHIP IN PAWN**, a **FELONY**, Case No. CF-2010-254, in the District Court of Tulsa County. A warrant for Defendant's arrest was issued at that time.

14. On or about March 18, 2011, Defendant was arrested at the Asian Kitchen in Tulsa, Oklahoma. When paying for his drink, he became angry and reached into the cashier's drawer and grabbed all of the money. He was subsequently tackled by employees and held until police arrived. At that time, police learned that he also had an outstanding Warrant for False Declaration of Ownership in Pawn. He was then arrested and taken to jail.

15. On or about March 23, 2011, Defendant was charged with **ATTEMPTED ROBBERY, 2ND DEGREE**, a **FELONY**, Case No. CF-2011-1047, in the District Court of Tulsa County.

16. On or about August 29, 2011, Defendant plead guilty to both of the outstanding felony charges.

17. On or about November 28, 2011, Defendant was put in jail to await sentencing on his guilty pleas.

18. On or about December 22, 2011, Defendant was sentenced to a ten (10) year deferred sentence on both felony charges to be on probation under the supervision of the Oklahoma Department of Corrections.

19. On or about January 22, 2012, Defendant submitted his Application for Renewal of Oklahoma License. On his Application for Renewal, Defendant was asked the following question: "Since the last renewal....[h]ave you been arrested for, charged with, or convicted of a felony or misdemeanor other than a traffic violation?" In response to this question, Defendant lied and answered "NO". Defendant had in fact been arrested and charged with Attempted Robbery by the Tulsa Police Department just ten (10) months earlier in March 2011.

20. Based on the allegations stated above, Defendant is guilty of unprofessional conduct as follows:

- A. Used drugs, narcotics, medication, or 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. Engaged in dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public in violation of OAC 435:20-5-8(5).
- E. Violated any provision of the Physical Therapy 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 435:20-5-8(31).
- F. Is guilty of habitual intemperance or the habitual use of habit-forming drugs in violation of OAC 435:20-5-8(2).
- G. Was convicted of or confessed to a crime involving violation of the laws of this state in violation of OAC 435:20-5-8(4).
- H. Is guilty of the habitual intemperance or addicted use of any drug, chemical or 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(13).
- I. Has been convicted of, or confessed to or plead no contest to a felony or misdemeanor in violation of OAC 435:20-5-8(26).
- J. Procured, aided or abetted a criminal operation in violation of OAC 435:20-5-8(1).
- K. Participated in fraud, abuse and/or violation of state or federal laws in violation of OAC 435:20-5-8(8).
- L. Falsified documents submitted to the Physical Therapy Committee or the Oklahoma State Board of Medical Licensure and Supervision in violation of OAC 435:20-5-8(21).
- M. Obtained or attempted to obtain a license, certificate or documents of any form as a physical therapist or physical therapist assistant by fraud or deception in violation of OAC 435:20-5-8(22).
- N. Failed to furnish to the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:20-5-8(29).
- O. Failed to report to the Board any adverse action taken against him by another licensing jurisdiction, by a governmental agency, by any law enforcement agency, or by any court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section in violation of OAC 435:20-5-8(32).

21. These allegations raise serious concerns about Defendant's ability to practice as a physical therapist in the State of Oklahoma with reasonable skill and safety.

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, Glen Zackery Selling, PT, Oklahoma physical therapist license no. PT3556, is guilty of the unprofessional conduct set forth below based on the foregoing facts:

- A. Used drugs, narcotics, medication, or 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. Engaged in dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public in violation of OAC 435:20-5-8(5).
- E. Violated any provision of the Physical Therapy 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 435:20-5-8(31).
- F. Is guilty of habitual intemperance or the habitual use of habit-forming drugs in violation of OAC 435:20-5-8(2).
- G. Was convicted of or confessed to a crime involving violation of the laws of this state in violation of OAC 435:20-5-8(4).
- H. Is guilty of the habitual intemperance or addicted use of any drug, chemical or 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(13).
- I. Has been convicted of, or confessed to or plead no contest to a felony or misdemeanor in violation of OAC 435:20-5-8(26).

