

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.

MARY SUSAN MCCAMMON, PT,  
LICENSE NO. 574

Defendant.

SEP 23 2005

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 05-04-2953

**FINAL ORDER OF SUSPENSION**

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on September 22, 2005, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and through counsel Laura Cross.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

***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 therapists in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* and 887.1 *et seq.*
2. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.
3. Defendant, Mary Susan McCammon, PT, holds physical therapist license no. 574 in the State of Oklahoma.

4. From August 28, 2004 through September 19, 2004, Defendant obtained treatment for alcoholism at the St. Anthony Start Program.

5. From October 11, 2004 through November 21, 2004, Defendant obtained treatment for alcoholism at Valley Hope in Cushing.

6. On or about January 26, 2005, Defendant submitted her Application for Renewal of Oklahoma License. On her application, Defendant was asked the following questions:

"Since the last renewal or initial licensure (whichever is most recent), have you been addicted to or abused any drug or chemical substance including alcohol?"

"Since the last renewal or initial licensure (whichever is most recent), have you obtained an assessment or been treated for use of any drug or chemical substance including alcohol?"

In response to both of these questions, Defendant answered "No."

7. Title 59 O.S. §508 provides as follows:

"Whenever any license has been procured or obtained by fraud or misrepresentation...it shall be the duty of the State Board of Medical Licensure and Supervision to take appropriate disciplinary action in the same manner as is provided... for the disciplining of unprofessional conduct."

Section 508 further provides as follows:

"Use of fraudulent information to obtain a license shall be a misdemeanor offense, punishable, upon conviction, by the imposition of a fine of not less than One Thousand Dollars (\$1,000.00), or by imprisonment in the State Penitentiary for not more than one (1) year, or by both such fine and imprisonment."

8. On March 25, 2005, Defendant was working at Bone and Joint Hospital in Oklahoma City, Oklahoma. She returned from her lunch break at which time a co-worker noted that she smelled like alcohol, "was incoherent and was unable to stand up straight". Defendant admitted to her co-worker that he had been drinking, at which time she was asked to submit to a breath alcohol test. The test indicated a breath alcohol level of 0.227.

9. Based upon her positive drug test, Defendant was terminated by Bone and Joint Hospital.

10. Based on the allegations stated above, Defendant is guilty of unprofessional conduct as follows:

- A. Used ... intoxicating liquors to an extent which affects the professional competency of the licensee in violation of 59 O.S. §887.13(4).
- B. 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).
- C. 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).
- D. Is guilty of dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public in violation of OAC 435:20-5-8(b)(5).
- E. Engaged in conduct which potentially or actually jeopardizes a patient's life, health or safety in violation of OAC 435:20-5-8(b)(9).
- F. Is guilty of habitual intemperance ... [to any] substance that could result in behavior that interferes with the practice of physical therapy and the responsibilities of the licensee in violation of OAC 435:20-5-8(b)(13).
- G. Obtained or attempted to obtain a license as a physical therapist... by fraud or deception in violation of 59 O.S. §887.13(6) and OAC 435:20-5-8(b)(22).
- H. Falsified documents submitted to the Physical Therapy Committee or the Oklahoma State Board of Medical Licensure and Supervision in violation of OAC 435:20-5-8(b)(21).
- I. Violated any provision of the Physical Therapy Practice Act or the rules and regulations of the board or of an action, stipulation, agreement or order of the Board in violation of OAC 435:20-5-8(b)(31).

### *Conclusions of Law*

The Board has jurisdiction and authority over the Defendant and

subject matter herein pursuant to the Oklahoma Physical Therapy Practice Act and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant is guilty of unprofessional conduct in that she:
  - A. Used ... intoxicating liquors to an extent which affects the professional competency of the licensee in violation of 59 O.S. §887.13(4).
  - B. 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).
  - C. 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).
  - D. Is guilty of dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public in violation of OAC 435:20-5-8(b)(5).
  - E. Engaged in conduct which potentially or actually jeopardizes a patient's life, health or safety in violation of OAC 435:20-5-8(b)(9).
  - F. Is guilty of habitual intemperance ... [to any] substance that could result in behavior that interferes with the practice of physical therapy and the responsibilities of the licensee in violation of OAC 435:20-5-8(b)(13).
  - G. Obtained or attempted to obtain a license as a physical therapist... by fraud or deception in violation of 59 O.S. §887.13(6) and OAC 435:20-5-8(b)(22).
  - H. Falsified documents submitted to the Physical Therapy Committee or the Oklahoma State Board of Medical Licensure and Supervision in violation of OAC 435:20-5-8(b)(21).
  - I. Violated any provision of the Physical Therapy Practice Act or the rules and regulations of the board or of an action, stipulation, agreement or order of the Board in violation of OAC 435:20-5-8(b)(31).

