

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

STATE OF OKLAHOMA, *ex rel.*)
 OKLAHOMA STATE BOARD)
 OF MEDICAL LICENSURE)
 AND SUPERVISION,)
)
 Plaintiff,)
)
 v.)
)
 MELISSA D. FLAMING FORD, P.T.A.,)
 LICENSE NO. TA 807,)
)
 Defendant.)

FILED

JUN 15 2021

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 18-03-5602

**ORDER GRANTING
MOTION TO ENFORCE BOARD ORDER**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (“Board”) on May 13, 2021, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Amanda R. Everett, Assistant Attorney General (“AAG Everett”) appeared virtually on behalf of Plaintiff. Defendant appeared in person virtually, *pro se*. AAG Everett and Ms. Flaming Ford (“Defendant”) are hereinafter referred to as the Parties.

Robert Margo, Board Advisor, inquired of Defendant if she is waiving her right to counsel knowingly and wished to proceed *pro se*. Defendant stated, “Correct.”

The Board, having heard argument of AAG Everett, sworn testimony of Defendant, and being fully apprised of the premises, found that there is clear and convincing evidence to support the following findings of fact and conclusions of law:

Findings of Fact

1. In Oklahoma, Defendant holds physical therapist assistant license no. TA 807, originally issued September 2, 1999.
2. On October 22, 2020, an Immediate Summary Suspension of Physical Therapist Assistant License (“ISS”) was filed by the Board, and Defendant was served on October 23, 2020. A Return of Service is filed October 29, 2020.
3. On January 15, 2021, Defendant applied for reinstatement of her Oklahoma physical therapist assistant license. At the January 21, 2021 Board meeting, Defendant’s reinstatement of license was **GRANTED**.

4. An Agreed Order Granting Reinstatement of License Under Terms of Probation After Immediate Summary Suspension, was filed on January 21, 2021, with terms and conditions of **FIVE (5) YEARS PROBATION** (“Order Granting Reinstatement Under Probation”). See, **Addendum I**.
5. On March 24, 2021, Defendant tested positive for alcohol. On March 30, 2021, Defendant voluntarily agreed not to practice.
6. On April 16, 2021, Plaintiff filed a Motion to Enforce Board Order (“Motion to Enforce”), for violations of Specific Terms 2(c) and 2(n), of the Order Granting Reinstatement Under Probation. Attorney for Defendant, Eric N. Edwards, was served by process server #PSS 2020-3 on April 16, 2021. A Return of Service is filed April 21, 2021.
7. Notice of the May 13, 2021 virtual hearing was provided to defense attorney Eric N. Edwards, and to Defendant.
8. At the May 13, 2021 Board meeting, AAG Everett reviewed Defendant’s history, violations of the Board’s terms set forth in the Order Granting Reinstatement Under Probation, and a subsequent positive test for alcohol.
9. **MELISSA FLAMING FORD, P.T.A.** violated Specific Terms 2(c) and 2(n) contained in the Agreed Order Granting Reinstatement of License Under Terms of Probation After Immediate Summary Suspension, filed January 21, 2021. More specifically:

Specific Term 2(c), Violation: Defendant did not notify the Compliance Coordinator until confronted of positive results of Defendants’ random UDS sample submitted on March 17, 2021.

Specific Term 2(n), Violation: Defendant consumed alcohol.
10. Any finding of fact which is more properly characterized as a conclusion of law is hereby incorporated as a conclusion of law.

Conclusions of Law

11. The Board has jurisdiction over the subject matter and is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physical therapists and physical therapist assistants in the State of Oklahoma. 59 O.S. § 887.1 *et seq.* and Okla. Admin. Code § 435:20-1-1 *et seq.*
12. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 504; Okla. Admin. Code §§ 435:3-3-5, 3-3-6.
13. The Board may impose disciplinary actions in accordance with the severity of violation of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act. 59 O.S. § 509.1 *et seq.*

14. No license will be issued to a physical therapy assistant who has used drugs or alcohol excessively, affecting competence or judgment, unless is able to provide satisfactory evidence of rehabilitation and participation efforts. Okla. Admin. Code § 435:20-3-3(2).
15. Sworn testimony of was preserved in accordance with applicable law and rules.
16. Any conclusion of law which is more properly characterized as a finding of fact is hereby incorporated as a finding of fact.

