

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

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

Plaintiff,

v.

LORNA JEAN NICHOLS, OT,
LICENSE NO. OT 598

Defendant.

FILED

JAN 23 2024

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No: 23-11-6284

COMPLAINT

The State of Oklahoma, *ex rel.*, the Oklahoma State Board of Medical Licensure and Supervision ("Board"), alleges and states as follows for its Complaint against LORNA JEAN NICHOLS, O.T. ("Defendant"):

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of Occupational Therapists in the State of Oklahoma pursuant to 59 Okla. Stat. §§ 481 *et seq.* and 888.1 *et seq.*
2. Defendant Lorna Jean Nichols, OT, holds Oklahoma license no. OT598.

PRIOR DISCIPLINARY ACTION/ARRESTS

3. On or about January 20, 2010, Defendant was stopped by the Broken Arrow Police Department for suspicion of drunk driving. She failed the Standard Field Sobriety Test and admitted that she had been drinking Vodka. She was arrested and charged with **DUI (ALCOHOL)**, and **TRANSPORTING AN OPEN CONTAINER OF ALCOHOL**.
4. On or about September 2, 2010, Defendant pled guilty to a reduced charge of **RECKLESS DRIVING**. She submitted to an ADSAC Assessment and was ordered to attend a Victims' Impact Panel, attend six (6) weeks of substance abuse counseling, and pay a fine. An Ignition Interlock device was also placed on her car from April 17, 2010, until October 17, 2010. Her driver's license was suspended at that time.
5. On or about September 25, 2010, Defendant was stopped by the Wagoner Police Department on suspicion of drunk driving. Defendant admitted to police officers that she had consumed three (3) bottles of wine. Police found another one-half (1/2) bottle of wine

in her car. Defendant was arrested and charged in the District Court of Wagoner County, State of Oklahoma, Case No. CM-2010-00820, with **AGGRAVATED DUI (ALCOHOL), OPERATING A VEHICLE WHILE DRIVING PRIVILEGES SUSPENDED**, and **TRANSPORTING AN OPEN CONTAINER OF ALCOHOL**, all misdemeanors.

6. Beginning on or about October 26, 2010, and continuing through November 23, 2010, Defendant obtained treatment for substance abuse at Valley Hope.
7. On or about October 27, 2010, Defendant submitted her renewal application online. In response to the question "Have you been arrested for, charged with, or convicted of a traffic violation involving the use of any drug or chemical substance including alcohol?" Defendant answered "**NO**". In response to the question "Have you been addicted to or abused any drug or chemical substance including alcohol?" Defendant answered "**NO**". In response to the question "Have you obtained an assessment or been treated for use of any drug or chemical substance including alcohol?" Defendant answered "**NO**".
8. On or about November 30, 2010, Defendant pled no contest to **DRIVING UNDER THE INFLUENCE (ALCOHOL)** and **OPERATING A VEHICLE WHILE DRIVING PRIVILEGES SUSPENDED**. She received a two (2) year deferred sentence, was ordered to pay court costs and fees, was placed on supervised probation, and was ordered to complete inpatient treatment for substance abuse.
9. As a result of these arrests, on or about January 28, 2011, the State filed a Complaint against Defendant, and on or about March 10, 2011, the Board accepted the Voluntary Submittal to Jurisdiction wherein Defendant was placed on **PROBATION** for a term of **FIVE (5) YEARS**.
10. On or about May 31, 2011, Defendant was stopped by the Broken Arrow Police Department on suspicion of drunk driving. Defendant was arrested, taken to jail and charged in the District Court of Tulsa County, State of Oklahoma, Case No. CM-2011-2878, with **DRIVING UNDER THE INFLUENCE (ALCOHOL), DRIVING UNDER A SUSPENDED LICENSE, DRIVING LEFT OF CENTER, TRANSPORTING AN OPEN CONTAINER (ALCOHOL) AND FAILURE TO CARRY INSURANCE/SECURITY VERIFICATION**, all misdemeanors.
11. Beginning on or about July 9, 2011, and continuing through August 8, 2011, Defendant obtained treatment for substance abuse for a second time at Valley Hope.
12. On or about August 16, 2011, Defendant appeared in court and pled no contest to the charges against her. The judge found her **GUILTY** and convicted her of all charges. She received a one (1) year suspended sentence, was placed on the District Attorney's supervised probation and was assessed fines and costs.
13. As a result of her conviction in Case No. CM-2011-2878 in Tulsa County District Court, her deferred sentence in Case No. CM-2010-00820 in Wagoner County District Court was accelerated to a one (1) year suspended sentence concurrent with her suspended sentence

