

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

**FILED**

IN THE MATTER OF THE )  
APPLICATION OF )

JUL 20 2007

BECKY DIANNE DIERCKS, R.C., )

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

FOR REINSTATEMENT OF OKLAHOMA )  
RESPIRATORY CARE LICENSE NO. 840 )

Case No. 06-12-3222

**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 July 19, 2007, 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, Becky Dianne Diercks, R.C., 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. 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.

2. On May 17, 2007, after hearing before the Board *en banc*, the Board entered a Final Order of Suspension whereby it suspended Defendant's license indefinitely until she completed an evaluation by a board certified psychiatrist approved in advance by the Board Secretary. Defendant was ordered to provide the results of her evaluation to the Board for its consideration prior to seeking reinstatement of her license.

3. Defendant is now seeking reinstatement of her Oklahoma respiratory care license no. RC840.

## *CONCLUSIONS OF LAW*

1. The Board has jurisdiction to reinstate the license of a respiratory care practitioner pursuant to 59 O.S. §§480 et seq. and 2026 et seq.
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. §2026 et seq.

## *ORDER*

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

1. Defendant's respiratory care practitioner 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 her practice in compliance with the Oklahoma Respiratory Care Practice Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act 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 Oklahoma State Board of Medical Licensure and Supervision.
  - B. Defendant will furnish to each and every state in which she holds licensure or applies for licensure and hospitals, clinics or other institutions in which she holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.
  - C. Defendant will not administer, dispense or possess any drugs in Schedules I through V.
  - D. 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.
  - E. 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 the Board Order immediately upon initiation, or continuation of treatment.

F. Defendant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances, including but not limited to alcohol.

G. Defendant will authorize in writing the release of any and all information regarding her treatment at the Northwest Center for Behavioral Health and 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.

H. Defendant will abide by the terms and recommendations of Mark Rathgeber, M.D. as set forth in her psychiatric assessment dated July 12, 2007.

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

J. Defendant will enter and continue counseling with a board certified psychiatrist approved in advance by the Board Secretary and will authorize in writing the release of any and all records of that treatment to the Board or its designee. Defendant shall submit quarterly reports from her psychiatrist to the Board Secretary for his review.

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

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

M. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of her current address.

N. Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his case, including but not limited to a \$100.00 per month monitoring fee.

O. Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

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

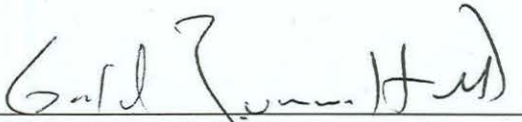
Q. Defendant shall submit any required reports and forms on an accurate, timely and prompt basis to the Compliance Coordinator or designee.

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. Defendant's suspension will be lifted, and her license will be reinstated only upon payment in full of all costs and expenses incurred by the State of Oklahoma prior to July 20, 2007.


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

Dated this 20 day of July, 2007.

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

**Certificate of Service**

On the 20 day of July, 2007, a true and correct copy of this order was mailed, postage prepaid, to Becky Dianne Diercks, 2820 Apache, Woodward, OK 73801.

  
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Janet Swindle