

**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,)
))
v.))
))
MICHAEL ALAN SUMMERS, R.C.,)
LICENSE NO. RC 3675)
))
 Defendant.)

DEC 13 2013

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No: 13-12-4870

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, Matthew Ryan Stangl, Assistant Attorney General, and for its Complaint against the Defendant, Michael Alan Summers, 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 59 O.S. §§480 *et seq.* and 2026 *et seq.*
2. Defendant, Michael Alan Summers, RC, holds Oklahoma license no. RC 3675.
3. An Agreement for Licensure was entered into on May 17, 2012 based on Defendant's history of four (4) arrests: two (2) DWI arrests in 1989 and 2002, one (1) DUI arrest in 1998, and one (1) Bogus Check arrest in 1996. Under the terms of agreement, Defendant would submit to random monthly urine specimen tests through the Affinity drug testing program.
4. On or about July 29, 2013 Defendant testified positive for Ethyl. An ETG was also performed on the test. **The cutoff level for a positive result is 500; Defendant tested at a level of 7500.** Subsequently, during an interview with the Board's Compliance Coordinator, Defendant admitted consuming alcohol.
5. Defendant failed to meet the following terms of the Agreement of Licensure dated May 17, 2012:

“Paragraph 5: Applicant 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”;

Paragraph 9: Applicant will notify the Board or its designee of any relapse, including 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”; and

“Paragraph 11: Failure to meet any of the terms of this Agreement shall constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Applicant’s license after due notice and hearing.”

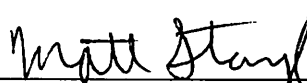
6. Defendant is guilty of unprofessional conduct in that he is in:

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)*.

CONCLUSION

WHEREFORE, the Plaintiff respectfully 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 and any other appropriate action with respect to Defendant’s respiratory care practitioner’s license, and an assessment of costs and attorney’s fees incurred in this action as provided by law.

Respectfully submitted,



Matthew Ryan Stangl, OBA No. 20343
Assistant Attorney General
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
101 N.E. 51st Street
Oklahoma City, OK 73105

Attorney for Plaintiff