Orders

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

17. The Motion to Enforce, filed by Plaintiff on April 16, 2021, is **GRANTED**.
18. The Oklahoma physical therapist assistant license no. TA 807 of **MELISSA FLAMING FORD, P.T.A.**, is **SUSPENDED** for **NINETY (90) DAYS**, effective as of March 30, 2021, the date Defendant voluntarily agreed not to practice.
19. All terms and conditions of the Agreed Order Agreed Order Granting Reinstatement of License Under Terms of Probation After Immediate Summary Suspension, filed January 21, 2021, remain in full force and effect.
20. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.
21. A copy of this order shall be provided to Defendant as soon as it is processed.

This Order is subject to review and approval by the Oklahoma Attorney General, and this Order shall become final upon completion of the review by the Oklahoma Attorney General unless disapproved, in which case this Order shall be null and void.

Dated this 15th day of JUNE, 2021.



Billy H. Stout, M.D., Board Secretary
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Certificate of Service

This is to certify that on the 16th day of June, 2021, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail, and Email

Melissa D. Flaming Ford
3604 Last Chance
Enid, Oklahoma 73703
lesmelheaven@att.net

Defendant

U.S. First Class Mail, and Email

Eric N. Edwards
ERIC N EDWARDS, P.C.
109 N. Grand Avenue
Enid, Oklahoma 73701
(580) 233-3003
eric@ericnedwardslaw.com

***Attorney for Defendant,
Melissa Flaming Ford, P.T.A.***

E-Mail

Amanda R. Everett, AAG
STATE OF OKLAHOMA
OFFICE OF ATTORNEY GENERAL
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105
(405) 521-3921
(405) 521-6246 facsimile
amanda.everett@oag.ok.gov

***Attorney for Plaintiff,
Oklahoma State Board of Medical
Licensure and Supervision***



Nancy Thiemann, Legal Assistant

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

STATE OF OKLAHOMA, *ex rel.*)
OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
)
MELISSA FLAMING FORD, P.T.A.,)
LICENSE NO. TA 807,)
)
Defendant.)

FILED

JAN 21 2021

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 18-03-5602

**AGREED ORDER GRANTING REINSTATEMENT OF LICENSE
UNDER TERMS OF PROBATION AFTER
IMMEDIATE SUMMARY SUSPENSION**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision ("Board") on January 21, 2021 at the office of the Board, 3233 NW Expressway, Oklahoma City, Oklahoma 73112, pursuant to notice given as required by law and the rules of the Board.

Amanda R. Everett, Assistant Attorney General, appeared on behalf of Plaintiff. Melissa Flaming Ford, P.T.A. ("Defendant") appeared with counsel Eric N. Edwards of Eric N. Edwards, P.C. Plaintiff and Defendant are collectively referred to herein as the "Parties."

The Board, having been advised that the parties have come to an agreement on the pending issues and, having heard the terms of said agreement and the representations of the parties in support of the same, and being fully apprised of the premises, makes the following findings of fact, conclusions of law and orders.

Findings of Fact

1. In Oklahoma, Defendant holds physical therapist assistant license no. TA 807, originally issued September 2, 1999.
2. January 22, 2018, Defendant attended Valley Hope Treatment Center for alcoholism, and was discharged on February 10, 2018.
3. In 2018, Defendant participated in an outpatient treatment program, Stepping Stones in Enid, Oklahoma.
4. On May 3, 2018, Defendant voluntarily entered the Allied Professional Peer Assistance Program (APPA) program. Between March 2017 and October 2020, Defendant was arrested

for DUI a total of 4 times. Defendant was discharged from APPA on October 21, 2020 due to a relapse and a DUI arrest that took place on October 17, 2020.

5. On October 22, 2020, an Immediate Summary Suspension of Physical Therapist Assistant License ("ISS") was filed by the Board, and Defendant was served on October 23, 2020. A Return of Service was filed October 29, 2020.
6. From October 24, 2020 to November 28, 2020, Defendant participated without pre-approval by the Board, in residential treatment, Beach House Recovery in Florida. This facility, Beach House Recovery, is not on the approved list of providers for services to the Board.
7. On January 15, 2021 ("2021 Application for Reinstatement"), Defendant applied for reinstatement of her Oklahoma physical therapist assistant license.
8. At the January 21, 2021 meeting, Dr. Billy Stout, Board Secretary, advised the Board regarding Defendant's history, application for reinstatement and recommended the Board reinstate her license under terms of probation for five years.
9. The Board concluded Defendant's license should be reinstated subject to terms of probation as further specified herein.
10. Any conclusion of law below which is more properly characterized as a finding of fact is hereby incorporated as a finding of fact.

