

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.)

JAEMIE ANN WATERS, P.A.,)
LICENSE NO. PA842)

Defendant.)

JUL 20 2007

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 03-07-3260

FINAL ORDER OF PROBATION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on July 19, 2007 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.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised 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 887.1 *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, Jaemie Ann Waters, P.A., holds Oklahoma physician assistant license no. PA842.

4. In 1988, Defendant was admitted to Washington Hospital in Washington D.C. for treatment of her bulimia nervosa. Prior to that time, Defendant had been in therapy for approximately eleven (11) years but had continued her bulimic behavior and alcohol and drug use, including the use of cocaine and marijuana.

5. After four (4) days of treatment at Washington Hospital, Defendant was then admitted to Suburban Hospital for her second treatment attempt so as to treat her drug and alcohol abuse. Defendant remained in treatment for approximately thirty (30) days, after which time she was discharged.

6. After her discharge, Defendant resumed her drug and alcohol abuse and in January 1989, she began her third treatment attempt at Northwestern Institute in Philadelphia, Pennsylvania. She remained in treatment for approximately forty (40) days.

7. After discharge from the Northwestern Institute, Defendant continued with outpatient therapy, but relapsed with respect to her bulimia and alcohol and drug abuse. She also engaged in stealing to support her habit.

8. In July 1989, Defendant began her fourth treatment attempt at The Psychiatric Institute for treatment of her drug and alcohol abuse and bulimia nervosa. Defendant remained in treatment for approximately one (1) month. During this admission, Defendant was diagnosed with Borderline Personality Disorder.

9. In August 1990, Defendant began her fifth treatment attempt at The Psychiatric Institute for treatment of her drug and alcohol abuse and bulimia nervosa. Defendant admitted that she had resumed her use of alcohol and cocaine since her discharge a year earlier. Defendant also admitted that she had been dealing drugs and had sold prescription drugs from a dentist. Defendant remained in treatment for approximately six (6) weeks.

10. In September 1990, Defendant transferred to Laureate Psychiatric Clinic and Hospital in Tulsa, Oklahoma to begin her sixth treatment attempt so as to treat her bulimia nervosa. Defendant remained in inpatient treatment for three (3) months, then continued outpatient treatment until March 1991, at which time she was discharged.

11. On or about June 7, 1996, Defendant submitted her Application for an Oklahoma Physician Assistant License. On her application, Defendant was asked the following question:

“Are you now or have you ever been addicted to, or used in excess, any drug or chemical substance including alcohol, or been treated through a rehabilitation program?”

In response to this question, Defendant answered “No.”

12. Based upon Defendant's submission of a fraudulent application, on or about September 26, 1996, Defendant executed a Voluntary Submittal to Jurisdiction whereby she was granted a physician assistant license under terms of a **FIVE (5) YEAR PROBATION**.

13. On or about September 26, 2001, Defendant's probation ended.

14. In or around 2003, Defendant relapsed and began using Methamphetamine. Defendant admitted that her use of Methamphetamine continued until she was using it on a daily basis until at least July 2005.

15. On or about March 25, 2004, March 30, 2005, and January 14, 2006, Defendant submitted her Applications for Renewal of Oklahoma Physician Assistant License. On each of her applications, Defendant was asked the following question:

"Since the last renewal...Have you been addicted to or abused any drug or chemical substance including alcohol?"

In response to this question, on each of these applications, Defendant answered "NO".

16. On or about December 3, 2003, Defendant was arrested by store security and issued a citation by the Tulsa Police Department based upon Petit Larceny at the Mervyn's Department Store in Tulsa, Oklahoma. Defendant had attempted to steal jewelry and accessories from the store.

17. On or about May 27, 2005, Defendant was arrested by the Oklahoma Highway Patrol and charged with Unlawful Possession of Drug Paraphernalia, Operating a Vehicle While License Suspended, and Speeding 108 M.P.H. in a 65 M.P.H. Zone. During the search of her car, the patrol officer found three (3) syringes, a brass "hitter pipe", a lighter and a spoon with white residue on it, and a tin box with marijuana in it. Defendant was fined and received a deferred sentence.

