

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

**FILED**

APR 18 2019

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.* )  
OKLAHOMA STATE BOARD OF )  
MEDICAL LICENSURE AND )  
SUPERVISION, )

Plaintiff, )

Case No. 19-01-5696

KIRSTEN MARION, R.C. )  
LICENSE NO. RC 4850 )

Defendant. )

**VERIFIED COMPLIANT**

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), alleges and states as follows for its Complaint against **KIRSTEN MARION, R.C.**, (“Defendant”):

**I. AUTHORITY**

1. The Board 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 pursuant to **59 Okla.Stat. §2026, et seq.**, and **Okla. Admin. Code 435:1-1-2(c)**.
2. Defendant holds Oklahoma respiratory care practitioner license number 4850. The acts and omissions complained of herein were made while Defendant was acting as a respiratory care practitioner pursuant to the license conferred upon her by the State of Oklahoma. Such acts and omissions occurred within the physical territory of the State of Oklahoma.

**II. ALLEGATIONS OF PROFESSIONAL MISCONDUCT**

3. On January 28, 2019, an email complaint was sent to the Board regarding **KIRSTEN MARION**, alleging she is a regular drug user, mainly heroin and methamphetamine.
4. On January 29, 2019, board Investigator Larry Carter made contact with **KIRSTEN MARION** and informed her of the complaint. She advised that she recently broke up with her boyfriend and that she was currently trying to obtain a protective order against him. She believed her ex-boyfriend, Daniel Stewart, was behind the complaint and agreed to meet with Investigator Carter at a specified later date and time.

5. Investigator Carter checked OSCN records and found that **KIRSTEN MARION** applied for a protective order against Daniel Stewart on January 28, 2019, under Tulsa County Case Number PO-2019-332.
6. Investigator Carter spoke with Daniel Stewart on January 30, 2019. He advised:
  - a. he was the former boyfriend of **KIRSTEN MARION**;
  - b. he claims to have personal knowledge of her drug use;
  - c. he claims **KIRSTEN MARION** lost a respiratory therapy job in Texas because of a DWI arrest in November, 2017;
    1. **KIRSTEN MARION** advised of the arrest in her September 8, 2018, APPLICATION FOR OKLAHOMA RESPIRATORY CARE PRACTITIONER LICENSE;
  - d. he advised that **KIRSTEN MARION** entered and completed drug rehabilitation in Deer Park, Texas, in 2018;
  - e. he advised he last saw **KIRSTEN MARION** use drugs on January 26, 2019;
  - f. he provided a series of text messages allegedly between himself and **KIRSTEN MARION** that purportedly showed, among other things, her desire to find heroin.
7. Investigator Larry Carter met with **KIRSTEN MARION** on February 5, 2019, along with Oklahoma Bureau of Narcotics (OBN) Agent Jodi Willingham. Investigator Carter described the allegations in the complaint and asked **KIRSTEN MARION** if she had ever used heroin or methamphetamine, to which she responded “no” and volunteered to take a drug test.
  - a. Investigator Carter showed her some of the text messages pointing out the slang terms allegedly referencing heroin.
    1. Carter asked her several times if she sent the messages in question, but each time she provided non-responsive answers but never admitted, nor denied, being the author of the messages.
8. **KIRSTEN MARION** asked about her options going forward and Investigator Carter provided her with a business card for Dr. Nisbet and explained that he oversees the APPA program;
  - a. Carter recommended that she contact Dr. Nisbet to set up an interview.
9. Investigator Carter asked again if she has ever used heroin or methamphetamine.
  - a. **KIRSTEN MARION** responded each time with a non-responsive answer, advising that she would take a drug test.
    1. Investigator Carter eventually explained that he had already arranged for a hair sample drug test;
    2. she indicated she understood the significance of a hair sample test and that she was aware it would demonstrate if she had used drugs over a period of weeks or months;
    3. Carter explained a number of options available to her and that while she was required, as a licensee, to cooperate with an investigation, she could, nonetheless, opt to refuse to cooperate, which would constitute a separate violation and would be noted in the report;
    4. **KIRSTEN MARION** finally expressed her desire to speak with an attorney before continuing with the interview and that she refused to submit to a drug test at that time;

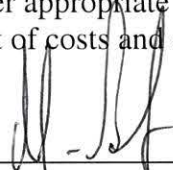
5. she began crying and said that all of this would cause her to lose her job, her home and her car;
  6. **KIRSTEN MARION** did agree to sign an agreement not to practice;
  7. Investigator Carter gave **KIRSTEN MARION** Dr. Nisbet's business card and suggested she contact Dr. Nisbet, or himself, to develop a plan.
10. As of April 1, 2019, **KIRSTEN MARION** has failed to contact Dr. Nisbet or Investigator Carter.

#### IV. VIOLATIONS

11. The Defendant is guilty of professional misconduct as follows:
- a. Failing to furnish the Board, its investigators or representative, information lawfully requested pursuant to **OAG 435:45-5-3(a)(22)**; and,
  - b. Failing to cooperate with a lawful investigation by the Board pursuant to **OAG 435:45-5-3(a)(23)**.

#### IV. CONCLUSION

Given the foregoing, the undersigned requests 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 the Defendant's professional license, including an assessment of costs and attorney's fees incurred in this action as proscribed by law.



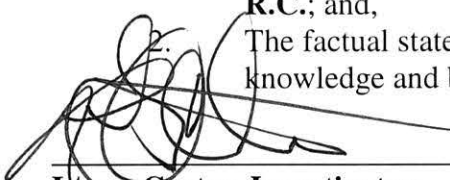
---

**Marc S. Pate, OBA #10567**  
**Assistant Attorney General**  
313 N.E. 21<sup>st</sup> Street  
Oklahoma City, Oklahoma 73105  
(405)521-0055  
(405)521-6246 - facsimile

**Verification**

I, Larry Carter, under penalty of perjury, under the laws of the State of Oklahoma, state as follows:

1. I have read the above Complaint regarding Defendant **KIRSTEN MARION, R.C.**; and,
2. The factual statements contained therein are true and correct to the best of my knowledge and belief.



**Larry Carter, Investigator**  
**OKLAHOMA STATE BOARD OF MEDICAL**  
**LICENSURE AND SUPERVISION**

Executed this 16<sup>th</sup> day of April, 2019, in Oklahoma County, State of Oklahoma.