

5. That said Final Order has remained in full force and effect and has not been further amended, modified or vacated by the Oklahoma Board of Medical Licensure and Supervision to date.

6. That on or around February 26, 1992, Defendant provided a monitored urine specimen pursuant to the above terms of her Final Order. That laboratory analysis showed the sample positive for cannabinoids, and the only explanation for that finding was marijuana use.

7. That Defendant did not produce any prescription for the substance of cannabinoids being prescribed by a physician treating her who was aware of the Defendant's previous use of alcohol and a previous conviction for possession of controlled dangerous substances.

8. That the Defendant's acts and omissions herein are contrary to the plain terms and conditions of the Final Order issued by the Board and are proper subject for a contempt proceeding.

CONCLUSIONS OF LAW

1. That pursuant to the Oklahoma Medical Practice Act, 59 O.S. 1991, Sec. 481 et seq., the Board has discretion and judgment to find a Defendant in contempt of the Board Order and may impose appropriate sanctions based on that finding.

ORDER

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

1. That the Defendant, Diane F. Meier, O.T.A., holding Oklahoma Occupational Therapy Assistant Certificate No. 70, is found in contempt of the Board Order issued on or around May 18, 1991.

2. That the Defendant, Diane F. Meier, O.T.A., holding Oklahoma Occupational Therapy Assistant Certificate No. 70, should be and is hereby SUSPENDED from the practice of Occupational Therapy for a period of 60 days beginning June 28, 1992.

3. It is further ordered that the Defendant, Diane F. Meier, O.T.A., holding Oklahoma 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 five (5) years beginning August 28, 1992, 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 Board of Medical Licensure and Supervision and the Occupational Therapy Advisory Committee.

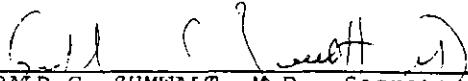
- (c) During the period of probation Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of any investigator or other agent representing the Oklahoma State Board of Medical Licensure and Supervision, and Defendant will pay for testing 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.
- (i) Pursuant to Title 59 O.S. Sec. 506, 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.

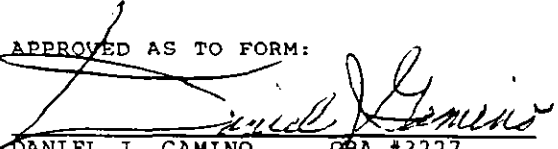
4. That the jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of this probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

5. That failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma

Occupational Therapy Assistant Certificate, after additional due notice and hearing.

DATED this 2 day of July, 1992.


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

APPROVED AS TO FORM:

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 6 day of July, 1992, to:

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

