

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

FILED

MAY 12 2022

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.*)
OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
vs.)
)
CHELSEA RACHEL MOULDER, R.C.,)
LICENSE NO. RC 4971,)
)
Defendant.)

Case No. 21-09-6042

**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 CHELSEA RACHEL MOULDER, R.C. (“Defendant”), Oklahoma Respiratory Care Practitioner License No. 4971, who appears in person (collectively, the “Parties”), hereby 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 (“Act”). 59 O.S. § 480, *et seq.*

Defendant, CHELSEA RACHEL MOULDER, R.C., 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 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 each stipulate and agree as follows:

1. In Oklahoma, Defendant holds Respiratory Care Practitioner License No. 4971.
2. On December 22, 2021, a *Verified Complaint* and *Citation* were each filed by the Board. Hearing was set for March 10, 2022. Defendant was served on January 11, 2022 by private process server. An *Affidavit of Service* was filed on January 14, 2022. The case was continued to May 12, 2022 by Order of Continuance with Notice of Hearing filed March 4, 2022.
3. On August 31, 2021, Defendant renewed her license online and gave an affirmative answer to Question P., "Since last renewal, have you been arrested for, charged with, or convicted of a felony?" There were no other affirmative responses on the online renewal.
4. In her written explanation to Question P, Defendant wrote "Had my ex living with me he was selling marijuana without my knowledge my house got raided and I got arrested and I went to jail with him because the house was in my name".
5. A check of medical board records found Defendant has been licensed in respiratory care since 2018. On May 31, 2019 she became licensed as a Respiratory Care Practitioner pending the approval of the Respiratory Care Committee. She was arrested on January 22, 2021.
6. On January 9, 2021, Clinton Suede Miller was arrested by Tulsa Police officers with marijuana, a firearms magazine and ammunition. Police investigation following the stop and arrest of Miller determined Miller was on his way to smoke marijuana with his friend Defendant at her place of employment at Saint Francis Hospital. Defendant came to the location of the arrest of Miller and took possession of the car that he was driving. On January 22, 2021, Defendant was arrested inside her residence for marijuana possession during the execution of a search warrant by the Tulsa Police Department. Approximately 4.8 pounds of marijuana was located in her residence.
7. In a statement to Tulsa police investigators on or about January 22, 2021, post Miranda Warning, Defendant stated she gets her marijuana from Miller. Defendant stated to police investigators she has referred her friends to Miller to purchase marijuana. Defendant gave Tulsa police investigators permission to view her cellular telephone in

which investigators documented text messages associated with the distribution of marijuana on the phone of Defendant.

8. Defendant pled guilty in Tulsa County District Court on July 8, 2021, to the offense of possession of marijuana. In her plea of guilty she admitted “On or about 01-22-2021, in Tulsa County, I unlawfully possessed marijuana”. In a recorded statement to Board Investigator Larry Rhodes on September 17, 2021, Defendant stated, “I knew that he sold marijuana”.
9. Official court records, sworn investigative documents and admissions by Defendant substantiate that she was knowingly complicit in possessing and distributing the controlled substance marijuana along with her ex-boyfriend Clinton Suede Miller at her residence. The outcome of the criminal case was pled to the misdemeanor offense of Possession of Marijuana in violation of 63 O.S. 2-402. Defendant was given a one-year deferment of her sentence until June 27, 2022.
10. Further, Defendant was untruthful on a separate question on her online license renewal. On her renewal application dated August 31, 2021, Defendant responded “NO” to Question T, “Since last renewal, have you had mental or physical disorder or condition which, left untreated, could affect your ability to practice competently?”
11. In recorded statement to Board Investigator Larry Rhodes on September 17, 2021, Defendant stated she has “severe PTSD” which is the reason she has a medical marijuana card. Further, in a plea agreement in Tulsa County District Court, Defendant reported she has received care at Laureate in 2020 for a mood disorder.

