

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.)

VOLUNTARY SURRENDER OF LICENSE
IN LIEU OF PROSECUTION

State of Oklahoma)
OKIA County)

I, Jimmie Edward Howell, M.D., being of lawful age and after first being duly sworn, depose and state as follows:

1. I hereby voluntarily surrender my Oklahoma respiratory therapy license no. 117.
2. The surrender of my license is freely and voluntarily made. I have not been subject to any coercion or duress, and I am fully aware of the consequences of the surrender of my license.
3. I am the subject of a Complaint before the Oklahoma State Board of Medical Licensure and Supervision involving allegations that if proven, would constitute grounds for disciplinary action by the Board.
4. The allegations to which I have plead guilty are as follows:
 - A. Defendant, Jimmie Edward Howell, R.C., holds Oklahoma respiratory care license no. 117, and is authorized to practice as a respiratory care practitioner

under the terms of a Voluntary Submittal to Jurisdiction entered May 9, 2002, with a five (5) year term of probation.

B. The Voluntary Submittal to Jurisdiction sets forth Defendant's terms of Probation and provides that Defendant shall be on probation as follows:

E. Defendant will not administer, dispense or possess any drugs in Schedules II through V.

S. 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.

C. The provisions cited above have not been modified or deleted but remain in full force and effect as terms and conditions of Defendant's probation.

D. On or about July 27, 2002, Defendant was working at South Crest Hospital in Tulsa, Oklahoma. At that time, he was seen going into the men's restroom, where he remained approximately twenty to thirty minutes. When he came out of the restroom, he discarded a rolled up paper towel. One of the nurses on duty retrieved the paper towel from the trash and found approximately fourteen empty morphine vials. Defendant was confronted by his supervisor and admitted to taking the vials and attempting to get high on the residue. He was asked to provide a urine specimen, but refused at that time. He was subsequently terminated by his employer.

E. On or about August 15, 2002, Defendant admitted to Tom Sosbee, Compliance and Education Coordinator for the Board, that he had been in possession of morphine without authorization. He also admitted that he had attempted to remove morphine from the vials on July 27, 2002 for his own personal use.

F. Defendant is guilty of unprofessional conduct in that he

i. Is unfit or incompetent by reason of negligence, habits, or other causes of incompetency in violation of 59 O.S. §2040(2).

ii. Is addicted to, or has improperly obtained, possessed, used or distributed habit-forming drugs or narcotics in violation of 59 O.S. §2040(4) and OAC 435:45-5-3(a)(1) and (2).

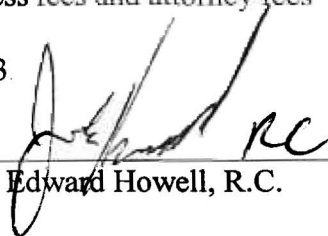
- iii. Is guilty of dishonest or unethical conduct in violation of 59 O.S. §2040(5).
- iv. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, agreement or order of the Board in violation of OAC 435:45-5-3(24).
- v. Confessed to a drug related offense in violation of OAC 435:45-5-3(6).

5. I hereby submit my wallet card and wall certificate as evidence of my intent to surrender my license.

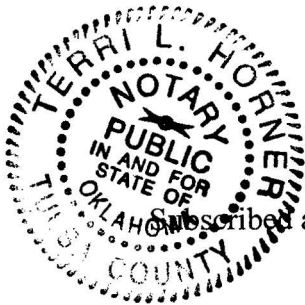
6. I hereby agree that I will not apply for reinstatement of my Oklahoma respiratory therapy license for a minimum of one year from the entry of the Order Accepting Voluntary Surrender in Lieu of Prosecution, and that if the Board ever reinstates my Oklahoma respiratory therapy license, it will be under terms of probation to be set by the Board at the time of reinstatement.

7. As a condition to accepting my surrender of license in lieu of prosecution, I acknowledge that the Board may require me to pay all 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 expense, witness fees and attorney fees

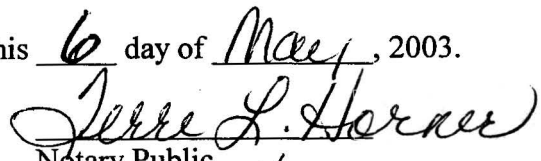
DATED this 6 day of May, 2003



 Jimmie Edward Howell, R.C.



Subscribed and sworn before me this 6 day of May, 2003.



 Notary Public # 02020760

My commission expires on 1-13-07.

ACCEPTED:



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

Date: 5-8-03