

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

FILED

**IN THE MATTER OF THE)
APPLICATION OF)
)
BARBARA PAYTON-LEWIS)
)
)
FOR REINSTATEMENT OF OCCUPATIONAL)
THERAPIST)
LICENSE NO. OT721)
)
)
)**

SEP 19 2002

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 00-09-2251

**ORDER GRANTING REINSTATEMENT OF
LICENSE UNDER TERMS OF PROBATION**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision on September 19, 2002, at the Board office, 5104 North Francis, Suite C, Oklahoma City, Oklahoma 73118, pursuant to notice given as required by law and rules of the Board.

Defendant, Barbara Payton-Lewis, O.T., appeared in person and pro se.

Elizabeth A. Scott, Assistant Attorney General, appeared on behalf of the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision.

The Board *en banc* heard testimony, reviewed the exhibits presented, and being fully apprised of the premises, entered the following Findings of Fact, Conclusions of Law, and Orders:

Findings of Fact

1. Defendant has applied for reinstatement of her Oklahoma Occupational Therapist License No. OT721.
2. The Board *en banc* has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the rules of the Board.
3. On or about November 2, 2000, the Board accepted Defendant's Voluntary Surrender of License in Lieu of Prosecution based upon an investigation involving allegations that if proven, would constitute grounds for disciplinary action by the Board.

4. Defendant is now seeking reinstatement of her occupational therapist license no. OT721.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to reinstate the license of an occupational therapist pursuant to 59 O.S. §888.9.

2. The Board may impose practice parameters and other restrictions as necessary to protect the health, safety and welfare of the public under 59 O.S. §480 *et seq.* and §888.1 *et seq.*

ORDER

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

1. Defendant's occupational therapist license shall be reinstated under the following terms and conditions of **PROBATION**, which shall continue for a period of five (5) years from the date of reinstatement under the following terms and conditions:

A. Defendant will conduct Defendant's practice in compliance with the Oklahoma Occupational Therapy Practice Act as interpreted by the Board. Any question of interpretation regarding the Act or this Agreement 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.

B. Defendant will submit for analysis biological fluid specimens including, but not limited to, blood and urine, upon request of the Board or its designee, and Defendant will pay for the costs attendant thereto.

C. Defendant will take no medication except that which is authorized by a physician treating her for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating her of this Board Order immediately upon initiation, or continuation, of treatment.

D. Defendant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances.

E. Defendant will attend three (3) meetings per week of a local 12-Step program.

F. Defendant will promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.

G. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse.

H. Defendant will execute such releases of 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 continue treatment under a psychotherapist approved by the Board Secretary, will submit quarterly reports from her psychotherapist, and will authorize in writing the release of any and all records of that treatment to the Board.

J. Defendant will practice under the direct supervision of a licensed Occupational Therapist for the first two (2) months of her probation.

K. 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.

L. Defendant will keep the Board informed of her current address.

M. Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of her case.

N. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

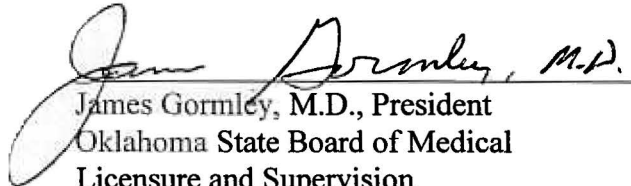
O. Defendant shall make herself available for one or more personal appearances before the Board or its designee upon request.

2. During the period of probation, failure to meet any of the terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's license, after due notice and hearing.

3. This Order of Reinstatement Under Terms of Probation will go into effect and Defendant's license will be reinstated only upon payment in full of all costs and expenses incurred by the State of Oklahoma prior to September 20, 2002 or upon Defendant working out a repayment plan satisfactory to the Board.

4. A copy of this written order shall be sent to Defendant as soon as it is processed.

Dated this 19 day of September, 2002.


James Gormley, M.D., President
Oklahoma State Board of Medical
Licensure and Supervision

Certificate of Service

On the 23 day of Sept, 2002, a true and correct copy of this order was mailed, postage prepaid, to Barbara Payton-Lewis, 1351 12th Avenue NE, Apt. A, Norman, OK 73072.


Janet Swindle