3. The Board further found that the Defendant's license should be suspended based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §887.13(4), (6), (9) and (10) and OAC 435: 20-5-8(b) (5), (9), (13), (21), (22) and (31).

*Order*

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

1. The license of Defendant, Mary Susan McCammon, PT, Oklahoma license no. 574, is hereby **SUSPENDED** as of August 23, 2005 for one (1) month until September 22, 2005

2. Defendant shall be placed on **PROBATION** for a period of five (5) years following reinstatement from her suspension under the following terms and conditions:

A. Defendant will conduct her practice in compliance with the Oklahoma Physical Therapy Practice Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act 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 Oklahoma State Board of Medical Licensure and Supervision.

B. Defendant will furnish to each and every state in which she holds licensure or applies for licensure and hospitals, clinics or other institutions in which she holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.

C. Upon request of the Board Secretary, Defendant will request all hospitals in which she practices to furnish to the Board Secretary a written statement regarding monitoring of her practice while performing services in or to that hospital.

D. Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of the Oklahoma State Board of Medical Licensure and Supervision or its designee, and Defendant will pay for the analysis

thereof.

E. Defendant will take no medication except that which is authorized by a physician treating her for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating her of the Board Order immediately upon initiation, or continuation of treatment.

F. Defendant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances, including, but not limited to alcohol.

G. Defendant will attend five (5) 12-Step meetings per week during the first four (4) months of her probation, and thereafter will attend three (3) meetings per week of a 12-Step program approved in advance by the Board Secretary.

H. Defendant shall continue her counseling with Julie Williams, M.D., or another psychiatrist approved in advance by the Board Secretary. Defendant shall continue with said counseling until both the counselor and the Board approve discontinuance of counseling. Defendant shall submit quarterly reports of her progress from her counselor to the Board Secretary for his review.

I. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse.

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

K. Defendant will authorize in writing the release of any and all records of her medical, emotional or psychiatric treatment to the Oklahoma State Board of Medical Licensure and Supervision and will authorize the Compliance Consultant to the Board to discuss her case and treatment with the individuals providing Defendant's treatment.

L. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of her current address.

M. Defendant will keep current payment of all assessment by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of her case, including

but not limited to a \$100.00 per month monitoring fee.

N. Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

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

P. Defendant will notify the Board or its designee of any slip, relapse, entry or re-entry into an inpatient rehabilitation, assessment, or evaluation program and shall provide to the Board or its designee written authorization for any and all records associated with said treatment, assessment or evaluation. Defendant acknowledges and agrees that the Board may use such information against Defendant in any future disciplinary proceedings.

Q. Defendant shall comply with all terms of her Continuing Care Recovery Plan with 12 & 12, Inc.

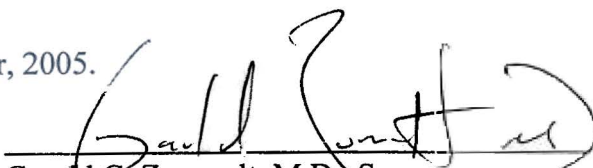
R. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

3. Defendant shall pay an **ADMINISTRATIVE FINE** in the amount of \$250.00 to be paid on or before December 22, 2005.

4. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

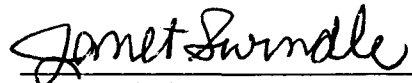
5. Defendant's suspension will be lifted, and her license will be reinstated only upon payment in full of all costs and expenses incurred by the State of Oklahoma prior to September 23, 2005.

Dated this 2 day of September, 2005.

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

## CERTIFICATE OF SERVICE

I certify that on the 26 day of September, 2005, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Laura Cross, Scoggins & Cross, 3100 City Place Building, 204 N. Robinson, Oklahoma City, OK 73102.

  
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Janet Swindle