

**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, )

MAY 17 2012

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff )

v. )

Case No. 12-01-4479

SHON WYLIE MCBRIDE, PTA, )  
LICENSE NO. TA380, )

Defendant. )

**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, Elizabeth A. Scott, 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, Shon Wylie McBride, PTA, Oklahoma license no. TA380, who appears in person and pro se, offer 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 16, 2012, and further acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and the Physical Therapy Practice Act.

Defendant, Shon Wylie McBride, PTA, 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.

***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 Therapy Assistants in the State of Oklahoma pursuant to 59 Okla. Stat. §§ 887.1 *et seq.*

2. Defendant, Shon Wylie McBride, PTA holds physical therapy assistant license no. TA380 in the State of Oklahoma.

**MARIJUANA VIOLATIONS**

3. On or about November 28, 2011, Defendant was pulled over by the Weatherford Police Department for a traffic stop. Defendant told the police officer that he was on the way to a patient's home. When Defendant was in the police officer's car, the police noted that he smelled like marijuana. When questioned about this, Defendant admitted that he had smoked some marijuana earlier and that he had more marijuana in the console of his car. When the police searched Defendant's car, they found marijuana, as well as drug paraphernalia. At that time, Defendant was arrested and taken to jail.

4. On or about November 30, 2011, Defendant was charged in the District Court of Custer County with **POSSESSION OF MARIJUANA** and **UNLAWFUL POSSESSION OF DRUG PARAPHERNALIA**, Case No. CM-2011-00531.

5. On or about March 9, 2012, Defendant entered into a Deferred Prosecution Agreement wherein he was required to complete all requirements of his Drug and Alcohol Evaluation and pay court costs and District Attorney Supervision Fees.

6. On or about February 6, 2012, Board Investigators interviewed Defendant. At that time, Defendant admitted that he has smoked marijuana for many years. When asked where he was going when he was stopped by the police, Defendant claims that was not really going to a patient's home, but that he had lied to the police hoping that he would not be arrested.

**OTHER CONTROLLED DANGEROUS  
DRUG VIOLATIONS**

7. A review of the PMP reveals that Defendant received ten (10) monthly prescriptions for Ambien, a Schedule IV controlled dangerous substance from May 2010 until March 2011 from Robert Blakeburn, M.D. However, Dr. Blakeburn has admitted that he has never seen Defendant. Dr. Blakeburn did admit that his ARNP, Becky McBride, who is the Defendant's wife, had asked for a prescription for Ambien for her husband, the Defendant, and

he had agreed to one (1) prescription without ever seeing Defendant. He did **not**, however, agree to the nine (9) additional prescriptions and refills of Ambien called in and authorized by Defendant's wife.

8. When confronted with these facts, Defendant admitted that his wife, who is an ARNP, called in the prescriptions for him without Dr. Blakeburn's permission. He also admitted that he knew this was wrong.

9. A review of the PMP also reveals that on or about December 24, 2011, Defendant received a prescription for Cheratussin AC, a Schedule III controlled dangerous substance, from Marjorie Schlecht, PA.. PA Schlecht has admitted that she had never seen Defendant at that time, but that Defendant's wife, Becky McBride, who at that time was working as an ARNP at the same office as PA Schlecht, asked her to call in the prescription for her husband.

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

- A. 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).
- B. 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).
- C. 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).
- D. Engaged in the unauthorized possession or use of illegal or controlled substances or pharmacological agents without lawful authority or prescription by an authorized and licensed independent practitioner of the State of Oklahoma in violation of OAC 435:20-5-8(14).
- 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. Procured, aided or abetted a criminal operation in violation of OAC 435:20-5-8(1).
- G. 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).
- H. Engaged in the habitual use of habit forming drugs in violation of OAC 435:20-5-8(2).

- I. Confessed to a crime involving violation of the laws of this state in violation of OAC 435:20-5-8(4).
- J. Participated in fraud, abuse and/or violation of state or federal laws in violation of OAC 435:20-5-8(8).
- K. Engaged in conduct which potentially or actually jeopardizes a patient's life, health or safety in violation of OAC 435:20-5-8(9).
- L. Engaged in 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).

