

CURRENT ALLEGATIONS

4. On or about March 30, 2013, in an online renewal of his physician assistant license no. PA 673, Defendant answered “YES” to the following questions:

“D. Have you ever been arrested for, charged with or convicted of a felony or misdemeanor other than a traffic violation?”

E. Have you been arrested for, charged with or convicted of a traffic violation involving the use of drugs or chemical substances and/or alcohol?”

F. Have you been addicted to or abused any drug or chemical substance including alcohol?” and

G. Have you obtained an assessment or been treated for use of any drug or chemical substance including alcohol?”

5. Defendant also included the following explanation in his licensure renewal:

“On 8/13/12, I was charge [sic] with DUI, I received 1 year deferred sentence. I was assessed by alcohol assessor in Norman OK. I am going to AA meetings, finish my 6 weeks of Intense Outpatient Program and now I am doing weekly Aftercare x 6 weeks, I attended Victums [sic] Panel session, I had a lawyer present me at the Pottawatomie [sic] County Court. I was frustrated and reacted poorly. My stress came from not being paid and had 6 paychecks wowed [sic] me which has not been resolved. Dept of Lbor is involved now. Other than that I was 12+years sober. No [sic] am sober voer [sic] 220 days. I am probated by the Pottatomi [sic] DA.”

6. Upon investigation, it was found that on or about August 23, 2012, Defendant was arrested and charged with **DRIVING A M/V WHILE UNDER THE INFLUENCE (OF) ALCOHOL – AGGRAVATED** in the District Court of Pottawatomie County, State of Oklahoma, Case No. CM-2012-00735. Defendant **ENTERED A PLEA OF GUILTY** on or about October 4, 2012 and was sentenced to a **ONE-YEAR SUSPENDED SENTENCE FOR A MISDEMEANOR DUI**.

7. On or about May 23, 2013 Board Investigator SW interviewed Defendant regarding the allegations contained here. Board Investigator SW told Defendant he would need to go for an assessment. Defendant stated he would discuss that with his family and make a decision as to whether he would go for an assessment or retire.

8. On or about June 13, 2013, after meeting with representatives of Oklahoma Health Professionals Program (“OHPP”), it was decided that Defendant, in fact, needed to go for an assessment.

9. On or about June 28, 2013 Board Investigator SW contacted Defendant and Defendant indicated he would make Board Investigator SW aware of his decision no later than July 8, 2013.

10. On or about July 8, 2013 Board Investigator SW received a telephone call from Defendant wherein Defendant stated he retired from his practice as physician assistant on July 7, 2013 and would be pursuing a different career opportunity.

11. Defendant is guilty of unprofessional conduct in that he engaged in:

- a) Engaged in dishonorable conduct which is likely to deceive, defraud or **harm** the public in violation of Title 59 O.S. §509(8) and *Oklahoma Administrative Code* Rule 435:10-7-4(11);
- b) Violated any provision of the Medical Practice Act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of Title 59 O.S. §509(13) and *Oklahoma Administrative Code* 435:10-7-4(39);
- c) Is habitually intemperate or habitually uses habit-forming drugs in violation of Title 59 O.S. §509(4) and Oklahoma Administrative Code Rule 435:10-7-4(3);
- d) Habitually uses intoxicating liquors or habit-forming drugs in violation of *Oklahoma Administrative Code* Rule 435:15-5-11 (a)(1); and
- e) Violated any provision of the Medical Practice Act or the rules promulgated by the Board in violation of *Oklahoma Administrative Code* Rule 435:15-5-11(a)(7).

12. These allegations raise serious concerns about Defendant’s ability to practice as a physician assistant in the State of Oklahoma with reasonable skill and safety.

CONCLUSION

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 a physical therapist in the State of Oklahoma.

Dated this 28th day of August, 2013.

Respectfully submitted,



Scott Randall Sullivan, OBA #11179
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
101 N.E. 51st Street
Oklahoma City, OK 73105

Attorney for Plaintiff