Conclusions of Law

11. The Board has jurisdiction over the subject matter and is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physical therapists and physical therapist assistants in the State of Oklahoma. 59 O.S. § 887.1 *et seq.* and Okla. Admin. Code § 435:20-1-1 *et seq.*
12. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 504; Okla. Admin. Code §§ 435:3-3-5, 3-3-6.

The Executive Director of the Board shall suspend the license immediately upon notification that the licensee has defaulted from the Allied Professional Peer Assistance Program. 59 O.S. § 518(J) and Okla. Admin. Code § 435:12-1-8(c).

Orders

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

1. Prior to reinstatement of physical therapist assistant license no. TA 807 under the terms and conditions stated in this Order, **MELISSA FLAMING FORD, P.T.A.**, shall complete all requirements of her 2021 Application for Reinstatement.
2. **MELISSA FLAMING FORD, P.T.A.**, Oklahoma physical therapist assistant license no.

TA807, is **REINSTATED** under terms and conditions of **FIVE (5) YEARS PROBATION**, as stated herein.

Specific Terms:

- a. Defendant shall be required to submit to random urine drug screens, PEth tests, hair tests, nail tests and breathalyzer tests. The testing will be scheduled and monitored by the Board Compliance Coordinator.
- b. Defendant shall attend ninety (90) meetings in ninety (90) days at Alcoholics Anonymous (AA), with reports to the Compliance Coordinator. Upon successful completion, Defendant shall attend two (2) AA meetings per week for the duration of her probation as set forth in this Order. Defendant shall obtain an AA sponsor and provide the sponsor's name and meeting attendance records monthly to the Compliance Coordinator.
- c. Defendant shall promptly notify the Compliance Coordinator of any relapse, including any entry, or re-entry, into a treatment program of substance abuse, including alcohol.
- d. Defendant shall attend counseling sessions with a certified counselor to be approved of in advance by the Board Secretary. The counselor shall provide quarterly reports to the Board Secretary and Compliance Coordinator, until Defendant is released by the counselor.
- e. All prospective employment shall be preapproved by the Board Secretary.
- f. If Defendant desires to change her employment, the proposed working environment must be approved of in advance by the Board Secretary.

Standard Terms:

- g. Defendant shall conduct her practice in compliance with the Oklahoma Physical Therapy Practice Act ("PTP Act") as interpreted by the Board. Any question of interpretation regarding the PTP Act or this Order 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 or its designee. 59 O.S. § 887.1 *et seq.*
- h. Defendant shall furnish a file-stamped copy of this Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision, 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.
- i. Defendant will keep the Board informed of her current address.
- j. Defendant will keep current payment of all assessments by the Board for prosecution, investigation and monitoring of her case, which shall include, but is not limited to, a fee of one hundred fifty dollars (\$150.00) per month during the

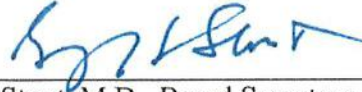
term of probation, unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.

- k. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.
- l. For good cause shown, upon request of the Board or its designee, Defendant will submit biological specimens for analysis, including but not limited to, blood, urine, hair follicle and nail samples, and Defendant will pay the costs attendant thereto.
- m. Defendant will take no medication except that which is authorized by a physician treating her for a legitimate medical need, and only during that time in which she is being treated by the physician for that specific medical need. Defendant has the affirmative duty to inform any and every doctor treating her of this Order immediately upon initiation, or continuation of treatment. In the event that Defendant is prescribed any controlled dangerous substance during the term of this Order, Defendant shall contact the Board Secretary or the Board designee to discuss the prescription.
- n. Defendant will have the affirmative duty not to ingest any substance, including but not limited to alcohol, which will cause a body fluid sample to test positive for prohibited substances.
- o. Defendant shall promptly notify the Board Secretary or Compliance Coordinator of any citation or arrest for traffic or for criminal offenses. This notification will include any complaint of intoxication or severe hangover at place of employment of while rendering health services.
- p. Upon request, Defendant shall make herself available for one or more personal appearances before the Board or its authorized designee.
- q. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or authorized designee.
- r. Defendant will execute such releases of medical and psychiatric records during the entire term of this Order as necessary for use by the Compliance Coordinator to obtain copies of medical records and assessments, and authorize the Compliance Coordinator to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records
- s. If Defendant moves her residence or practice location out of the State of Oklahoma during this Order, this Order will be tolled until such time as Defendant returns to the State of Oklahoma and begins practicing within the state. Defendant will notify the Board Secretary and Compliance Coordinator prior to moving out-of-state.
- t. Failure to meet any of the terms of this Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

