

"522: The State Board of Medical Licensure and Supervision is hereby granted the power and authority to create rules and regulations not inconsistent with this Act or any other Oklahoma statute governing the requirements for certification as a Physician's Assistant, as well as to establish standards of training, approve institutions for training, approve applicants for training, and regulate the standards of practice of a Physician's Assistant after certification, including the power of revocation of a certificate."

"523: Any person who shall violate the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50.00 nor more than \$500.00, or by imprisonment in the county jail for not less than five (5) days, nor more than thirty (30) days, or by both such fine and imprisonment...Conviction shall also be grounds for the suspension or revocation of the certificate if the violation be by a Physician's Assistant..."

2. That Lynda L. Vogt, P.A., is in violation of the Rules and Regulations promulgated by this Board, specifically Sec. XI, E, Rule 1, to-wit:

"E: The Board of Medical Licensure and Supervision may reprimand or place on probation any holder of a certificate or revoke or suspend any certificate issued to a Physician's Assistant who:

Rule 1: Habitually uses intoxicating liquors or habit-forming drugs."

ORDER

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

1. That the Physician Assistant Certificate No. 488 of the Defendant, Lynda L. Vogt, should be and is hereby SUSPENDED until such time as the Defendant presents proof of successful completion of dependency treatment to the Board Secretary.

2. It is further ordered that when the Board Secretary is satisfied with the Defendant's proof of successful completion of dependency treatment that he may place the Defendant on probation under the following terms and conditions:

During the period of probation Defendant will not prescribe, administer or dispense any medications for her personal use, to specifically include controlled dangerous substances.

During the period of probation Defendant will take no medication except that which is authorized by a physician treating her for a legitimate medical need and Defendant shall have an affirmative duty to inform any physician treating her of Defendant's previous use of controlled dangerous substances.

During the period of probation Defendant will abstain from consuming alcohol or any substance, specifically including but not limited to controlled dangerous substances, which would adversely affect her ability to practice medicine or surgery as interpreted by the Oklahoma State Board of Medical Licensure and Supervision.

During the period of probation Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of any investigator or other agent representing the Oklahoma State Board of Medical Licensure and Supervision, and Defendant will pay for testing and analysis of those specimens.

During the period of probation Defendant will continue under psychiatric care and authorize said physician to report to the Board periodically on Defendant's progress and to continue all supportive programs recommended thereby.

During the period of probation Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.

That Defendant shall appear before the Board or a designated member thereof whenever requested to do so.

- (h) During the period of probation Defendant will submit to the Investigation Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.

Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay upon receipt of invoice from the Investigation Division of the Board the costs of investigation, prosecution and probation of this case.

During the period of probation Defendant shall notify any hospital where she holds staff privileges, or clinic, or group where she practices, of the terms and conditions of this Recommendation and supply a copy thereof.

- (k) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.

3. That the jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

4. The Defendant further agrees that failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Physician Assistant Certificate, after additional due notice and hearing.

DATED this 18th day of January, 1990.

Gerald C. Zumwalt
GERALD C. ZUMWALT, M.D., Secretary
State Board of Medical Licensure
and Supervision

APPROVED AS TO FORM:

Daniel J. Gamino
DANIEL J. GAMINO OBA #3227
Daniel J. Gamino & Associates, P.C
3315 NW 63
Oklahoma City, OK 73116
(405) 840-3741
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 19 day of January, 1990, to:

LYNDA L. VOGT, P.A.
Box 90 P.O.
Waukeha OK 73573-0090

Janet L Owens