

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

FILED

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

FEB 12 2004

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

vs.)

CASE NO. 03-12-2747

JANICE CAROL MILLER-BUCKLEY, OTA,)
LICENSE NO. OA599,)

Defendant.)

COMPLAINT

COMES NOW the plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Complaint against the Defendant, Janice Carol Miller-Buckley, OTA, alleges and states as follows:

1. The Board 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 pursuant to 59 Okla. Stat. §888.9 *et seq.*

2. Defendant, Janice Carol Miller-Buckley, OTA, holds Oklahoma license no. OA599, and is authorized to practice as an occupational therapy assistant in the State of Oklahoma.

3. On or about November 6, 2003, Defendant was working as an occupational therapy assistant at Noble Health Care Center in Noble, Oklahoma. On this date, she was assigned to perform a recertification evaluation on Patient HDW. According to her billing records and documentation submitted to her employer, Rehab Source, she performed the recertification evaluation on November 6, 2003. However, on November 7, 2003, an administrator from Noble Health Care Center contacted Rehab Source and advised them that Patient HDW was not at the facility on November 6, 2003, as she had been transferred to Norman Regional Hospital on November 5, 2003 and had died at the hospital on November 5, 2003. When confronted by Rehab Source, Defendant admitted that she had not performed the

recertification evaluation and that she had in fact falsified the patient's chart. Rehab Source subsequently terminated Defendant based upon falsification of patient records and billing fraud.

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

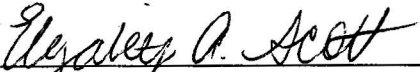
- A. Violated any lawful order, rule, or regulation rendered or adopted by the Board in violation of 59 O.S. §888.9(A)(4).
- B. Engaged in unprofessional conduct as defined by the rules established by the Board, or violating the Code of Ethics adopted and published by the Board in violation of 59 O.S. §888.9(A)(2) as follows:
 - (1) Has conducted herself in a manner considered improper by recognized acceptable standards of moral and ethical conduct as determined by the Board in violation of OAC 435:30-1-10(6).

5. These allegations raise serious concerns about Defendant's ability to practice as an occupational therapy assistant in the State of Oklahoma with reasonable skill and safety.

WHEREFORE, plaintiff 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, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as an occupational therapy assistant in the State of Oklahoma.

Dated this 6th day of February, 2004.

Respectfully submitted,


Elizabeth A. Scott (OBA #12470)

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Oklahoma Board of Medical Licensure and
Supervision