u. Immediately upon learning that a licensee is in violation of a Board-ordered probation, the Executive Director of the Board may summarily suspend the license based on imminent harm to the public and assign a hearing date for the matter to be presented at the next scheduled Board meeting. 59 O.S. § 506(B).

3. A copy of this Order shall be provided to Defendant as soon as it is processed.

Dated this 21st day of January, 2021.

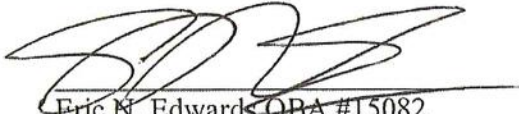


Billy H. Stout, M.D., Board Secretary
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Approved by:



Melissa D. Flaming Ford, P.T.A.
License No. TA 807



Eric N. Edwards OBA #15082
ERIC N. EDWARDS, PC
POST OFFICE BOX 5188
109 N. GRAND
ENID, OK 73702
580-233-3003
Attorney for Melissa Flaming Ford, P.T.A.

Certificate of Service

This is to certify that on the 22nd day of January, 2021, a true and correct copy of the foregoing Order was transmitted as specified, postage prepaid, to the following:

U.S. Certified Mail

Melissa Deann Ford
f/k/a Melissa Flaming
3604 Last Chance
Enid, Oklahoma 73703

Defendant

U.S. First Class Mail

Eric N. Edwards
ERIC N EDWARDS, P.C.
109 N. Grand Avenue
Enid, Oklahoma 73702
eric@ericnedwardslaw.com

*Attorney for Defendant,
Melissa Flaming Ford, P.T.A.*



Nancy Thiemann, Legal Assistant



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2021-31A

Billy H. Stout, M.D. Board Secretary
Oklahoma State Board of Medical
Licensure and Supervision
10 N.E. 51st St.
Oklahoma City, OK 73105-1821

June 15, 2021

Dear Secretary Stout:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma State Board of Medical Licensure and Supervision (“Board”) intends to take in case 18-03-5602. In October 2020, licensee physical therapist license was suspended after violating her APPA contract by testing positive for alcohol. In January 2021, her license was reinstated under an agreed order, which required a five-year probation period. In March 2021, licensee again tested positive for alcohol and agreed not to practice. Licensee failed to comply with the terms of the agreed order. Pursuant to the terms of the agreed order, the Board proposes to suspend licensee’s license for ninety days and require licensee to pay costs, including legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney fees. All terms of the agreed order will remain in full force and effect.

The Physical Therapy Practice Act authorizes the Board to discipline licensees who have used “intoxicating liquors to an extent which affects the professional competency of the licensee” or “[b]een guilty of conduct unbecoming a person licensed as a physical therapist[.]” 59 O.S.Supp.2020, § 887.13(A)(4), (9). The rules of the Board define conduct unbecoming to include “[h]abitual intemperance or addicted use of any . . . substance” that could interfere with licensee’s practice and responsibilities or “[v]iolation of any provision(s)” of a Board order. OAC 435:20-5-8(12), (29). The Board may reasonably believe that the proposed action is necessary to protect public health and deter future violations.

It is, therefore, the official opinion of the Attorney General that the State Board of Medical Licensure and Supervision has adequate support for the conclusion that this action advances the State’s policy of protecting the health, safety, and well-being of the citizens of Oklahoma.

A handwritten signature in black ink, appearing to read "Dan Goyette".

ACTING ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink, appearing to read "Ethan Shaner".

ETHAN SHANER
DEPUTY GENERAL COUNSEL