Conclusions of Law

1. 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.* and Okla. Admin. Code §§ 435:45-1-1 *et seq.* The Board has specific authority to oversee and discipline in this matter pursuant to 59 O.S. 2040 and Okla. Admin. Code § 435:45-5-3.
2. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 2041(A); Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.
3. The Board is authorized to suspend, revoke or order any other appropriate conditions against the license of any Respiratory Care Practitioner holding a license to practice in the State of Oklahoma for unprofessional conduct. 59 O.S. §2040. and Okla. Admin. Code 435:45-5-
4. 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.
5. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:

- a. Habitually intemperate or addicted use of any drug, chemical or substance which could result in behavior that interferes with the practice of respiratory care and the responsibilities of the licensee in violation of Okla. Admin. Code § 435:45-5-3(1),
- b. Is guilty of fraud or deceit in procuring or attempting to procure a license or renewal in violation of 59 O.S. 2040(1),
- c. Is addicted to, or has improperly obtained, possessed, used or distributed habit forming drugs or narcotics in violation of 59 O.S. 2040(4),
- d. Is guilty of dishonest or unethical conduct in violation of 59 O.S. 2040(5),
- e. Has been guilty of unprofessional conduct as defined by the rules established by the Board, or of violating the code of ethics adopted and published by the Board in violation of 59 O.S. 2040(9),
- f. Unauthorized possession and use of illegal or controlled substances or pharmacologic agents without lawful authority or prescription by an authorized and licensed independent practitioner of the state of Oklahoma in violation of Okla. Admin. Code § 435:45-5-3(2),
- g. Conviction of, or confession or plea of no contest to, a drug related offense in violation of Okla. Admin. Code § 435:45-5-3(6),
- h. Falsifying documents submitted to the Respiratory Care Advisory Committee or the Oklahoma State Board of Medical Licensure and Supervision in violation of in violation of Okla. Admin. Code § 435:45-5-3(7),
- i. Obtaining or attempting to obtain a license, certificate or documents of any form as a respiratory care practitioner by fraud or deception in violation Okla. Admin. Code § 435:45-5-3(A)(8),
- j. 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 Okla. Admin. Code § 435:45-5-3(11),
- k. Demonstrate behavior that reflects integrity, supports objectivity, and fosters trust in the profession and its professionals adopted by the Board in violation of Okla. Admin. Code § 435:45-5-4(1),
- l. Refuse to participate in illegal or unethical acts, and shall refuse to conceal illegal, unethical, or incompetent acts of others in violation of Okla. Admin. Code § 435:45-5-3(8).

ORDERS

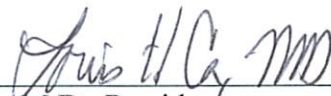
IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

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. **CHELSEA RACHEL MOULDER, R.C.**, Oklahoma Respiratory Care Practitioner License No. 4971 is hereby formally **REPRIMANDED**.
3. Defendant shall sign a two (2) year contract with Allied Professional Peer Assistance Program (“APPA”) and abide by all recommendations.
 - a. Recommendations for APPA participation shall include but are not limited to, eighteen (18) urine drug screens (UDS) annually. Results of all testing procedures will be provided quarterly to the Board’s Compliance Coordinator.
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 12th day of may, 2022.



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



Louis Cox, M.D., President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Chelsea R. Moulder

Chelsea R. Moulder, R.C.
Oklahoma License No. RC 4971
Defendant

Joseph L. Ashbaker

Joseph L. Ashbaker
Assistant Attorney General
STATE OF OKLAHOMA,
OFFICE OF ATTORNEY GENERAL
Attorney for Plaintiff,
Oklahoma State Board of Medical
Licensure and Supervision

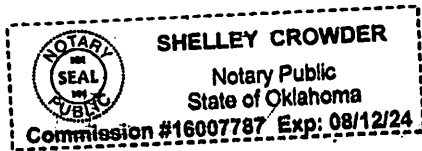
ACKNOWLEDGMENT

STATE OF OKLAHOMA)
) ss.
COUNTY OF Oklahoma)

This instrument was acknowledged before me on the 12th day of May,
2022, by Chelsea R. Moulder.

Shelley Crowder

Notary Public
Commission Expiration: August 12, 2024



Certificate of Service

This is to certify that on the 13th day of May, 2022, the foregoing instrument was transmitted as indicated, postage prepaid, to the following:

U.S. First Class Mail, and Email

Chelsea R. Moulder, R.C.
6612 E. 19th, A
Tulsa, Oklahoma 74112
Defendant

E-Mail

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Attorney for Plaintiff

Shelley Crowder

Nancy Thiemann, Legal Assistant

Shelley Crowder