

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

FILED

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OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)

Plaintiff,)

v.)

Case No: 12-01-4479)

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

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, Scott Randall Sullivan, Special Prosecutor, and for its Complaint against the Defendant, Shon Wylie McBride, PTA, 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 physicians and surgeons in the State of Oklahoma pursuant to 59 O.S. §480 *et seq.*
2. Defendant Shon Wylie McBride, PTA, holds Oklahoma license no. TA380.
3. The allegations to which Defendant has pled guilty are as follows:
 - A. 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 officer 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.
 - B. 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-2011-531.

- C. 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.
- D. 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 he was not going to a patient's home but that he had lied to the police hoping that he would not be arrested.
- E. A review of the PMP reveals that Defendant received (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 of 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.
- F. 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.
- G. 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. Schlecht has admitted that she had never seen Defendant at that time, but that Defendant's wife, Becky McBride, who at the time was working as an ARNP at the same office as Schlecht, asked her to call in the prescription for her husband.

4. Based upon these facts, the State subsequently filed a Complaint and on May 17, 2012, the Board entered an Order whereby Defendant was placed on **PROBATION** for a period of **FIVE (5) YEARS**.

5. The May 17, 2012 Order provides that Defendant shall be on probation as follows:

- 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 questions 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 a licensure or applies for licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privileges or employment, a copy of the Board Order stipulating to the 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, including 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 will 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 violation or criminal offense 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 authorized 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 assessments 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 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.

6. The provisions cited above have not been modified or deleted but remain in full force and effect as terms and conditions of Defendant's probation.

7. In October 2012, the Defendant advised the Compliance Coordinator for the Board that he no longer wants to practice in the medical field and is not willing to comply with the terms of the Board Order dated May 17, 2012.

8. Defendant failed to meet the terms of the Board Order of May 17, 2012, Paragraph P, which states as follows:

- "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."

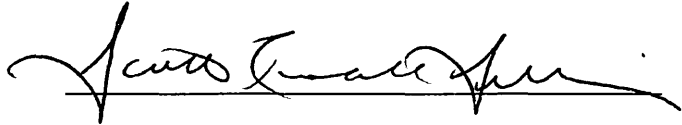
9. Subsequently a Voluntary Surrender of License in Lieu of Prosecution was prepared and mailed to Defendant via certified mail and was received by Defendant on October 19, 2012. As of the date of the filing of this matter herein, Board Staff has not received the

executed Voluntary Surrender in Lieu of Prosecution from Defendant.

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 medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



Scott Randall Sullivan, OBA No. 11179
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101 N.E. 51st Street
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Attorney for Plaintiff