

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.)
)
LESLIE MARIE LAMBERT, OT,)
LICENSE NO. OT955)
)
Defendant.)

SEP 23 2005

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 05-04-2954

FINAL ORDER OF SUSPENSION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on September 22, 2005, 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 through counsel Laura Cross.

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 occupational therapists in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* and 888.1 *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, Leslie Marie Lambert, OT, holds occupational therapy license no. OT955 in the State of Oklahoma.

4. On August 29, 2002, Defendant was arrested by the Yukon Police Department based upon an incident where she obtained a controlled dangerous substance by fraud. Specifically, she called in or caused to be called in a prescription for Tussionex, then picked up the drugs at Eckerd Drug in Yukon, Oklahoma.

5. On or about September 5, 2002, Defendant was charged with the crime of **OBTAINING A CONTROLLED DANGEROUS SUBSTANCE BY FRAUD**, a felony, in violation of 63 O.S. §2-407, in the District Court of Canadian County, State of Oklahoma.

6. On or about September 6, 2002, Defendant began treatment for substance abuse at Right Way Medical Clinic in Oklahoma City, Oklahoma.

7. On or about October 25, 2002, Defendant submitted her Application for Renewal of Oklahoma license. On her application, Defendant was asked the following question:

"Since the last renewal or initial licensure (whichever is most recent), have you been arrested or charged or convicted of a felony or misdemeanor?"

In response to this question, Defendant answered "**No.**"

Defendant was also asked the following question:

"Since the last renewal or initial licensure (whichever is most recent), have you obtained an assessment or been treated for use of any drug or chemical substance including alcohol?"

In response to this question, Defendant answered "**No.**" Defendant additionally answered "**No**" to this same question on her October 28, 2003 and her October 30, 2004 Applications for Renewal of Oklahoma License.

8. 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."

9. On or about December 18, 2002, Defendant plead guilty to the charge of **OBTAINING A CONTROLLED DANGEROUS SUBSTANCE BY FRAUD** and received a three (3) year deferred sentence, two (2) years of supervised probation, requirement for substance abuse counseling, and was ordered to pay court costs.

10. Defendant is guilty of unprofessional conduct in that she:
- A. Obtained a license by means of fraud, misrepresentation, or concealment of material facts in violation of 59 O.S. § 887.9(A)(1) and OAC 435:30-1-10 (24).
 - B. Engaged in unprofessional conduct as defined by the rules established by the Board, or violating the Code of Ethics adopted and published by the Board in violation of 59 O.S. § 887.9(A)(2) and OAC 435:30-1-10 (29).
 - C. Violated any provision of this act in violation of 59 O.S. § 887.9(A)(2).
 - D. Was convicted of, or confessed to or plead no contest to a felony or misdemeanor in violation of OAC 435:30-1-10 (2).
 - E. Engaged in dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public in violation of OAC 435:30-1-10 (3).
 - F. Procured, aided or abetted a criminal operation in violation of OAC 435:30-1-10 (5).
 - G. Participated in fraud, abuse and/or violation of state or federal laws in violation of OAC 435:30-1-10 (6).

- H. Falsely manipulated a patient's record or forged a prescription for medication/drugs, or presented a forged prescription in violation of OAC 435:30-1-10 (9).
- I. Engaged in the use of the unauthorized possession or use of illegal or controlled substances or pharmacological agent without lawful authority or prescription by an authorized and licensed independent practitioner of the State of Oklahoma in violation of OAC 435:30-1-10 (12).
- J. Falsified documents submitted to the Occupational Therapy Committee or the Oklahoma State Board of Medical Licensure and Supervision in violation of OAC 435:30-1-10 (23).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Occupational Therapy Practice 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. Obtained a license by means of fraud, misrepresentation, or concealment of material facts in violation of 59 O.S. § 887.9(A)(1) and OAC 435:30-1-10 (24).
- B. Engaged in unprofessional conduct as defined by the rules established by the Board, or violating the Code of Ethics adopted and published by the Board in violation of 59 O.S. § 887.9(A)(2) and OAC 435:30-1-10 (29).
- C. Violated any provision of this act in violation of 59 O.S. § 887.9(A)(2).
- D. Was convicted of, or confessed to or plead no contest to a felony or misdemeanor in violation of OAC 435:30-1-10 (2).
- E. Engaged in dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public in violation of OAC 435:30-1-10 (3).

