

**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- 01-4480

SAMUEL COLE CHAFFIN, PT, )  
LICENSE NO. PT4268, )

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, Samuel Cole Chaffin, PT, Oklahoma license no. PT4268, who appears in person and through counsel, Vanessa Hicks, proffer 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 23, 2012 and acknowledges that hearing before the Board would result in some sanction under the Physical Therapy Practice Act.

Defendant, Samuel Cole Chaffin, PT, 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, and that this Agreement has been reviewed and discussed with him.

***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 therapists in the State of Oklahoma pursuant to 59 Okla. Stat. §§ 480 *et seq.* and 887.1 *et seq.*

2. Defendant, Samuel Cole Chaffin, PT holds physical therapist license no. PT4268 in the State of Oklahoma and currently works at Stillwell Memorial Hospital.

**1<sup>ST</sup> DWI ARREST**

5. In or around 1992, while Defendant was in Physical Therapy School, he was arrested and charged with DWI in Arkansas. As a result of this arrest, Defendant's driver's license was suspended for three (3) months and he was ordered to complete DWI school.

6. Defendant admits that after this arrest, he continued to regularly use alcohol and Marijuana.

**2<sup>ND</sup> DWI ARREST**

7. In or around 1997, Defendant was arrested and charged with DWI in Arkansas. Defendant plead guilty to the charge. As a result of his guilty plea, Defendant's driver's license was suspended again and he was ordered to complete classes on alcohol abuse.

8. Defendant admits that after this second arrest, he continued to use alcohol and Marijuana on a regular basis.

9. According to Defendant, from 1999 until 2010, he abstained from alcohol. However, he admits that he continued regular Marijuana use during this time.

**3<sup>RD</sup> DWI ARREST**

10. On or about August 26, 2011, Defendant was pulled over in Fayetteville, Arkansas on suspicion of drunk driving. He failed the field sobriety test and registered a 0.15 on the Breathalyzer test. He was arrested and charged with DWI and taken to jail. Defendant later plead guilty to DWI and was ordered to attend a Victim's Impact Panel, obtain alcohol and drug education, and his driver's license was suspended again for six (6) months.

11. Defendant admits that even after this third arrest, he continued to regularly use alcohol and Marijuana. Defendant further acknowledged that he knows his Marijuana use is illegal.

12. Based upon these incidents, the State requested that Defendant obtain a substance abuse assessment, which he did at the Medical Therapy Group on February 8, 2012. At the time of his assessment, Defendant tested positive for Marijuana.

13. 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 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).
- D. 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).
- E. 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).
- F. Confessed to a crime involving violation of the laws of this state in violation of OAC 435:20-5-8(4).
- G. Engaged in the habitual use of habit forming drugs in violation of OAC 435:20-5-8(2).

### *Conclusions of Law*

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Physical Therapy Practice Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant, Samuel Cole Chaffin, PT, Oklahoma physical therapist license no. PT4268, is guilty of the unprofessional conduct set forth below based on the foregoing facts:

- 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 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).
- D. 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).
- E. 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).
- F. Confessed to a crime involving violation of the laws of this state in violation of OAC 435:20-5-8(4).
- G. Engaged in the habitual use of habit forming drugs in violation of OAC 435:20-5-8(2).

*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. The license of Defendant, Samuel Cole Chaffin, PT, Oklahoma license no. PT4268, is hereby **SUSPENDED ONE (1) MONTH** beginning May 17, 2012, and continuing until June 17, 2012.

3. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, Defendant shall be placed on **PROBATION** for a period of **FIVE (5) YEARS** following his suspension, 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, for analysis, as well as hair follicle samples, 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 and only during that time in which he is being treated by the physician for that specific 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 attend at least one (1) meeting per week of a 12-Step program.

H. Defendant shall obtain individual counseling with a counselor approved in advance in writing by the Board Secretary to address his substance abuse issues. Defendant shall continue with said counseling for a minimum of nine (9) hours per week until both the counselor and the Board Secretary approve discontinuance of counseling. Defendant shall submit quarterly reports of his progress from his counselor to the Board Secretary for his review.

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

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

K. 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.

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

M. 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, which shall include but is not limited to a one hundred-fifty dollar (\$150.00) per month fee during the term of probation.

N. 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.

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

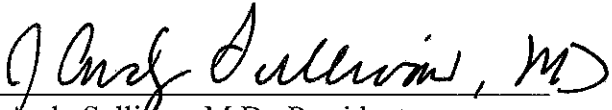
P. Defendant will notify the Board or its designee of any slip, relapse, entry or re-entry into an inpatient rehabilitation, assessment, or evaluation program and shall provide to the Board or its designee written authorization for any and all records associated with said treatment, assessment or evaluation.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

Q. 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.

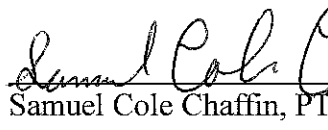
4. Defendant's suspended license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs and expenses incurred by the State of Oklahoma.

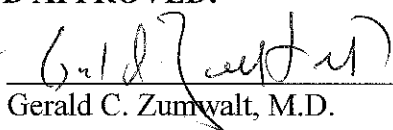
5. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

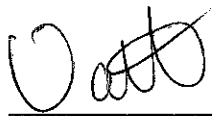
Dated this 17 day of May, 2012.

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


**AGREED AND APPROVED:**

  
\_\_\_\_\_  
Samuel Cole Chaffin, PT  
License No. PT4268

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

  
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Vanessa A. Hicks, OBA #22177  
The Sweet Law Firm  
414 N.W. 4<sup>th</sup> Street, Suite 150  
Oklahoma City, OK 73102  
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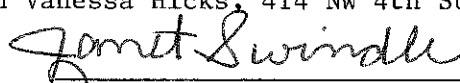
Attorney for Defendant

  
\_\_\_\_\_  
Elizabeth A. Scott OBA #12470  
Assistant Attorney General  
State of Oklahoma  
101 N.E. 51<sup>st</sup> Street  
Oklahoma City, OK 73105  
405/962-1400

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 and correct copy of the Voluntary Submittal to Jurisdiction to Samuel Chaffin, PT, 4600 Edgemere St, North Little Rock, AR 72116, and Vanessa Hicks, 414 NW 4th Suite 150, OKC 73102.

  
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Janet Swindle, Secretary