in Tulsa County District Court. She was additionally ordered by the Wagoner County District Court to sign new rules of probation, complete twenty-eight (28) days of inpatient treatment in lieu of thirty (30) days of incarceration, to attend ninety (90) meetings in ninety (90) days, to obtain outpatient treatment at Laureate, and to complete relapse prevention treatment at Rainbow on the Plains, as well as D.A. Supervised Probation for one (1) year.

14. As a result of these arrests, on or about October 14, 2011, the State filed a Complaint against Defendant, and on or about November 3, 2011, the Board accepted the Voluntary Submittal to Jurisdiction wherein Defendant's license was **SUSPENDED** for four months ending November 6, 2011. Defendant then was placed on **INDEFINITE PROBATION**.
15. On or about March 7, 2013, Defendant appeared before the Board *en banc* and entered a motion for modification of terms of probation. The Board heard clear and convincing evidence in support of the request for modification of terms of probation and granted the motion.
16. On or about August 29, 2013, Board staff received a report from the Oklahoma Health Professionals Program (OHPP) that Defendant had tested positive for ethyl.
17. On or about September 4, 2013, Defendant signed an Agreement Not to Practice until the potential Complaint against her is heard by the Board *en banc* or she is released by the Board Secretary.
18. As a result of this positive test, on or about January 31, 2014, the State filed a Complaint against Defendant, and on or about March 6, 2014, the Board accepted the Voluntary Submittal to Jurisdiction wherein Defendant's license was **SUSPENDED** for three months beginning on September 3, 2013, until December 3, 2013. Defendant then was placed on **INDEFINITE PROBATION**.
19. Defendant was released from probation on or about January 16, 2020.

CURRENT UNPROFESSIONAL CONDUCT ALLEGATIONS

20. On or about Jun 29, 2022, Defendant was charged in Tulsa County District Court Case CF-2022-1533 with DRIVING UNDER THE INFLUENCE OF ALCOHOL-2ND OFFENSE. Defendant pled No Contest, and received a 3-year sentence, all deferred except 2 weeks in the Tulsa County Jail.
21. On or about October 16, 2023, Defendant renewed her license online and filled out the customary renewal application. In response to the question "Since last renewal have you been arrested, charged with, or convicted of a felony?" Defendant answered "**NO**". In response to the question "Since last renewal have you been arrested for, charged with, or convicted of a traffic violation involving the use of any drug or chemical substance including alcohol?" Defendant answered "**NO**". In response to the question "Since last renewal have you been addicted to or abused any drug or chemical substance including alcohol?" Defendant answered "**NO**".

22. Defendant is guilty of unprofessional conduct in that she:

- A. Obtaining a license by means of fraud, misrepresentation, or concealment of material facts in violation of 59 Okla. Stat. §888.9(A)(1);
- B. Engaged in unprofessional conduct as defined by the rules established by the Board, or violated the Code of Ethics adopted and published by the Board in violation of 59 Okla. Stat. §888.9(A)(2);
- C. Violated any lawful order, rule, or regulation rendered or adopted by the Board in violation of 59 O.S. §888.9(A)(4).
- D. Engaged in dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public in violation of OAC 435:30-1-10(a)(2);
- E. Engaged in the habitual intemperance or the habitual use of habit-forming drugs in violation of OAC 435:30-1-10(a)(10); and,
- F. 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 occupational therapy and the responsibilities of the licensee in violation of OAC 435:30-1-10(a)(11).

CONCLUSION

Plaintiff respectfully requests that 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 Defendant's occupational therapist license, and an assessment of costs and attorney's fees incurred in this action as provided by law.



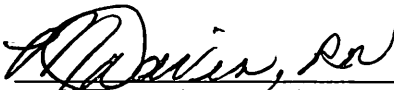
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VERIFICATION

I, Melissa Davis, under penalty of perjury, under the laws of the State of Oklahoma, state as follows:

1. I have read the above Complaint regarding the Defendant, LORNA JEAN NICHOLS, O.T.; and

2. The factual statements contained therein are true and correct to the best of my knowledge and belief.



Melissa Davis, Investigator
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Date: 1-23-24