

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,)
)
vs.)
)
THOMAS KEITH JENKINS, P.T.A.,)
LICENSE NO. TA 1141,)
)
Defendant.)

FILED
APR 02 2019
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 13-08-4790

**ORDER GRANTING REINSTATEMENT AFTER REVOCATION OF
OF LICENSE UNDER INDEFINITE PROBATION**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (“Board”) on March 7, 2019, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and the rules of the Board.

Gary Ricks, Compliance Coordinator for the Board, appeared on behalf of Plaintiff. Thomas Keith Jenkins, P.T.A. (“Defendant”) appeared in person, *pro se*. Plaintiff and Defendant are collectively referred to herein as the “Parties.”

The Board heard representations of Dr. Billy Stout, Board Secretary, Gary Ricks, Compliance Coordinator, testimony of a character witness for Defendant, and testimony of Defendant. The Board reviewed the exhibits presented and being fully advised of the premises, makes the following findings of fact, conclusions of law and orders.

Findings of Fact

1. In Oklahoma, Defendant previously held physical therapist assistant license no. TA 1141, issued December 17, 2002.
2. On August 30, 2013, Defendant executed an Agreement Not to Practice (“2013 ANTP”).
3. On June 20, 2014, Defendant entered into an Agreement for Licensure (“Agreement”) with the Board. The Agreement terms for Defendant included, but not limited to, joining the Allied Health Professional Program (“APPA”), attend 12-step program, and employment environment and location approved of by Board Secretary.

4. A Release and Return to Practice under certain conditions was entered into on July 3, 2014, lifting the 2013 ANTP.
5. On July 8, 2014 a Complaint (“2014 Complaint”) and Citation were each filed; hearing was set for September 18, 2014.
6. At the July 14, 2014 Board meeting, Defendant offered a voluntary submittal to jurisdiction, that was **DENIED**. An Order Denying Voluntary Submittal to Jurisdiction and Setting Case for Trial was filed on July 25, 2014. Hearing on the 2014 Complaint was reset for September 18, 2014.
7. At the September 18, 2014 Board meeting, the 2014 Complaint came on for hearing.
8. On October 17, 2014, a Final Order of Probation (“Order of Probation”) was filed, placing Defendant on terms and conditions of **PROBATION for FIVE (5) YEARS** commencing on September 18, 2014 under certain terms and conditions.
9. An Order Granting Motion to Modify Probation was filed on March 10, 2017, removing the requirement for use of Sober Link. All other terms and conditions of probation remained the same.
10. On July 21, 2017, Defendant was dismissed from APPA for failure to comply.
11. An Immediate Summary Suspension of Physical Therapist Assistant License (“2017 ISS”) was filed on July 26, 2017. Defendant was served on July 26, 2017.
12. On August 2, 2017, Plaintiff filed a Motion to Enforce Board Order (“Motion to Enforce”).
13. At the September 14, 2017 Board meeting, the 2017 ISS and the Motion to Enforce came on for hearing. The Board concluded Defendant violated the Order of Probation, because he violated the following ordered term ‘m’ having missed approximately fifteen (15) check-ins with Affinity, as required by the APPA rules, resulting in his discharge from the program.
 - m) Defendant shall sign a contract with the Allied Health Professionals Program, (“APPA”), and said contract shall remain in effect for a minimum of five (5) years during which time Defendant will satisfactorily meet all requirements of the treatment plan including, but not limited to, biological specimen testing through Affinity, AA meetings as required, and the use of Sober Link;
14. An Order Granting Motion to Enforce Board Order and Order of Revocation of Physical Therapist Assistant License was filed on November 28, 2017. Attorney General Opinion 2017-804a, effective dated November 11, 2018, was issued in support thereof.
15. On January 3, 2019, Defendant applied for Reinstatement of his physical therapist assistant license.

16. At the March 7, 2019 Board meeting, Gary Ricks, Compliance Coordinator for the Board, advised the Board regarding Defendant's history, non-compliance, and that he is neutral on approval of reinstatement of license. Mr. Ricks recommended, if reinstated, that it be under proposed terms of indefinite probation agreed to by the Parties. Defendant testified on his own behalf.
17. Any conclusion of law below which is more properly characterized as a finding of fact is hereby incorporated as a finding of fact.

Conclusions of Law

18. 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 physical therapists and physical therapist assistants in the State of Oklahoma pursuant to 59 O.S. § 887.1 *et seq.* and Okla. Admin. Code § 435:20-1-1 *et seq.*
19. 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, 3-3-6.
20. Defendant has met all requirements for reinstatement of his physical therapist assistant license. 59 O.S. § 495h, 508.2(C), and Okla. Admin. Code §§ 435:5-1-6(c), 435:5-1-6.1.
21. The Board concluded Defendant's license should be reinstated.

Orders

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

1. The license of Defendant **THOMAS KEITH JENKINS, P.T.A.**, Oklahoma Physical Therapist Assistant license no. TA 1141 is **REINSTATED** and placed on **INDEFINITE PROBATION** under the following terms and conditions, effective from the date of an approved Attorney General Opinion.

