

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

STATE OF OKLAHOMA, *ex rel.*)
 OKLAHOMA STATE BOARD)
 OF MEDICAL LICENSURE)
 AND SUPERVISION,)
)
 Plaintiff,)
)
 v.)
)
 LESLEY ANN WEBER SANDERSON,)
 R.C.P., LICENSE RC 4404,)
)
 Defendant.)

FILED
JAN 16 2020
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 19-06-5757

**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 Lesley Ann Weber Sanderson, R.C.P. (“Defendant”), Oklahoma respiratory care practitioner license no. 4404, who appears in person, *pro se* (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 or Respiratory Care Practice Act. 59 O.S. § 480, *et seq.*; 59 O.S. § 2026, *et seq.*

Defendant, Lesley Ann Weber Sanderson, R.C.P., 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 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.

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

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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 stipulate and agree as follows:

1. In Oklahoma, Defendant holds respiratory care practitioner license no. 4404, originally issued April 20, 2016.
2. On October 11, 2019 a Verified Complaint and Citation were each filed by the Board. Hearing was set for January 16, 2020. The allegations include the following:
 - a. OSBMLS Investigator Melissa Davis received information and conducted an investigation into the Defendant, Lesley Ann Weber Sanderson, a respiratory care practitioner, having failed to renew her license resulting in an inactive status as of April 30, 2018. The Defendant continued to practice in her capacity as a respiratory care practitioner at St. Mary's Regional Medical Center in Enid, Oklahoma.
 - b. The Defendant, Lesley Ann Weber Sanderson, submitted her on-line reinstatement application on January 30, 2019. On February 13, 2019, a Notice of Committee Appearance was e-mailed to the Defendant by Lisa Cullen, Director of Licensing for OSBMLS. This Notice included information that advised Defendant Sanderson that her Application has been received, that a personal appearance had been scheduled for February 21, 2019, at 11:30 at the office of OSBMLS and included an immediate cease and desist request if Ms. Sanderson was still working.
 - c. On February 5, 2019, Valeska Barr, Application Analyst for OSBMLS, sent an e-mail to the Defendant, Ms. Sanderson, stating that Ms. Barr was working on the Defendant's application for reinstatement and had a few clarification questions for the Defendant:

- Question 1. When did you graduate from Northern Oklahoma College?
Question 2. Are you still working at St. Mary's Regional Medical Center?
Question 3. Have you had a respiratory care practitioner job?

The Defendant, Lesley Ann Weber Sanderson, replied to Ms. Barr's e-mail with the following responses:

- Answer to Question 1. I graduated July 2014.
Answer to Question 2. Yes I am still at St. Mary's.

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Answer to Question 3. Yes ma'am, I have been working at St. Mary's actually, in respiratory care.

On February 6, Valeska Barr, sent an e-mail asking for clarification of the Defendant's job position at St. Mary's to which the Defendant replied, "Do you need any more clarification on the employment information." On February 7, 2019, Valeska Barr, sent a response stating that Ms. Barr was unclear about what the Defendant meant by "being in respiratory care" and Defendant replied she was "a CRT, respiratory therapist."

- d. Defendant appeared in person before the Respiratory Care Advisory Committee on February 21, 2019 in support of the Defendant's Application for Reinstatement submitted on January 30, 2019. Defendant made statements and/or affirmations to the Respiratory Care Advisory Committee that she had not worked in Respiratory Care since being made aware of her lapse of license.
- e. The Defendant did not notify her supervisor at St. Mary's Regional Medical Center, Mr. Kent Jordan, Director of Cardiopulmonary, that her license had lapsed prior to the Defendant's appearance in front of the Respiratory Care Advisory Committee. When Mr. Jordan learned of the Defendant's false statement that she had not worked as a respiratory therapist as soon as she realized that her license had lapsed before the Committee, he began an internal investigation.
- f. The Defendant's time sheet revealed the Defendant worked extensively as a respiratory therapist during the time her license was lapsed. It also documented a minimum of five (5) dates; February 4, 10, 16, 17, and 18, 2019, of entered time worked, occurring after she submitted her application for renewal on January 30, 2019. Three (3) of those five (5) dates were after the Defendant received the Notice of Committee Appearance that included an immediate cease and desist request on February 13, 2019.
- g. Defendant was terminated from her position with St. Mary's Regional Medical Center, Enid, Oklahoma.

Conclusions of Law

- 3. 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 respiratory care practitioners in the State of Oklahoma. 59 O.S. § 2026 *et seq.*, Okla. Admin. Code §§ 435:1-1-1 *et seq.*, 435:45-1-1 *et seq.*
- 4. 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.

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5. The Board shall cause the prosecution of all persons violating the Respiratory Care Practice Act and incur necessary expenses therefore; and, conduct hearings upon charges calling for discipline of a licensee, or denial, revocation or suspension of a license. 59 O.S. §§ 2030(3), (5). The Board's action is authorized by 59 O.S. § 2040(1), (5), (9); Okla. Admin. Code § 435:45-1-4(b)(3), (5).
6. 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.
7. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
 - a. Is guilty of fraud or deceit in procuring or attempting to procure a license or renewal of a license to practice respiratory care in violation of 59 O.S. § 2040(1);
 - b. Is guilty of unprofessional conduct as defined by the rules established by the Board, or violating the code of ethics adopted and published by the Board in violation of 59 O.S. § 2040(9);
 - c. Negligence while in practice as a respiratory care practitioner or violating the "Standards of Ethics and Professional Conduct" adopted by the Board, in violation of 435 OAC § 45-5-3(a)(11) Specifically:
 1. 435 OAC § 45-5-4(1) Violation of Demonstrating behavior that reflects integrity, supports objectivity, and fosters trust in the professional and its professionals and
 2. 435 OAC § 45-5-4(8) Violation of Refuse to participate in illegal or unethical acts, and shall refuse to conceal illegal unethical or incompetent acts of others
 - d. Violating any provision of the Respiratory Care Practice Act or the rules promulgated by the Board in violation of 435 OAC § 45-5-3(a)(21).

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. **LESLEY ANN WEBER SANDERSON, R.C.**, Oklahoma respiratory care practitioner license no. RC 4404, is formally **REPRIMANDED**.

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3. **LESLEY ANN WEBER SANDERSON, R.C.** shall comply with all of the following terms and conditions:

Specific Terms:

- a. Defendant shall obtain a workplace supervisor approved of in advance by the Board Secretary, who is not under the authority of Defendant, within the area of her respiratory care practice, and who has access to all of her patient charts. The workplace supervisor shall be available to discuss the Defendant's respiratory care practice upon request with the Board Secretary and Compliance Coordinator.
- b. Defendant shall authorize and ensure that her employer and/or supervisor conduct an additional random review of a minimum of ten (10) additional patient records for performance review and submit a report at the end of three (3) months and again after six (6) months of practice to the Compliance Coordinator or authorized designee.
- c. Defendant shall complete twelve (12) continuing education unit ("CEU") courses, approved of in advance by the Board Secretary, consisting of **ethics**. These courses are in addition to Defendant's regular CEU courses and shall be completed within two (2) years of the filing of this Order, more specifically, completed by December 31, 2021. Documentation of the completed CEU courses totaling 12 units must be provided to the Board Secretary or Compliance Coordinator.

Standard Terms:

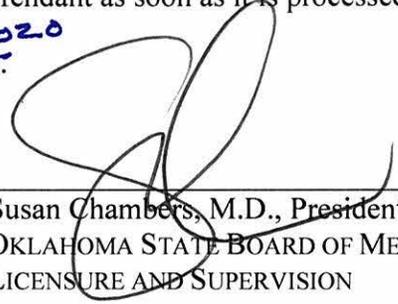
- d. Defendant shall conduct her practice in compliance with the Respiratory Care Practice Act ("RCP Act") as interpreted by the Board. Any question of interpretation regarding the RCP Act or this Order shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Board or its designee. 59 O.S. § 2026, *et seq.*
- e. 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.
- f. Defendant will keep the Board informed of her current address.
- g. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any bankruptcy proceeding.
- h. Upon request, Defendant shall make herself available for one or more personal appearances before the Board or its authorized designee.

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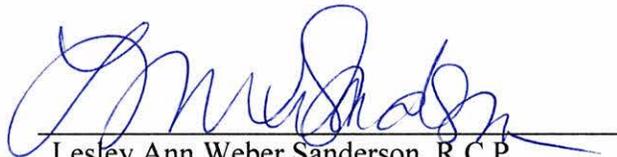
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- i. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or authorized designee.
 - j. Failure to meet any of the terms of this Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.
 - k. The Parties, the Board or its designee, or the Defendant may file a motion for a Board hearing and possible new Board order.
4. 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.
5. A copy of this Order shall be provided to Defendant as soon as it is processed.

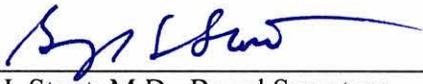
Dated this 16th day of January, ²⁰²⁰~~2019~~.



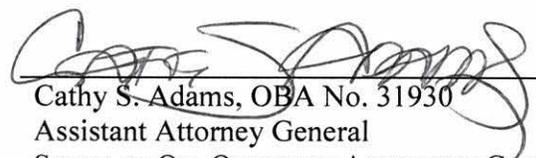
Susan Chambers, M.D., President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION



Lesley Ann Weber Sanderson, R.C.P.
License RC 4404
Defendant, pro se



Billy H. Stout, M.D., Board Secretary
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION



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**Attorney for Plaintiff,
Oklahoma State Board of Medical
Licensure and Supervision**

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Certificate of Service

This is to certify that on the 17th day of January, ²⁰²⁰2019, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail

Lesley Ann Weber Sanderson, R.C.
705 Mistletoe Avenue
Enid, Oklahoma 73701-1244
Defendant, pro se



Nancy Thiemann, Legal Assistant

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