

**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, R.C.P., )  
 LICENSE NO. RC 881, )  
 )  
 Defendant. )

**FILED**

SEP 12 2019

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 19-03-5720

**ORDER ACCEPTING  
VOLUNTARY SUBMITTAL TO JURISDICTION**

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), by and through the undersigned counsel for the Plaintiff, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, along with Hobert Stevens Miller, R.C. (“Defendant”), Oklahoma Respiratory Care Practitioner license no. 881, who appears in person, *pro se* (collectively, the “Parties”), and offer this Order Accepting Voluntary Submittal to Jurisdiction (herein, “Order” or “Agreement”) for acceptance by the Board. Okla. Admin. Code § 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant admits to the allegations herein contained and further acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act or Respiratory Care Practice Act. 59 O.S. § 480, *et seq.*; 59 O.S. § 2026, *et seq.*

Defendant, Hobert Stevens Miller, R.C., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for an evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement may be reviewed and discussed with him by legal counsel prior to execution.

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Defendant herein, if any, shall not be regarded as evidence against him in a subsequent disciplinary hearing. Defendant will be free to defend himself and no

BOARD     *BH*    

HSM     *HSM*

inferences will be made from his willingness to have this Order accepted by the Board. The Parties stipulate that neither the presentation of this Order nor the Board's consideration of this Order shall be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not be grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.

### **Findings of Fact**

The Plaintiff, Defendant, and the Board staff stipulate and agree as follows:

1. In Oklahoma, Defendant holds Respiratory Care Practitioner license no. 881, originally issued January 11, 1996.
2. 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.
3. Count #2 was dismissed on November 28, 2016.
4. Count #3 was dismissed on February 6, 2015.
5. 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.
6. 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.'
7. 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.'

BOARD



HSM



**Conclusions of Law**

8. 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. 59 O.S. § 2026 *et seq.*, Okla. Admin. Code §§ 435:1-1-1 *et seq.*, 435:45-1-1 *et seq.*
9. 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, 435:3-3-6.
10. The Board is authorized to accept voluntary submittals to jurisdiction mutually agreed-to by parties to a disciplinary action to resolve the action without need for a hearing. 75 O.S. § 309(E); Okla. Admin. Code § 435:5-1-5.1.
11. 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. 59 O.S. § 2040(1).
  - b. 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).

**Orders**

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

1. The Board hereby adopts the Agreement of the Parties in this Order Accepting Voluntary Submittal to Jurisdiction, including the findings of fact and conclusions of law stated herein.
2. **HOBERT STEVENS MILLER, R.C.**, Oklahoma respiratory care practitioner license no. 881, is formally **REPRIMANDED**.
3. **HOBERT STEVENS MILLER, R.C.** is **FINED** one thousand five hundred (\$1,500) dollars, due within one year from the date of the filing of this order.
4. **HOBERT STEVENS MILLER, R.C.** shall comply with all of the following terms and conditions:

**Standard Terms:**

- a. Defendant shall conduct his practice in compliance with the Respiratory Care Practice Act ("RCP Act") as interpreted by the Board. Any question of interpretation regarding the RCP 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

BOARD 

HSM 

Defendant until clarification of interpretation is received by Defendant from the Board or its designee. 59 O.S. § 2026, *et seq.*

- b. Defendant shall furnish a file-stamped copy of this Order stipulating sanctions imposed by the Board, to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.
- c. Defendant will keep the Board informed of his current address.
- d. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.
- e. 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.
- f. Upon request, Defendant shall make himself available for one or more personal appearances before the Board or its authorized designee.
- g. 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.
- h. The Parties, the Board or its designee, or the Defendant may file a motion for a Board hearing and possible new Board order.

**Specific Terms:**

- i. Defendant shall personally meet with the Board Secretary within one year for review of compliance and consideration of modifications.
5. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.
6. A copy of this Order shall be provided to Defendant as soon as it is processed.

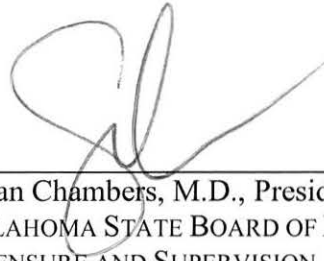
BOARD




HSM



Dated this 12<sup>th</sup> day of SEPTEMBER, 2019.



Susan Chambers, M.D., President  
OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION



---

Hobert Stevens Miller, R.C.  
License RC 881  
**Defendant, pro se**



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 13<sup>th</sup> day of Sept., 2019, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail  
Hobert Stevens Miller  
980443 S. Sunset Drive  
Wellston, Oklahoma 74881  
**Defendant, pro se**



Nancy Thiemann, Legal Assistant

BOARD 

HSM 