

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

STATE OF OKLAHOMA, *ex rel.*,
THE OKLAHOMA STATE BOARD
OF MEDICAL LICENSURE AND
SUPERVISION,

Plaintiff,

vs.

LORNA JEAN NICHOLS, O.T.,
LICENSE NO. OT 598,

Defendant.

FILED

MAR - 7 2024

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 23-11-6284

**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 Lorna Jean Nichols, OT ("Defendant"), Oklahoma Occupational Therapist License No. OT 598, who appears in person, and by and through counsel Elizabeth Scott of Crowe & Dunlevy Law Firm (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 that if Plaintiff were to prove the allegations herein contained, a hearing before the Board could result in some sanction under the Oklahoma Occupational Therapy Practice Act ("Act"). 59 O.S. § 888.1, *et seq.*

Defendant, Lorna Jean Nichols, 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

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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. 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**.
2. 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.
3. 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.
4. Beginning on or about October 26, 2010, and continuing through November 23, 2010, Defendant obtained treatment for substance abuse at Valley Hope.
5. 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".
6. 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.

7. 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**.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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**.
13. 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.
14. 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.

15. 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.
16. 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**.
17. Defendant was released from probation on or about January 16, 2020.

CURRENT UNPROFESSIONAL CONDUCT ALLEGATIONS

18. 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.
19. 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".

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 Occupational Therapy Assistants in the State of Oklahoma. 59 O.S. §888.14, et seq. and Okla. Admin. Code 435:30-1-10.
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 §§ 435:30-1-11, 435:1-1-4(c), 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 Occupational Therapy Practitioner holding a license to practice in the State of Oklahoma for unprofessional conduct. 59 O.S. § 888.14(c). and Okla. Admin. Code 435:30-1-10.

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. 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)(9); 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)(10).

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. The Occupational Therapist license of **LORNA JEAN NICHOLS, OT**, shall be **SUSPENDED** for a period of 6 months from the effective date of this Order.
3. Upon reinstatement to practice, Defendant **LORNA JEAN NICHOLS, OT**, shall be on **INDEFINITE PROBATION** under the following terms and conditions:

Standard Terms:

- a. Defendant will conduct her practice in compliance with the Oklahoma Occupational Therapy Practice Act as interpreted by the Board. Any question of interpretation regarding the Act or this order 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 Board or its designee.
- b. Defendant will furnish a copy of this order to each and every state in which she holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which she holds or anticipates holding any form of staff privileges or employment.
- c. Defendant will keep the Board informed of her current address.
- d. Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his/her case unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- e. 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.
- f. Defendant shall make herself available for one or more personal appearances before the Board or its designee upon request.
- g. Defendant shall submit any required reports and forms on a timely, accurate and prompt basis to the Compliance Coordinator or designee.
- h. Defendant will authorize in writing the release of any and all medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.
- i. Defendant will keep current payment of all assessments by the Board for prosecution, investigation and monitoring of his case, which shall include, but is not limited to, a fee of one hundred fifty dollars (\$150.00) per month during the term of probation, unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.

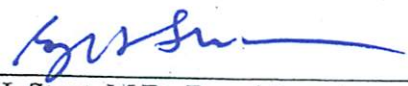
- j. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.
- k. Defendant shall promptly notify the Board of any citation or arrest for any criminal offense.


Specific Terms:


- l. Defendant will notify the Board or its designee of any relapse, including entry or re-entry into any 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.
 - m. Defendant will submit for analysis biological fluid specimens including, but not limited to, blood and urine, as well as hair samples, upon request of the Board or its designee, and Defendant will pay for the costs attendant thereto.
 - n. Defendant will take no medication except that which is authorized by a physician treating her for a legitimate medical need and only during that time in which she is being treated by the physician for that specific 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.
 - o. 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.
 - p. Defendant shall sign an indefinite contract with Allied Professional Peer Assistance Program ("APPA") and abide by all recommendations. This contract shall remain in effect as long as Defendant is on probation or until released by APPA staff, the Board Compliance Coordinator or the Board Secretary.
 - q. Defendant will attend a minimum of three (3) Alcohol Anonymous ("AA") meetings per week until released by APPA, the Board Compliance Officer or the Secretary of the Board. Defendant will also obtain an AA sponsor with at least two (2) years of sobriety and provide the sponsor's name and contact information to the Board Secretary and 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.

