

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

STATE OF OKLAHOMA, *ex rel.*)
OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
vs.)
)
DANIEL WAXELL, R.C.,)
LICENSE NO. RC 3608,)
)
Defendant.)

FILED

APR - 7 2022

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 22-04-6113

VERIFIED COMPLAINT

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), alleges and states as follows for its Complaint against Daniel Waxell, R.C. (“Defendant”):

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 physicians, surgeons and other allied health professionals in the State of Oklahoma pursuant to 59 Okla. Stat. § 480 et seq.

Defendant holds Oklahoma respiratory care license number 3608.

The acts and omissions complained of herein were made while Defendant was acting as a respiratory care provider pursuant to her license conferred upon her by the State of Oklahoma. Such acts and omissions occurred within the physical territory of the State of Oklahoma.

I. BOARD AND LEGAL HISTORY

Defendant plead guilty to Driving Under the Influence in the District Court of Stephens County, Oklahoma, on or about July 19, 2004. Defendant received a one (1) year deferred sentence, and the case was subsequently dismissed upon his completions of the terms of the deferment. When Defendant applied for a Respiratory Care license, he was granted an Agreement for Licensure on or about November 8, 2012. It was recommended at that time that he join the APPA program which he did and completed the same in 2014.

I. ALLEGATIONS OF PROFESSIONAL MISCONDUCT

Defendant was charged with Driving Under the Influence of Alcohol by Oklahoma City Police Department on or about September 25, 2021. A charge was filed in Oklahoma County

Municipal Court on or about October 15, 2021. Defendant plead No Contest to the charges on or about March 8, 2022.

In October 2021, Defendant spoke with Board Staff who suggested Defendant join the APPA program. Defendant had an interview with Dr. Robert Nisbet, APPA Coordinator. Dr. Nisbet feels very strongly that Defendant should rejoin the APPA program. Defendant suggested he thought he would join in a few days when he filled out an application and mailed it in. To date, Defendant has not rejoined APPA.

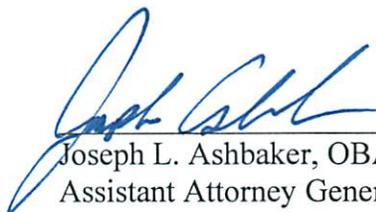
Subsequently, Board Staff suggested Defendant voluntarily get fitness for duty evaluation from a Board approved provider. Defendant agreed and received a fitness for duty evaluation from Dr. Julio I. Rojas, Ph.D., LADC. The interview for the evaluation was conducted on November 24, 2021 and the report was tendered on January 5, 2022. Dr. Rojas determined Defendant is safe to practice provided he follow the treatment and monitoring program Dr. Rojas spelled out in his report. To date, Defendant has not followed the recommendations by Dr. Rojas.

II. VIOLATIONS

1. Based on the foregoing, the Defendant is guilty of professional misconduct as follows:
 - a. Is habitually intemperate in the use of alcoholic beverages in violation of 59 O.S. 2040(3),
 - b. Is addicted to, or has improperly obtained, possessed, used or distributed habit-forming drugs or narcotics in violation of 59 O.S. 2040(9),
 - c. Habitually intemperate or addicted use of any drug, chemical or substance which could result in behavior that interferes with the practice of respiratory care and the responsibilities of the licensee in violation of Okla. Admin. Code § 435:45-5-3(1),

III. CONCLUSION

Given the foregoing, the undersigned requests 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 and any other appropriate action with respect to the Defendant's professional license, including an assessment of costs and attorney's fees incurred in this action as provided by law.



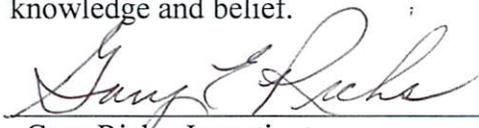
Joseph L. Ashbaker, OBA No. 19395
Assistant Attorney General
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105
405/962.1400
405/962.1499 – Facsimile

VERIFICATION

I, Gary Ricks, under penalty of perjury, under the laws of the State of Oklahoma, state as follows:

1. I have read the above Complaint regarding the Defendant, Daniel Waxell, R.C.;
and

2. The factual statements contained therein are true and correct to the best of my knowledge and belief.



Gary Ricks, Investigator
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Date: 4-7-22


Place of Execution