- J. Procured, aided or abetted a criminal operation in violation of OAC 435:20-5-8(1).
- K. Participated in fraud, abuse and/or violation of state or federal laws in violation of OAC 435:20-5-8(8).
- L. Falsified documents submitted to the Physical Therapy Committee or the Oklahoma State Board of Medical Licensure and Supervision in violation of OAC 435:20-5-8(21).
- M. Obtained or attempted to obtain a license, certificate or documents of any form as a physical therapist or physical therapist assistant by fraud or deception in violation of OAC 435:20-5-8(22).
- N. Failed to furnish to the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:20-5-8(29).
- O. Failed to report to the Board any adverse action taken against him by another licensing jurisdiction, by an governmental agency, by any law enforcement agency, or by any court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section in violation of OAC 435:20-5-8(32).

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, Glen Zackery Selling, P.T., Oklahoma license no. PT3556, is hereby **SUSPENDED** beginning September 13, 2012, and continuing for a minimum period of **THIRTY (30) DAYS** until October 13, 2012

3. At the conclusion of the period of suspension, Defendant shall be placed on FIVE (5) YEARS PROBATION under the following terms and conditions, as well as any additional terms to be determined by the Board at that time:

A. Defendant will conduct his 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 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 submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, as well as hair follicle samples, 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 him for a legitimate medical need and only during that time in which he is being treated by the physician for that specific 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.

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 complete a minimum of 90 days of intensive outpatient addiction and anger management treatment at

G. Defendant will complete a minimum of 90 days of intensive outpatient addiction and anger management treatment at Laureate Psychiatric Clinic and Hospital, or another provider or facility approved by the Board Secretary. Upon discharge or release from outpatient treatment, Defendant shall follow all recommendations made by the treatment provider, and shall meet with Board staff to report on the status of his recovery efforts and his compliance with recommendations of his treatment provider. Recommendations of the treatment provider shall be subject to approval by the Board Secretary, and may be incorporated as an amendment to this Agreement.

H. Defendant will attend a minimum of 4 AA or NA meetings per week.

I. Defendant shall obtain a primary care physician to be approved in advance in writing by the Board Secretary. Defendant's primary care physician shall manage all of Defendant's medications and shall be made aware of any medications prescribed by any other physician to Defendant.

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

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

L. 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.

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

N. 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 but is not limited to a one hundred-fifty dollar (\$150.00) per month fee during the term of probation.

O. 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.

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

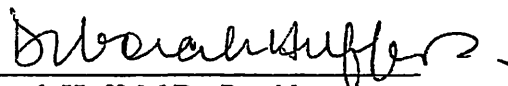
Q. Defendant will notify the Board or its designee of any slip, relapse, entry or re-entry into an inpatient rehabilitation, assessment, or evaluation program and shall provide to the Board or its designee written authorization for any and all records associated with said treatment, assessment or evaluation.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

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.


4. Defendant's suspended license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs and expenses incurred by the State of Oklahoma.

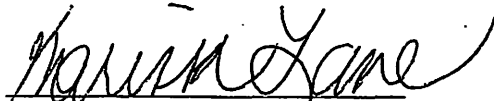
5. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

Dated this 13 day of September, 2012.



Deborah Huff, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

AGREED AND APPROVED


Glen Zackery Selling, PT
License No. PT 3556


Marissa Lane, OBA #13314
Assistant Attorney General
State of Oklahoma
101 N.E. 51st Street
Oklahoma City, OK 73105

Attorney for the Oklahoma State
Board of Medical Licensure and
Supervision


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

CERTIFICATE OF MAILING

I certify that on the 17 day of September, 2012, a mailed a true and correct copy of the Order Accepting Voluntary Submittal to Jurisdiction to Glen Zackery Selling, 3803 S. 216th East Ave., Broken Arrow, OK 74014.


Shelley Crowder