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

STATE OF CKLAHOMA

STATE OF OKLAHOMA. Ex rel.

OKLAHOMA STATE BOARD OF

MEDICAL LICENSURE AND

SUPERVISION,

Plaintiff,

V.

DIANE FAY MEIER, O.T.A.

Certificate No. 70,

Defendant.

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on May 18, 1991, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and Diane Fay Meier, O.T.A., Defendant, and her counsel, Shera D. Shirley, Enid, Oklahoma, appeared by way of announcement.

The Board of Medical Licensure and Supervision en banc heard statements made by counsel, reviewed exhibits, and being fully advised in the premises, the Board of Medical Licensure and Supervision therefore finds and orders as follows:

FINDINGS OF FACT

- 1. That Defendant, Diane Fay Meier, O.T.A., holds Occupational Therapy Assistant Certificate No. 70.
- 2. That the Oklahoma Board of Medical Licensure and Supervision has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.
- 3. That this matter came on for hearing before the Oklahoma Occupational Therapy Advisory Committee on March 25, 1991, at the office of the Oklahoma State Board of Medical Licensure and Supervision. That before hearing any sworn testimony or reviewing any exhibits, the Committee reviewed terms and conditions of a proposed voluntary settlement agreed to by both counsel and by all parties.
- 4. That the Committee found the voluntary settlement and the terms and conditions thereof were an appropriate disposition of this case and accepted same.
- 5. Upon review of this case, the Board finds that the voluntary settlement is an appropriate disposition of the case and accepts same as set out herein.

CONCLUSIONS OF LAW

1. That the Oklahoma Board of Medical Licensure and Supervision has jurisdiction over this matter pursuant to the Oklahoma Medical Practice Act, 59 O.S. Supp. 1990, Section 481 et seq.; by the Oklahoma Occupational Therapy Practice Act,

19 O.S. Supp. 1990. Section 888.1 at seq.; and by the voluntary settlement offered by the parties hereto.

ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Medical Dicensure and Supervision as follows:

- 1. That the Defendant, Diane Say Maier, O.T.A., holding Occupational Therapy Assistant Certificate No. 70, should be and is hereby placed on a term of probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of two (2) years beginning on May 18, 1991, under the following terms and conditions:
 - (a) During the period of probation Defendant will take no medication except that which is authorized by a physician treating her for a legitimate medical need, and Defendant shall have an affirmative duty to inform any physician treating her of Defendant's previous use of alcohol and a previous conviction for possession of controlled dangerous substances.
 - (b) During the period of probation Defendant will abstain from consuming alcohol or any substance, specifically including but not limited to controlled dangerous substances, which would adversely affect her ability to practice occupational therapy assistance as interpreted by the Oklahoma State Hoard of Medical Licensure and Supervision and the Occupational Therapy Advisory Committee.
 - (c) During the period of probation Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of any investigator or other agent representing the Oklahoma State Board of Medical Licensure and Supervision, and Defendant will pay for testing and analysis of those specimens.
 - (d) During the period of probation Defendant will secure from her supervising Occupational Therapist a report on work status and professional activities on a quarterly basis and provide those reports to the Committee.
 - (e) That the Occupational Therapy Advisory Committee shall be immediately notified in the event the Defendant discontinues present employment as an Occupational Therapy Assistant.
 - (f) During the period of probation Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.
 - (g) That Defendant shall appear before the Board or the Committee or a designated member thereof whenever requested to do so.
 - (h) During the period of probation Defendant will submit to the Investigation Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.

- Dursuant to Section 26, R.B. 1478, 1987 begislature, Defendant shall promptly pay within 30 days of receipt of invoice from the Investigation Division of the Board the costs of investigation, prosecution and probation of this case, unless the Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- (j) During the period of probation Defendant shall notify any hospital where she holds staff privileges, or clinic, or group where she practices, of the terms and conditions of this Board Order and supply a copy thereof.
- (k) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.
- 2. That the jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.
- 3. The Defendant further agrees that failure to meet any of the above terms of probation will constitute cause for the Board or Committee to initiate additional proceedings to suspend or revoke Defendant's Occupational Therapy Assistant Certificate, after additional due notice and hearing.

DATED this 23 day of May, 1991.

GERALD C. ZUMWALT, M.D., Secretary State Board of Medical Licensure and Supervision

APPROVED AS TO FORM:

DANIEL J. GAMINO

DANIEL J. GAMINO OBA #3227
Daniel J. Gamino & Associates, P.C.

3315 NW 63

Oklahoma City, OK 73116

(405) 840-3741

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this A day of May, 1991, to:

DIANE FAY MEIER, O.T.A. c/o SHERA D. SHIRLEY Attorney at Law American Standard Life Center South, Suite 724 Enid, OK 73701

Janet & Duens