18. On or about June 28, 2005, Defendant was arrested by the Tulsa County Police Department and charged with Petit Larceny from Retailer-2nd Offense and Possession of Drug Paraphernalia. Defendant attempted to steal clothes from Kohl's Department Store in Tulsa, Oklahoma. At the time of her arrest, she was searched, at which time two (2) marijuana smoking pipes were found. Defendant subsequently plead guilty and received an **EIGHTEEN (18) MONTH DEFERRED SENTENCE**.

19. On or about January 14, 2006, Defendant submitted her Application for Renewal of Oklahoma Physician Assistant License. On her application, Defendant was asked the following questions:

"Since the last renewal...Have you been arrested for, charged with,

or convicted of a felony or misdemeanor other than a traffic violation?"

"Since the last renewal...Have you been arrested for, charged with, or convicted of a traffic violation involving the use of drugs and/or alcohol?"

In response to both of these questions, Defendant answered "NO".

20. Title 59 O.S. §508 provides as follows:

"Whenever any license has been procured or obtained by fraud or misrepresentation...it shall be the duty of the State Board of Medical Licensure and Supervision to take appropriate disciplinary action in the same manner as is provided... for the disciplining of unprofessional conduct."

Section 508 further provides as follows:

"Use of fraudulent information to obtain a license shall be a misdemeanor offense, punishable, upon conviction, by the imposition of a fine of not less than One Thousand Dollars (\$1,000.00), or by imprisonment in the State Penitentiary for not more than one (1) year, or by both such fine and imprisonment."

21. Defendant is guilty of unprofessional conduct in that she:

- A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. § 509 (8) and OAC 435:10-7-4 (11).
- B. Engaged in fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4 (8).
- C. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4 (19).

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 and the Physician Assistant Act and their applicable regulations. The Board is authorized to enforce the Acts as necessary to protect the public health, safety and welfare.

2. Defendant is guilty of unprofessional conduct as follows:

- A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. § 509 (8) and OAC 435:10-7-4 (11).
- B. Engaged in fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4 (8).
- C. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4 (19).

3. The Board further found that the Defendant's license should be placed on probation based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509(8), OAC Title 435:10-7-4(8), (11) and (19).

Order

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

1. The license of Defendant, Jaemie Ann Waters, P.A., Oklahoma license no. PA842, is hereby placed on **INDEFINITE PROBATION** under the following terms and conditions:

- A. Defendant will conduct her practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act and the Physician Assistant 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. Upon request of the Board Secretary, Defendant will request all hospitals in which she anticipates practicing to furnish to the Board Secretary of the Oklahoma State Board of Medical Licensure and Supervision a written statement regarding monitoring of her practice while performing services in or to that hospital.

C. 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.

D. Defendant will not prescribe, administer, dispense or possess any drugs in Schedules II through V.

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

F. Defendant will not prescribe, administer, or dispense any medications for personal use or for that of any family member.

G. 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.

H. 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.

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

J. Defendant will execute a contract with and will attend one (1) meeting per week of the Health Professionals Recovery Program for the duration of her probationary term.

K. Defendant shall enter and continue counseling to deal with

assertiveness training, anger management skills and bulimia at least one (1) time per week with a counselor 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 additionally submit quarterly reports from her counselor to the Board Secretary for his review. Defendant will remain in treatment until both the counselor and the Board Secretary authorize her release from counseling.

L. 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.

M. Defendant shall promptly notify the Board of any entry into a treatment program for substance abuse.

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

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

P. Defendant will keep current payment of all assessments by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of her case, including but not limited to a \$100.00 per month probation monitoring fee.

Q. 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.

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

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

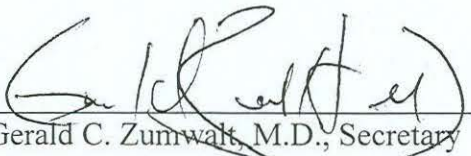
T. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

2. Defendant's practice shall be limited to practicing in the Emergency Room at the Muskogee Regional Medical Center under the supervision of Barry Wynn, M.D. Any change in Defendant's employment must be approved in writing in advance by the Board Secretary.

3. Defendant shall pay an **ADMINISTRATIVE FINE** in the amount of \$7,500.00, to be paid on or before July 19, 2008.


4. 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 20 day of July, 2007.


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

CERTIFICATE OF SERVICE

I certify that on the 20 day of July, 2007, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Jaemie Waters, 3408 Tull Place, Muskogee, OK 74403.


Janet Swindle