

**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,)

MAY 08 2003

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

) **Plaintiff,**)

v.)

Case No. 01-12-2448

JIMMIE EDWARD HOWELL, R.C.,)
R.C. LICENSE NO. 117)

) **Defendant.**)

**ORDER ACCEPTING VOLUNTARY SURRENDER
OF LICENSE IN LIEU OF PROSECUTION**

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") *en banc* on the 8 day of MAY, 2003 at the Board office, 5104 N. Francis, Suite C, Oklahoma City, OK 73118, pursuant to notice given as required by law and rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared on behalf of the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision. The Defendant acknowledges the proceedings and waives appearance.

The Board *en banc* heard testimony, reviewed the exhibits presented, and being fully apprised in the premises, finds that there is clear and convincing evidence of the following Findings of Fact, Conclusions of Law, and Orders:

Findings of Fact

Jimmie Edward Howell, R.C. currently possesses Oklahoma respiratory therapy license no. 117.

2. Defendant Jimmie Edward Howell is the subject of a Complaint before the Oklahoma State Board of Medical Licensure and Supervision.

3. The Board *en banc* has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the rules of the Board.

4. Pursuant to 59 O.S. §509(E), Defendant wishes to surrender his Oklahoma Respiratory Therapy License No. 117 in lieu of prosecution.

5. The surrender of Oklahoma Respiratory Therapy License No. 117 is freely and voluntarily made, and the Defendant has not been subject to duress or coercion.

6. The Defendant is fully aware of the consequences of the surrender of his license.

7. Defendant has plead guilty to the allegations constituting misconduct and acknowledges that the allegations, if proven, could constitute grounds for disciplinary action by the Board.

8. Defendant has submitted a sworn statement describing the misconduct to which he has plead guilty as required by 59 O.S. §509(E).

9. Defendant has surrendered his wall certificate and wallet card with his request for voluntary surrender of his license.

10. Defendant has agreed that he will not apply for reinstatement of his Oklahoma respiratory therapy license for a minimum of one (1) year from the date of the entry of this order, and that if the Board ever reinstates his Oklahoma respiratory therapy license, it will be under terms of probation to be set by the Board at the time of reinstatement.

Conclusions of Law

11. The Board has jurisdiction over the defendant and the subject matter herein pursuant to 59 O.S. §480 et seq. and 2026 et seq.

12. Pursuant to 59 O.S. §509(E), the Board has the authority to accept this surrender of license in lieu of prosecution.

13. The request of defendant to surrender his license is appropriate under the circumstances of this case.

14. Clear and convincing evidence exists for the conditions of surrender of Oklahoma Respiratory Therapy License No. 117.

Order

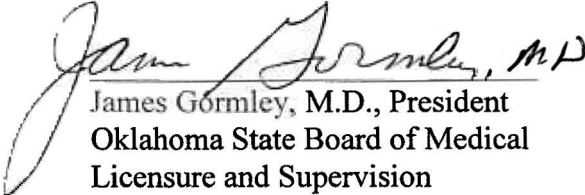
15. The voluntary surrender of license in lieu of prosecution submitted by defendant is hereby accepted by the Board.

16. Oklahoma Respiratory Therapy License No. 117 of the defendant, Jimmie Edward Howell, R.C., should be and is hereby surrendered as of the date of this order, May 8, 2003.

17. Pursuant to 59 O.S. §509.1(E)(4), the defendant shall pay all reasonable costs expended by the Board for any legal fees and costs, and any investigation, probation and monitoring fees, including but not limited to staff time, salary and travel expenses, witness fees and attorney's fees incurred with respect to this case.

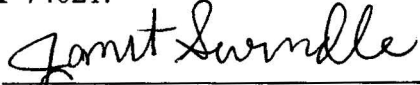
18. Defendant shall not apply for reinstatement of his Oklahoma respiratory therapy license for a minimum of one (1) year from the date of this Order Accepting Voluntary Surrender of License in Lieu of Prosecution, and if the Board ever reinstates Defendant's Oklahoma respiratory therapy license, it shall be under terms of probation to be determined at the time of reinstatement.

DATED this 8 day of May, 2003.


James Gormley, M.D., President
Oklahoma State Board of Medical
Licensure and Supervision

CERTIFICATE OF MAILING

I certify that on the 12 day of May, 2003, I mailed a true and correct copy of the Order Accepting Voluntary Surrender of License in Lieu of Prosecution to Jimmie Edward Howell, 11001 E. 120th Street North, Collinsville, OK 74021.


Janet Swindle