

92

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, )  
Plaintiff, )

DEC 19 2012

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

v. )

Case No. 12-05-4553

DAVID HILL STALLCUP, )  
R.C. LICENSE NO. 364, )  
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, Kathryn R. Savage, Assistant Attorney General, and for its Complaint against the Defendant, David Hill Stallcup, 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 *Okla. Stat. tit. 59, §480 et seq.* and *§2026 et seq.*

2. Defendant, David Hill Stallcup, RC, holds Oklahoma respiratory care license no. RC364.

3. On or around May 18, 2012, Defendant provided a pre-employment urine specimen at the request of Oklahoma State University Medical Center in Tulsa. The specimen tested positive for Marijuana. Defendant subsequently admitted to Board Investigator Steve Washbourne that he had smoked marijuana and that his pre-employment drug screen was positive.

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

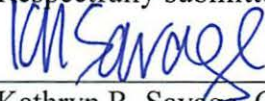
- A. Is unfit or incompetent by reason of negligence, habits, or other causes of incompetency in violation of *Okla. Stat. tit. 59, §2040(2)*.
- B. Is addicted to, or has improperly obtained, possessed, used or distributed habit forming drugs or narcotics in violation of *Okla. Stat. tit. 59, §2040(4)*.

- 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 *Oklahoma Administrative Code* section 435:45-5-3(1).
- D. Unauthorized possession and use of illegal or controlled substances or pharmacologic agents without lawful authority or prescription by an authorized and licensed independent practitioner of the state of Oklahoma in violation of *Oklahoma Administrative Code* section 435:45-5-3(2).
- E. Violated any provision of the Respiratory Care Practice Act or the rules promulgated by the Board in violation of *Oklahoma Administrative Code* section 435:45-5-3(21) and *Okla. Stat. tit. 59, §2040(8)*.

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,



Kathryn R. Savage, OBA #18990  
Assistant Attorney General

Attorney for the Plaintiff