- F. Procured, aided or abetted a criminal operation in violation of OAC 435:30-1-10 (5).
- G. Participated in fraud, abuse and/or violation of state or federal laws in violation of OAC 435:30-1-10 (6).
- H. Falsely manipulated a patient's record or forged a prescription for medication/drugs, or presented a forged prescription in violation of OAC 435:30-1-10 (9).
- I. Engaged in the use of the unauthorized possession or use of illegal or controlled substances or pharmacological agent without lawful authority or prescription by an authorized and licensed independent practitioner of the State of Oklahoma in violation of OAC 435:30-1-10 (12).
- J. Falsified documents submitted to the Occupational Therapy Committee or the Oklahoma State Board of Medical Licensure and Supervision in violation of OAC 435:30-1-10 (23).

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. §887.9(A)(1), (2) and OAC 435: 30-1-10 (2), (3), (5), (6), (9), (12), (23), (24) and (29).

Order

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

- 1. The license of Defendant, Leslie Marie Lambert, OT, Oklahoma license no. OT955, is hereby **SUSPENDED** as of the date of this hearing, September 22, 2005 for one (1) month.
- 2. Defendant shall be placed on **PROBATION** for a period of five (5) years following reinstatement from her suspension under the following terms and conditions:

- A. Defendant will conduct her practice in compliance with the Oklahoma Occupational Therapy Practice Act as interpreted by the Board. Any question of interpretation regarding the 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 Defendant until clarification of interpretation is received by Defendant from the Board or its designee.
- 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. Upon request of the Board Secretary, Defendant will request all hospitals in which she practices to furnish to the Board Secretary a written statement regarding monitoring of her practice while performing services in or to that hospital.
- D. Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of the Oklahoma State Board of Medical Licensure and Supervision or its designee, and Defendant will pay for the analysis thereof.
- 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 attend three (3) meetings per week of a 12-Step program approved in advance by the Board Secretary.
- H. Defendant shall continue her counseling and medication management with New Beginnings or with another psychiatrist approved in advance by the Board Secretary. Defendant shall continue with said counseling until both the counselor and the Board approve discontinuance of counseling. Defendant shall submit quarterly reports of her progress from her counselor to the

Board Secretary for his review.

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

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

K. Defendant will authorize in writing the release of any and all records of her medical, emotional or psychiatric treatment to the Oklahoma State Board of Medical Licensure and Supervision and will authorize the Compliance Consultant to the Board to discuss her case and treatment with the individuals providing Defendant's treatment.

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

M. Defendant will keep current payment of all assessment 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 monitoring fee.

N. 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.

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

P. Defendant will notify the Board or its designee of any slip, relapse, entry or re-entry into an inpatient rehabilitation, assessment, or evaluation program and shall provide to the Board or its designee written authorization for any and all records associated with said treatment, assessment or evaluation. Defendant acknowledges and agrees that the Board may use such information against Defendant in any future disciplinary proceedings.

Q. Defendant shall comply with all terms of her treatment plan with New Beginnings Medical Center.

R. 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

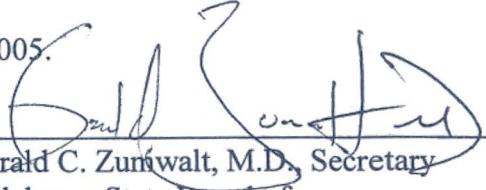
Defendant's license after due notice and hearing.

3. Defendant shall pay an **ADMINISTRATIVE FINE** in the amount of \$250.00 to be paid on or before December 22, 2005.

4. 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.

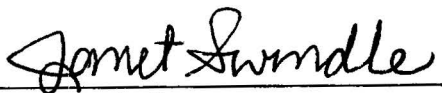
5. Defendant's suspension will be lifted, and her license will be reinstated only upon payment in full of all costs and expenses incurred by the State of Oklahoma prior to October 22, 2005.

Dated this 23 day of September, 2005.


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

CERTIFICATE OF SERVICE

I certify that on the 26 day of September, 2005, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Laura Cross, Scoggins & Cross, 3100 City Place Building, 204 N. Robinson, Oklahoma City, OK 73102.


Janet Swindle