

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

FILED

SEP 28 2007

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)

Plaintiff,)

v.)

MARY SUSAN MCCAMMON, PT,)
LICENSE NO. PT574)

Defendant.)

Case No. 05-04-2953

FINAL ORDER OF PROBATION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on September 20, 2007 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, Sarah Glick and Linda Scoggins.

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 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. PT574 in the State of Oklahoma and is authorized to practice as a physical therapist under the

terms of a Voluntary Submittal to Jurisdiction entered September 22, 2005 with a five (5) year term of probation.

4. The Voluntary Submittal to Jurisdiction sets forth Defendant's terms of probation and provides that Defendant shall be on probation as follows:

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.

5. The provisions cited above have not been modified or deleted but remain in full force and effect as terms and conditions of Defendant's probation.

6. On or about May 24, 2007, Defendant tested positive for benzodiazepines on a drug screen obtained on behalf of the Oklahoma Health Professionals Recovery Program. Defendant admitted that she had ingested some Valium she had obtained from her brother-in-law. She also admitted that she did not have a prescription for the medication and that no physician had authorized it for her.

7. On or about June 7, 2007, Defendant met with Dr. Zumwalt, Board Secretary, and Tom Sosbee, Compliance and Education Coordinator for the Board. During this meeting, Defendant admitted that she chronically takes Benadryl and has not reported use of this medication to Tom Sosbee in her Monthly Self-Supervision reports, or to Robert B. Nisbet, M.D., her psychiatrist. Defendant also admitted that she had not reported her use of her brother-in-law's Valium to Dr. Nisbet.

8. 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).

C. Engaged in the habitual intemperance or addicted use of any drug, chemical or 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).

- D. Engaged in the unauthorized possession or use of illegal or controlled substances or pharmacological agents without lawful authority or prescription by an authorized and licensed independent practitioner of the State of Oklahoma in violation of OAC 435:20-5-8(b)(14).

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 and the Physical Therapy Act and their applicable regulations. The Board is authorized to enforce the Acts as necessary to protect the public health, safety and welfare.
2. Defendant is guilty of unprofessional conduct as follows:
 - 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).
 - C. Engaged in the habitual intemperance or addicted use of any drug, chemical or 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).
 - D. Engaged in the unauthorized possession or use of illegal or controlled substances or pharmacological agents without lawful authority or prescription by an authorized and licensed independent practitioner of the State of Oklahoma in violation of OAC 435:20-5-8(b)(14).
3. The Board further found that the Defendant's license should be placed on **PROBATION** based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §887.13(9) and (10), OAC Title 435:20-5-8(b)(13) and (14).

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. PT574, is hereby placed on **PROBATION** for an additional two (2)

years, for a total of **FIVE (5) YEARS** to end September 22, 2012, 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 three (3) meetings per week of a 12-Step program approved in advance by the Board Secretary, one (1) of which must be the Oklahoma Health Professionals Recovery Program.

H. Defendant shall continue her counseling with Robert Nisbet, 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, accurate 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 continuing care recommendations of the St. Anthony Hospital START Program.

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.

2. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

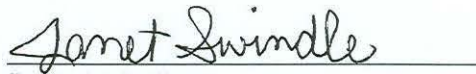
Dated this 28 day of September, 2007.



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

CERTIFICATE OF SERVICE

I certify that on the 28 day of September, 2007, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Sarah Glick, Scoggins & Cross, 3100 City Place Building, 204 N. Robinson, Oklahoma City, OK 73102.


Janet Swindle