

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.)
)
JON MARCUS OLIVE,)
LICENSE NO. RC975,)
)
Defendant.)

JUN 13 2014

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 14-03-4922

COMPLAINT

The State of Oklahoma, *ex rel.* the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), alleges and states as follows for its Complaint against the Defendant, Jon Marcus Olive, R.C.:

1. The Board 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 pursuant to 59 O.S. §§ 480 *et seq.* and § 2026 *et seq.*
2. The Defendant, Jon Marcus Olive, R.C., holds Oklahoma respiratory care therapist license no. 975.

Allegations of Unprofessional Conduct

3. On the Defendant's Respiratory Care Licensure renewal dated February 25, 2014, the Defendant answered "Yes," and gave the explanations for his affirmative answer, to the following questions:

"B. Have you surrendered a license or had any disciplinary action taken on any license?"

The Defendant included the following explanation: "I have surrendered my RN license."

"C. Have you been investigated by or requested to appear before a licensing or disciplinary agency?"

The Defendant included the following explanation: "I was investigated by the State

Board of Nursing, OK.”

“F. Have you been addicted to or abused any drug or chemical substance including alcohol?”

The Defendant included the following explanation: “I have abused marijuana in the past.”

“G. Have you obtained an assessment or been treated for use of any drug or chemical substance including alcohol?”

The Defendant included the following explanation: “Assessment through the Peer Assistance Program, Nursing.”

“Q. Have you been reported to the National Practitioner Data Bank (NPDB) or to the Healthcare Integrity and Protection Data Bank (HIPDB)?”

The Defendant included the following explanation: “I have been reported to the (NPDB) Nursing.”

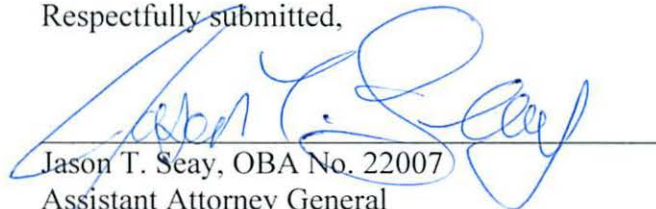
4. On or about April 30, 2014, Board Investigator RR interviewed the Defendant. The Defendant admitted that while he was employed as an RN for Hastings Hospital in 2011 he was required to take a random urine analysis which tested positive for marijuana. The Defendant was suspended for twenty (20) days and was required to submit an additional urine analysis. The Defendant’s additional urine analysis also tested positive for marijuana. The Defendant was allowed to resign and voluntarily enter the Peer Assistance Program.
5. The Defendant admitted he relapsed on marijuana again and on June 24, 2013, the Nursing Board suspended his license indefinitely.
6. The Defendant is guilty of unprofessional conduct in that he:
 - a) Is addicted to, or has improperly obtained, possessed, used or distributed habit-forming drugs or narcotics in violation of 59 O.S. 2011, §2040(4);
 - b) Has been guilty of unprofessional conduct as defined by the rules established by the Board, or of violating the code of ethics adopted and published by the Board in violation of 59 O.S. 2011, §2040(9);
 - c) Engaged in habitually intemperate or addicted use of a drug, chemical or substance which could result in behavior that interferes with the practice of respiratory care and the responsibilities of the licensee in violation of Okla. Admin. Code § 435:45-5-3(1);

- d) Used an illegal or controlled substances or pharmacologic agents without lawful authority or prescription by an authorized and licensed independent practitioner of the state of Oklahoma in violation of Okla. Admin. Code § 435:45-5-3(2); and
- e) Violating any provision of the Respiratory Care Practice Act or the rules promulgated by the Board in violation of Okla. Admin. Code § 435:45-5-3 (21).

Conclusion

Given the foregoing, the undersigned requests the Board conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, 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,



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