### *Conclusions of Law*

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, the Oklahoma Physical Therapy Practice Act, and their applicable regulations. The Board is authorized to enforce the acts as necessary to protect the public health, safety and welfare.

2. Based on the foregoing facts, Defendant, Shon Wylie McBride, Oklahoma license PT380, is guilty of the unprofessional conduct set forth below:

- A. 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).
- B. 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).
- C. 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).
- D. Engaged in the unauthorized possession or use of illegal or controlled substances or pharmacological agents without lawful authority or prescription by an authorized and licensed independent practitioner of the State of Oklahoma in violation of OAC 435:20-5-8(14).
- 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. Procured, aided or abetted a criminal operation in violation of OAC 435:20-5-8(1).
- G. 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).
- H. Engaged in the habitual use of habit forming drugs in violation of OAC 435:20-5-8(2).
- I. Confessed to a crime involving violation of the laws of this state in violation of OAC 435:20-5-8(4).
- J. Participated in fraud, abuse and/or violation of state or federal laws in violation of OAC 435:20-5-8(8).
- K. Engaged in conduct which potentially or actually jeopardizes a patient's life, health or safety in violation of OAC 435:20-5-8(9).
- L. Engaged in 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).

### *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. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, Defendant shall be placed on **PROBATION** for a period of **FIVE (5) YEARS** under the following terms and conditions:

- 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, as well as hair follicles, for analysis, 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. 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 shall sign a contract with and comply with all requirements of the Oklahoma Allied Professional Peer Assistance Program.

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

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

J. 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.

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

L. 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, including but not limited to a \$150.00 per month monitoring fee.

M. 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.

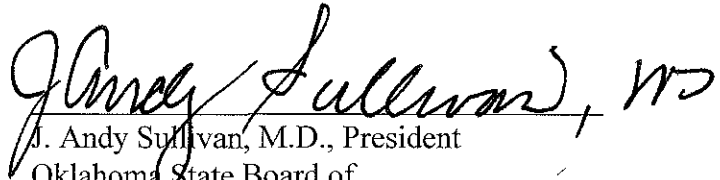
N. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.

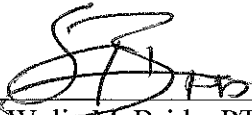
O. Defendant will notify the Board or its designee of any slip, relapse, entry or re-entry into an inpatient rehabilitation, assessment, or evaluation program and shall provide to the Board or its designee written authorization for any and all records associated with said treatment, assessment or evaluation.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

P. 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.

3. 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.

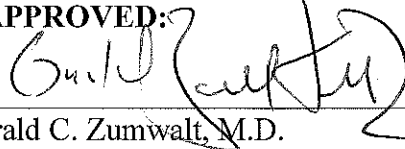
Dated this 17 day of May, 2012.

  
J. Andy Sullivan, M.D., President  
Oklahoma State Board of  
Medical Licensure and Supervision

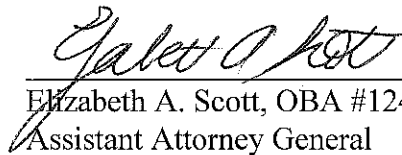


Shon Wylie McBride, PTA  
License No. TA380

**AGREED AND APPROVED:**



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

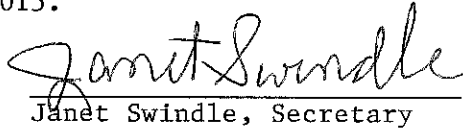


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Attorney for the Oklahoma State Board  
of Medical Licensure and Supervision

**CERTIFICATE OF MAILING**

I certify that on the 18th day of May, 2012, I mailed a true & correct copy of the Voluntary Submittal to Jurisdiction to Shon W. McBride, PTA, Rt 1 Box 101B, Carnegie, OK 73015.



Janet Swindle, Secretary