Standard Terms:

- a. Defendant shall conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, and, Physical Therapy Practice Act as interpreted by the Board. Any question of interpretation regarding the Acts 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 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. Defendant will keep current payment of all assessments by the Board for prosecution, investigation and monitoring of his case, which shall include, but is not limited to, a fee of one hundred fifty dollars (\$150.00) per month during the term of probation, unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- e. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.
- f. Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need, and only during that time in which he is being treated by the physician for that specific medical need. Defendant has the affirmative duty to inform any and every doctor treating him of this Order immediately upon initiation, or continuation of treatment. In the event that Defendant is prescribed any controlled dangerous substance during the term of this Order, Defendant shall contact the Board Secretary or the Board designee to discuss the prescription.
- g. Defendant will have the affirmative duty not to ingest any substance, including but not limited to alcohol, which will cause a body fluid sample to test positive for prohibited substances, including, but not limited to, alcohol, street drugs, and any mind-altering or mood-altering drugs.
- h. 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.
- i. Upon request, Defendant shall make himself available for one or more personal appearances before the Board or its authorized designee.
- j. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or authorized designee.
- k. Defendant will execute such releases of medical and psychiatric records during the entire term of this Order as necessary for use by the Compliance Coordinator to obtain copies of medical records and assessments, and authorize the Compliance Coordinator to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.
- l. If Defendant moves his residence or practice location out of the State of Oklahoma during this Order, this Order will be tolled until such time as Defendant returns to the State of Oklahoma and begins practicing within the state. Defendant will notify the Board Secretary and Compliance Coordinator prior to moving out-of-state.

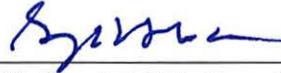
- m. Failure to meet any of the terms of this Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing. Immediately upon learning that a licensee is in violation of this Order, the Executive Director of the Board may summarily suspend the license based on imminent harm to the public and assign a hearing date for the matter to be presented at the next scheduled Board meeting.

Specific Terms:

- n. Defendant shall sign a lifetime contract with the Oklahoma Health Professionals Program ("OHPP") and abide by all recommendations. This shall include, but is not limited to, random urine and drug screenings as requested Compliance Coordinator for the Board, and meeting attendance records.
 - o. In accordance Defendant's contract with Affinity, Defendant will submit biological specimens for analysis, including but not limited to, blood, urine, hair follicle and nail samples, and Defendant will pay the costs attendant thereto. Submissions and results of testing will be monitored by the Compliance Coordinator for the Board through Affinity.
 - p. Defendant shall obtain an AA twelve-step sponsor and provide the sponsor's name and meeting attendance records monthly to the Compliance Coordinator.
 - q. Defendant shall attend a minimum of two (2) Alcoholics Anonymous (AA) meetings. In addition, Defendant shall attend weekly Caduceus meetings, one of which must be in person.
 - r. Defendant shall promptly notify the Compliance Coordinator of any relapse, including any entry, or re-entry, into a treatment program of substance abuse, including alcohol.
2. 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.
 3. A copy of this Order shall be provided to Defendant as soon as it is processed.

This Order is subject to review and approval by the Oklahoma Attorney General, and this Order shall become final upon completion of the review by the Oklahoma Attorney General unless disapproved, in which case this Order shall be null and void.

Dated this 2nd day of APRIL, 2019.



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 3rd day of April, 2019, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail

Thomas Keith Jenkins, P.T.A.

913 Brentwood Dr.

Ponca City, Oklahoma 74601

Defendant, pro se



Nancy Thiemann, Legal Assistant



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2019-162A

Billy H. Stout, M.D., Board Secretary
State Board of Medical Licensure and Supervision
101 NE 51st Street
Oklahoma City, OK 73105

April 1, 2019

Dear Dr. Billy H. Stout, M.D., Board Secretary:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Medical Licensure and Supervision intends to take pursuant to an Order Granting Reinstatement After Revocation in regard to P.T.A. license No. TA 1141. The license was previously revoked by the Board. *See* A.G. Opin. 2017-804A. The licensee has now submitted an application for reinstatement of the P.T.A. license. The Board proposes to grant the application for reinstatement, but place the license on indefinite probation and impose conditions, which include standard and specific terms listed in the Order.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act authorizes the Board to accept applications for reinstatement from licensee's whose license has been previously revoked. 59 O.S.2011, § 508.2. The Board's rules state that "[t]he Board may . . . approve reinstatement . . . with terms of probation or restrictions as deemed necessary to protect the health, safety and well-being of the public. OAC 435:5-1-6(c). The Board may reasonably believe that the proposed action is necessary to protect public health.

It is, therefore, the official opinion of the Attorney General that the State Board of Medical Licensure and Supervision has adequate support for the conclusion that this action advances the State's policy of protecting the health, safety, and well-being of the citizens of Oklahoma.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Amanda Otis in black ink.

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL

RECEIVED

APR 02 2019

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION