

**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,**

Plaintiff

v.

**CANDACE CAI EISCHEN, PTA,
LICENSE NO. TA476,**

Defendant.

SEP 19 2002

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 02-05-2506

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, Candace Cai Eischen, PTA, Oklahoma license no. TA476, 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 August 8, 2002, 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, Candace Cai Eischen, PTA, 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 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 further acknowledges that she is entitled to have her interests represented by legal counsel and that she has elected to proceed without legal representation, thereby waiving her right to an attorney. Defendant acknowledges that she 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, Candace Cai Eischen, PTA, holds Oklahoma license no. TA476.

3. On or about January 15, 2002, January 18, 2002, January 23, 2002 and January 26, 2002, Defendant submitted Physical Therapy Progress Notes to her employer, HealthBack Home Health, wherein she represented that she provided physical therapy assistant services to Patient BBW at her home on these dates. On each of these Physical Therapy Progress Notes, Defendant forged the signature of Patient BBW's sister. Interviews with Patient BBW's family revealed that Patient BBW died on January 10, 2002 and thus, could not have received physical therapy on these dates. Defendant subsequently admitted that she did not perform any physical therapy on Patient BBW on these dates and forged the signature of Patient BBW's sister on the Physical Therapy Progress Notes.

4. On or about January 18, 2002 and January 24, 2002, Defendant submitted Physical Therapy Progress Notes to her employer, HealthBack Home Health, wherein she represented that she provided physical therapy assistant services to Patient CHW at his home on these dates. On each of these Physical Therapy Progress Notes, Defendant forged the signature of Patient CHW. Defendant subsequently admitted that she did not perform any physical therapy on Patient CHW on these dates and forged the signature of Patient CHW on the Physical Therapy Progress Notes.

5. On or about January 18, 2002, Defendant submitted a Physical Therapy Progress Note to her employer, HealthBack Home Health, wherein she represented that she provided physical therapy assistant services to Patient CRW at her home on that date. On the Physical Therapy Progress Note, Defendant forged the signature of Patient CRW. Defendant subsequently admitted that she did not perform any physical therapy on Patient CRW on this date and forged the signature of Patient CRW on the Physical Therapy Progress Note.

6. Defendant is guilty of unprofessional conduct in that she:

- 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).

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, Candace Cai Eischen, Oklahoma license PT476, 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).

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, Candace Cai Eischen, PTA, Oklahoma license no. PT476, is hereby **SUSPENDED** beginning September 19, 2002, and continuing for a period of ninety (90) days.

3. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, Defendant shall be placed on **PROBATION** for a period of one (1) year following her suspension under the following terms and conditions:

A.. Defendant will conduct Defendant's practice in compliance with the Oklahoma Physical Therapy Practice Act as interpreted by the Board. Any question of interpretation regarding the 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.

B. Defendant will furnish a copy of this agreement to each and every state in which she holds licensure and to each and every hospital, clinic or other facility in which she holds or anticipates holding any form of staff privileges.

C. Defendant will practice under direct clinical on-site supervision as defined in OAC 435:20-7-1 during the entire term of probation.

D. Defendant will keep the Board informed of her current address.

E. Defendant will keep current payment of all assessments by the Board for the investigation and monitoring of her case.

F. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

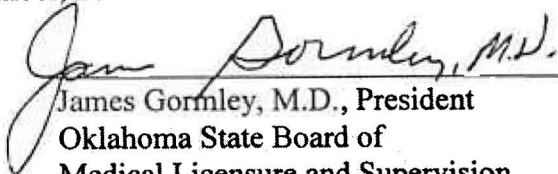
G. Defendant shall make herself available for one or more personal appearances before the Board or its designee upon request.

H. Defendant shall submit any required reports and forms on a timely basis to the Compliance Coordinator or designee.

I. Failure to meet any of the terms of your Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify your license after due notice and hearing.

4. This Voluntary Submittal to Jurisdiction and Order will go into effect, Defendant's suspension will be lifted, and her license will be reinstated only upon payment in full of all costs and expenses incurred by the State of Oklahoma prior to September 20, 2002.

Dated this 19 day of September, 2002.


James Gormley, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

AGREED AND APPROVED:



Candace Cai Eischen, PTA
License No. TA476



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

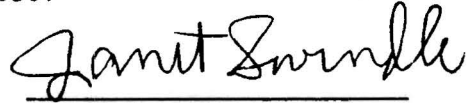


Elizabeth A. Scott, OBA #12470
Assistant Attorney General
State of Oklahoma
5104 N. Francis, Suite C
Oklahoma City, OK 73118
405/848-6841

Attorney for the Oklahoma State Board
of Medical Licensure and Supervision

Certificate of Service

On the 23 rd day of September, 2002, a true and correct copy of
this order was mailed, postage prepaid, to Candace Eischen, PTA,
1502 S. Miles Ave, El Reno, Oklahoma 73036.



Janet Swindle