

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

FILED

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)

Plaintiff,)

v.)

WENDY BLOSSMAN, P.A.;)
P.A. LICENSE NO. 782;)

Defendant.)

MAY 14 1999

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

CASE NO. 98-03-1982

ORDER ACCEPTING SURRENDER
OF LICENSE

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on May 7, 1999, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel Gamino appeared for the Plaintiff and the Defendant appeared not.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and being fully apprised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

Findings of Fact

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physician assistants in the State of Oklahoma pursuant to 59 Okla. Stat. §§ 480 *et seq.* and 519.1 *et seq.*

2. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.

3. Defendant, Wendy Blossman, P.A., was issued physician assistant license no. PA782 in the State of Oklahoma.

4. On May 29, 1998, after due notice and hearing, a Voluntary Submittal to Jurisdiction was entered in response to an initial complaint filed on April 16, 1998 alleging impairment and numerous other violations involving controlled substances. Defendant was placed on five (5) years' probation. Included as terms of probation were paragraphs h, i, j, and q, which are quoted below:

- h. Defendant will take no medication except that which is authorized by a physician treating her for a legitimate medical need. Defendant will have the affirmative duty to inform any and every doctor treating her of this Order prior to the commencement of, or continuation of, presently ongoing, treatment.
- i. Defendant will have the affirmative duty not to ingest any other substance which will cause a body fluid sample to test positive for prohibited substances.
- j. Defendant will comply with the recommendations and post-care contract from RUSH Behavioral Health Center and her Caduceus Aftercare Agreement and will undertake all necessary or recommended subsequent treatment.
- q. Defendant shall actively participate in AA and/or NA programs and shall provide a completed monthly self-report to the Board.

5. On October 22, 1998, Defendant furnished a urine specimen to Tom Sosbee, Compliance Coordinator for the Board. The specimen tested positive for Meprobromate (C-IV) and Butalbital, a non-controlled drug. Defendant failed to advise the Compliance Coordinator at the time she gave the specimen that she was lawfully authorized to take these substances or that her specimen would test positive for these substances.

6. On January 12, 1999, Tom Sosbee, Compliance Coordinator for the Board, made a return visit to the clinic where Defendant was working in order to question Defendant about the positive test results. The clinic receptionist and nurse where Defendant worked advised Mr. Sosbee that Defendant had "freaked out" after his October visit and had resigned her job at the clinic. At that time Defendant related to her co-workers that she had been taking unauthorized medications and was concerned about getting in trouble.

7. On January 14, 1999, Defendant, in response to a telephone inquiry made by Tom Sosbee, Compliance Coordinator for the Board, notified Mr. Sosbee that she planned to never practice in the medical field again because there were "too many rules." Defendant advised Mr. Sosbee that she had torn up her license. At Mr. Sosbee's urging, Defendant subsequently submitted a letter to the Board informing the Board of her resignation from practice and offering to surrender her license to practice as a physician assistant in Oklahoma.

8. While still practicing, Defendant failed to submit required monthly reports to the Compliance Coordinator. The last submitted verification of Defendant's attendance at her support group was October 2, 1998. Defendant admitted to Tom Sosbee, Compliance Coordinator, that she stopped attending the Tulsa meeting of the Physician's Recovery Committee as required under the terms of her probation.

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

A. She habitually uses habit-forming drugs in violation of OAC 435:15-5-11(1).

B. She has violated OAC 435:15-5-11(7) and the following provisions of the Medical Practice Act or the rules promulgated by the Board:

(1) Habitual intemperance or the habitual use of habit-forming drugs in violation of 59 Okla. Stat. §509(5).

(2) Violation of 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 under OAC 435:10-7-4(39).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations and the Physician Assistant Act found at 59 O.S. §519.1 et seq. The Board is authorized to enforce the Act and the Physician Assistant Act as necessary to protect the public health, safety and welfare.

2. Defendant is guilty of unprofessional conduct as follows:

A. She habitually uses habit-forming drugs in violation of OAC 435:15-5-11(1).

B. She has violated OAC 435:15-5-11(7) and the following provisions of the Medical Practice Act or the rules promulgated by the Board:

(1) Habitual intemperance or the habitual use of habit-forming drugs in violation of 59 Okla. Stat. §509(5).

- (2) Violation of 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 under OAC 435:10-7-4(39).

3. Under OAC 435:15-5-11, the Board may discipline licensees who are found guilty of unprofessional conduct as defined in OAC 435:15-5-11.

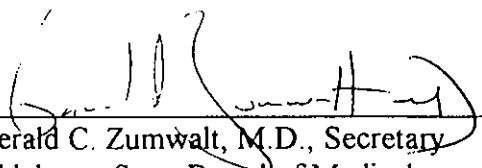
Order

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

1. Defendant Wendy Blossman's surrender of her Physician's Assistant license no. 782 is hereby accepted based upon the above Findings of Fact and Conclusions of Law that she is guilty of unprofessional conduct.

2. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

Dated this 14 day of May, 1999.


Gerald C. Zumwalt, M.D., Secretary
Oklahoma State Board of Medical
Licensure and Supervision

Approved as to form:

Daniel Gamino
3315 N.W. 63rd
Oklahoma City, Oklahoma 73116

Attorney for the Oklahoma State
Board of Medical Licensure and
Supervision

CERTIFICATE OF SERVICE

I certify that on the 17 day of May, 1999, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Wendy Blossman, Rt. 2, Box 762, Broken Bow, Oklahoma 74728.

Janet Owens
Janet Owens