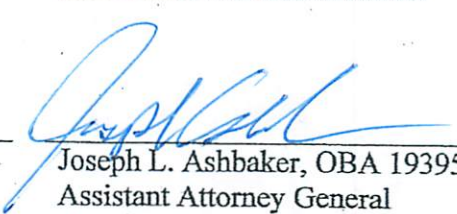
5. A copy of this Order shall be provided to Defendant as soon as it is processed.

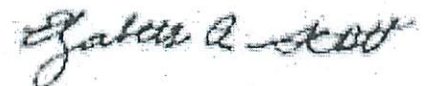
Dated this 7th day of March, 2024.


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


Steven Katsis, M.D., President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION


Lorna Jean Nichols, O.T.
License OT 598
Defendant


Joseph L. Ashbaker, OBA 19395
Assistant Attorney General
STATE OF OKLAHOMA,
OFFICE OF ATTORNEY GENERAL
Attorney for Plaintiff,
Oklahoma State Board of Medical
Licensure and Supervision


Elizabeth A. Scott
CROWE & DUNLEVY, P.C.
Braniff Building
324 N. Robinson Ave., Suite 100
Oklahoma City, OK 73102
Elizabeth.scott@crowedunlevy.com
Counsel for Defendant
Lorna Jean Nichols, O.T.

ACKNOWLEDGMENT

STATE OF OKLAHOMA

COUNTY OF Oklahoma


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) ss.
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This instrument was acknowledged before me on the 7th day of March,
2024, by Lorna Jean Nichols.

A copy of this Order shall be provided to Defendant as soon as it is processed.


Writen 7 day of 2024


Steven K. Kiser, M.D., President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION


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


Joseph L. Ashburn, OBA 12705
Assistant Attorney General
STATE OF OKLAHOMA
OFFICE OF ATTORNEY GENERAL
Attorney for Plaintiff
Oklahoma State Board of Medical
Licenses and Supervision


Laura Jean Nichols, O.A.
Attorney for Defendant
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

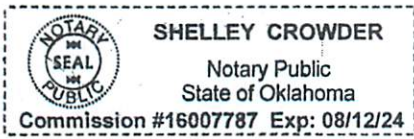

Edward A. Boon
Gowen & Dierker, P.C.
Fourth Building
133 N. Robinson Ave., Suite 100
Oklahoma City, OK 73102
Edward.A.Boon@gowendierker.com
Attorney for Defendant
Laura Jean Nichols, O.A.

ACKNOWLEDGMENT

STATE OF OKLAHOMA
COUNTY OF OKMULGEE
The instrument was acknowledged before me on the 7th day of March, 2024, by Laura Jean Nichols


Notary Public in and for the State of Oklahoma
My Commission Expires 07/2025





Shelley Crowder

Notary Public

Commission Expiration: August 12, 2024

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SHELLEY CROWDER
Notary Public
State of Oklahoma
Commission #1600787 Exp: 08/13/24



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Certificate of Service

This is to certify that on the 17th day of March, 2024, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail

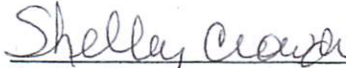
Lorna Jean Nichols, O.T.
License OT 598
10427 South 187th East Avenue
Broken Arrow, Oklahoma 74014
Defendant

E-Mail

Joseph L. Ashbaker
Assistant Attorney General
STATE OF OK, OFFICE OF ATTORNEY GENERAL
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105
joe.ashbaker@oag.ok.gov
Attorney for Plaintiff,
Oklahoma State Board of Medical
Licensure and Supervision

U.S. First Class Mail, and E-Mail

Elizabeth A. Scott
CROWE & DUNLEVY, P.C.
Braniff Building
324 N. Robinson Ave., Suite 100
Oklahoma City, OK 73102
Elizabeth.scott@crowedunlevy.com
Counsel for Defendant
Lorna Jean Nichols, O.T.



Shelley Crowder