

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

FILED

JUL 02 2020

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.*)
 OKLAHOMA STATE BOARD)
 OF MEDICAL LICENSURE)
 AND SUPERVISION,)
)
 Plaintiff,)
)
 v.)
)
 TRACY KAYE TROXELL, P.T.,)
 f/k/a TRACY KAYE JAMES, P.T.,)
 LICENSE NO. PT 3981,)
)
 Defendant.)

Case No. 19-12-5847

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), by and through the undersigned counsel for the Plaintiff, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, along with Tracy Kaye Troxell, P.T., f/k/a Tracy Kaye James (“Defendant”), Oklahoma physical therapist license no. 3981, who appears virtually in person, and virtually through counsel Christopher M. Scaperlanda of McAfee & Taft, P.C. (collectively, the “Parties”), and offer this Order Accepting Voluntary Submittal to Jurisdiction (herein, “Order” or “Agreement”) for acceptance by the Board. Okla. Admin. Code § 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant admits to the allegations herein contained and further acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. § 480, *et seq.* or Physical Therapy Practice Act, 59 O.S. § 887.1, *et seq.*

Defendant, Tracy Kaye Troxell, P.T., f/k/a Tracy Kaye James, states that she is of sound mind and is not under the influence of, or impaired by, any medication or drug and that she fully recognizes her right to appear before the Board for an evidentiary hearing on the allegations made against her. Defendant hereby voluntarily waives his/her 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 she has read and understands the terms and conditions stated herein, and that this Agreement may be reviewed and discussed with her by legal counsel prior to execution.

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If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Defendant herein, if any, shall not be regarded as evidence against her in a subsequent disciplinary hearing. Defendant will be free to defend herself and no inferences will be made from her willingness to have this Order accepted by the Board. The Parties stipulate that neither the presentation of this Order nor the Board's consideration of this Order shall be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not be grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.

Findings of Fact

The Plaintiff, Defendant, and the Board staff each stipulate and agree as follows:

1. In Oklahoma, Defendant holds physical therapist license no. 3981, originally issued April 5, 2007.
2. On April 10, 2020, a Verified Complaint ("2020 Complaint") and Citation were each filed by the Board. Hearing on the 2020 Complaint was set for June 25, 2020, and a Scheduling Order was filed April 14, 2020. Defendant was served on April 23, 2020, and a Proof of Service by private process server PSS-2017-18 was filed May 11, 2020.
3. An Answer to Complaint was filed May 13, 2020, by Christopher Scaperlanda of McAfee & Taft, P.C., as counsel for Defendant.

Conclusions of Law

4. The Board has jurisdiction over the subject matter and is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physical therapists and physical therapist assistants in the State of Oklahoma. 59 O.S. § 887.1 *et seq.* and Okla. Admin. Code § 435:20-1-1 *et seq.*
5. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 504; Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.
6. The Board is authorized to suspend, revoke or deny the license of any physical therapist and physical therapist assistant for violation of any provisions of the Physical Therapy Practice Act, and order any other appropriate sanctions against the license of any physical therapist or physical therapist assistant holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. 59 O.S. § 887.5 *et seq.* This Board action is authorized by 59 O.S. § 509.1.
7. The Board is authorized to accept voluntary submittals to jurisdiction mutually agreed to by parties to a disciplinary action to resolve the action without need for a hearing. 75 O.S. § 309(E); Okla. Admin. Code § 435:5-1-5.1.

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8. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
- a. Been grossly negligent in the practice of physical therapy. 59 O.S. § 887.13(A)(7); Okla. Admin. Code § 435:20-5-8(b)(11).
 - b. Been guilty of conduct unbecoming a person licensed as a physical therapist. 59 O.S. § 887.13(A)(9).
 - c. Been guilty of any act in conflict with the ethics of the profession of physical therapy. 59 O.S. § 887.13(A)(10).
 - d. Dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public. Okla. Admin. Code § 435:20-5-8(b)(4).
 - e. Improper management of medical records, inaccurate recording, falsifying or altering or failing to complete documentation of patient records. Okla. Admin. Code § 435:20-5-8(b)(15).

Orders

IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The Board hereby adopts the Agreement of the Parties in this Order Accepting Voluntary Submittal to Jurisdiction, including the findings of fact and conclusions of law stated herein.
2. **TRACY KAYE TROXELL, P.T.**, Oklahoma physical therapist license no. 3981, is formally **REPRIMANDED**.
3. **TRACY KAYE TROXELL, P.T.** is **FINED** five hundred (\$500) dollars, due instantler.
4. **TRACY KAYE TROXELL, P.T.** shall comply with all of the following terms and conditions:

Specific Terms:

- a. Defendant shall personally attend and complete one (1) continuing education unit ("CEU") course in **ethics**, approved of in advance by the Board Secretary. This course is in addition to Defendant's regular CEU courses and shall be completed within one (1) year from the filing of this Order. Documentation of the completed CEU course must be provided to the Board Secretary and Compliance Coordinator within 30 days thereafter.

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Standard Terms:

- b. Defendant shall conduct her practice in compliance with the Oklahoma Physical Therapy Practice Act ("PTP Act") as interpreted by the Board. Any question of interpretation regarding the PTP Act or this Order 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 Board or its designee. 59 O.S. § 887.1 *et seq.*
 - c. Defendant shall furnish a file-stamped copy of this Order stipulating terms imposed by the Board, to each and every state in which she holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which she holds or anticipates holding any form of staff privileges or employment.
 - d. Defendant will keep the Board informed of her current address.
 - e. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any bankruptcy proceeding.
 - f. Upon request, Defendant shall make herself available for one or more personal appearances before the Board or its authorized designee.
 - g. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or authorized designee.
 - h. Failure to meet any of the terms of this Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.
 - i. The Parties, the Board or its designee, or the Defendant may file a motion for a Board hearing and possible new Board order.
5. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.
 6. A copy of this Order shall be provided to Defendant as soon as it is processed.

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Dated this 25th day of کابریل, 2020.



Susan Chambers, M.D., President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION



Tracy Kaye Troxell, P.T.
License PT 3981

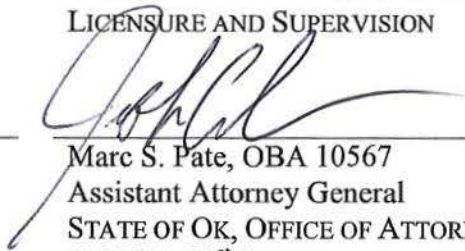
Defendant



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Billy H. Stout, M.D., Board Secretary
OKLAHOMA STATE BOARD OF MEDICAL
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Oklahoma State Board of Medical
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Certificate of Service

This is to certify that on the 2nd day of July, 2020, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail

Tracy Kaye Troxell, P.T.
397440 West 1200 Road
Dewey, Oklahoma 74029

Defendant

U.S. First Class Mail

Christopher M. Scaperlanda, OBA 31703
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***Attorney for Defendant,
Tracy Kaye Troxell, P.T.***



Nancy Thiemann, Legal Assistant

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