

**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.)

HOBERT STEVENS MILLER,)
LICENSE NO. RC No. 881,)

Defendant.)

FILED
MAY 28 2019
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 19-03-5720

VERIFIED COMPLAINT

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), alleges and states as follows for its Complaint against **HOBERT STEVENS MILLER, R.C.** (“Defendant”):

I. JURISDICTION

1. 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 respiratory care practitioners in the State of Oklahoma. **Title 59 O.S. §2040, et seq.** and Okla. Admin. Code **435:45-1-4(b)(3)**.
2. In Oklahoma, Defendant holds respiratory care practitioner license No. 881
3. The acts and omissions complained of herein were made while Defendant was acting as a respiratory care practitioner pursuant to the license conferred upon him by the State of Oklahoma. Such acts and omissions occurred within the physical territory of the State of Oklahoma.

II. ALLEGATIONS OF UNPROFESSIONAL CONDUCT

4. On May 8, 2014, the Defendant was charged in Oklahoma County Case Number CF-14-3076, with:
Count #1: Unlawful Cultivation of CDS - Marijuana;

Count #2: Possession of CDS with Intent to Distribute - Marijuana; and,
Count #3: Possession of an Offensive Weapon While Committing a Felony.

5. Count #2 was dismissed on November 28, 2016.
6. Count #3 was dismissed on February 6, 2015.
7. On February 3, 2017, the Defendant entered a Nolo Contendere Plea to Count #1 and was sentenced to a ten (10) year deferred sentence to include thirty (30) consecutive weekends of incarceration, D.O.C. supervision, \$250 fine, \$45 VCA, \$75 Lab fee, \$150 MHAF, \$50 D.A. fee, \$100 trauma care fee, and costs.
8. On January 5, 2016, the Defendant submitted his on-line APPLICATION FOR RENEWAL OF OKLAHOMA LICENSE.
 - a. Question D of the application asked: "Have you been arrested for, charged with, or convicted of a felony or misdemeanor other than a traffic ticket?"
 1. Defendant responded "no".
9. On January 23, 2018, the Defendant submitted his on-line APPLICATION FOR RENEWAL OF OKLAHOMA LICENSE.
 - a. Question D of the application asked: "Have you been arrested for, charged with, or convicted of a felony or misdemeanor other than a traffic ticket?"
 1. Defendant responded "no".

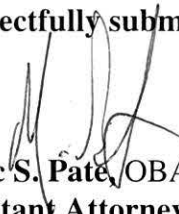
III. VIOLATIONS

10. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
 - a. fraud or deceit in procuring or attempting to procure a . . . renewal of a license to practice respiratory care, in violation of **Title 59 O.S. §2040(1)**;
 - b. confession or plea of no contest to a drug related offense; Okla. Admin. Code **435:45-5-3(6)**;
 - c. falsifying documents submitted to the Respiratory Care Advisory Committee or the Oklahoma State Board of Medical Licensure and Supervision, Okla. Admin. Code **435:45-5-3(7)**.

IV. CONCLUSION

Given the foregoing, the undersigned respectfully request the Board to conduct a hearing, and upon proof of the allegation contained herein, impose such disciplinary action as authorized bylaw, up to and including suspension or revocation and any other appropriate action with respect to the Defendant's professional license, including an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



Marc S. Pate, OBA No. 10567
Assistant Attorney General
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VERIFICATION

I, Steve Washbourne, state under penalty of perjury under the laws of Oklahoma that the foregoing is true and correct.

5-28-19 Okla. Co.
(Date and Place)

Steve Wash
(Signature)