

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

FILED

SEP 22 2006

STATE OF OKLAHOMA
EX REL. THE OKLAHOMA BOARD
OF MEDICAL LICENSURE
AND SUPERVISION,

Plaintiff,

v.

MICHELLE DIANNE HILDEBRAND, LD
LICENSE NO. LD927

Defendant.

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 06-06-3109

FINAL ORDER OF SUSPENSION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on September 21, 2006, 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 and pro se.

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 dietitians in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* and 1721 *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, Michelle Dianne Hildebrand, LD, holds dietitian license no. LD927 in the State of Oklahoma.

4. On or about May 12, 2003, Defendant was arrested and charged in Oklahoma County with Possession of Marijuana, Possession of Paraphernalia, Unauthorized Use of a Vehicle and Escape from Custody. She subsequently plead guilty and received a three (3) year deferred sentence where she was required to attend two (2) years of intensive therapy. On or about May 5, 2006, Defendant completed all court requirements and the charges were dismissed.

5. On or about May 24, 2006, Defendant relapsed by smoking Methamphetamines in the parking lot at the Absentee Shawnee Tribe clinic where she was employed. When approached by tribal police, Defendant turned over the remaining Methamphetamines in her possession.

6. On or about May 25, 2006, pursuant to her employer's request, Defendant resigned her position with the Absentee Shawnee Tribe.

7. Based on the allegations stated above, Defendant is guilty of unprofessional conduct as follows:

- A. Abused alcohol or drugs in any manner which detrimentally affects the provision of nutritional services in violation of 59 O.S. §1738(A)(2) and OAC 435:35-1-4(c)(1)(F).
- B. Failed to comply with the provisions of the Oklahoma Controlled Substances Act in violation of 59 O.S. §1738(A)(2) and OAC 435:35-1-4(c)(1)(G).

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 (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

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

- A. Abused alcohol or drugs in any manner which detrimentally affects the provision of nutritional services in violation of 59 O.S. §1738(A)(2) and OAC 435:35-1-4(c)(1)(F).
- B. Failed to comply with the provisions of the Oklahoma Controlled Substances Act in violation of 59 O.S. §1738(A)(2) and OAC 435:35-1-4(c)(1)(G).

3. The Board further found that the Defendant's license should be suspended based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §1738(A) (2) and OAC 435:35-1-4 (c)(1)(F) and (G).

Order

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


1. The license of Defendant, Michelle Dianne Hildebrand, LD, Oklahoma dietitian license no. LD927, is hereby **SUSPENDED INDEFINITELY** as of the date of this hearing, September 21, 2006. Defendant's license shall remain suspended until Defendant completes inpatient treatment for substance abuse at a treatment center approved in advance by the Board Secretary.

2. Upon completing treatment for substance abuse, Defendant may apply for reinstatement of her license, at which time any terms of probation may be determined.

3. 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.


4. Defendant's suspended license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs and expenses incurred by the State of Oklahoma.

Dated this 22 day of September, 2006.


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

CERTIFICATE OF SERVICE

I certify that on the 22 day of September, 2006, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Michelle Dianne Hildebrand, 1242 S.W. 74th Street, #206, Oklahoma City, OK 73139.


Janet Swindle