

**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, )  
v. )  
DAVID HILL STALLCUP, )  
R.C. LICENSE NO. 364, )  
Defendant. )

**FILED**

JUL 19 2013

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 12-05-4553

**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, Scott Randall Sullivan, Special Prosecutor for the Board, 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.

**History with the Board**

3. On December 19, 2012 a formal Complaint was filed herein resulting from an incident that happened on or around May 18, 2012, when 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 SW that he had smoked marijuana and that his pre-employment drug screen was positive.

4. On May 16, 2013, after hearing before the Board en banc, Defendant was placed on probation for a term of five (5) years pursuant to the Order Accepting Voluntary Submittal ("VSJ") to Jurisdiction filed herein on May 16, 2013.

**Violation of Probation**

5. On June 10, 2013, Board Compliance Coordinator ("BCC") met with Defendant at the Tulsa County Medical Society for his first supervisory contact. At that time, BCC asked

Defendant if he was taking any medication to which Defendant replied, "No." BCC inquired how long he had been sober to which Defendant stated, "One (1) year. It's not worth it; my career is more important." BCC then asked, "No drinking or marijuana?" Defendant replied, "No."

6. On June 19, 2013, Defendant took his first random drug test and the result was negative.

7. On June 25, 2013, Defendant took his second random drug test and the result was positive for Ethyl. **The cutoff level for a positive result is 500; Defendant tested at a level of 2888.**

8. On July 9, 2013, BCC met with Defendant to discuss the results of his positive drug test. Defendant admitted to having "a couple of beers a week." BCC reminded him of the conversation they had on June 10 about no drinking while on probation. Defendant stated, "I got in trouble for Marijuana, not drinking. I didn't know I couldn't drink."

9. On July 9, 2013, Defendant signed an Agreement not to Practice.

10. Defendant is in violation of the following paragraphs of the Order Accepting Voluntary Submittal to Jurisdiction filed herein on May 16, 2013:

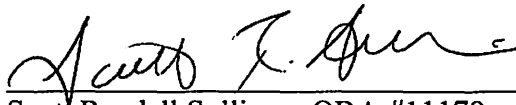
Paragraph M: Defendant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances; and

Paragraph N: Defendant shall follow all guidelines and recommendations as set forth in the report of Richard Davison, MS., LADC, CRC, VHA-CM, CM of Rehabilitation and Recovery Therapeutics Care, L.L.C., dated April 2, 2013.

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

Violation of any provision(s) of the medical practice act or the rules and regulations of the Board or of any action, stipulation or agreement of the Board as stated in *Oklahoma Administrative Code Rule 435:10-7-4(39)*.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Scott R. Sullivan", written over a horizontal line.

Scott Randall Sullivan, OBA #11179  
OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION  
101 N.E. 51<sup>st</sup> Street  
Oklahoma City, OK 73105

Attorney for Plaintiff