

**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, )  
 )  
 v. )  
 )  
 JIMMIE E. HOWELL, JR., R.C., )  
 LICENSE NO. RC 117, )  
 )  
 Defendant. )

**FILED**

FEB 14 2018

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 01-12-2448

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

State of Oklahoma )  
 ) ss:  
Tulsa County )

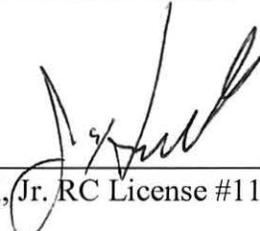
I, Jimmie E. Howell, Jr. (“Defendant”), being of lawful age and after first being duly sworn, depose and state as follows:

1. I hereby voluntarily surrender my Oklahoma Respiratory Care 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 currently licensed to practice respiratory care in the State of Oklahoma and have violated the laws and rules governing the practice of medicine with this state.
4. I am currently on Board ordered probation, and I have violated the following rules and conditions of that probation as alleged in Plaintiff’s Motion to Enforce Board Order.
5. The violations of my terms of probation to which I plead guilty are as follows:
  - a. I used hydromorphone, for which I did not have a prescription. I was positive for this drug on a urine test given by my former employer, St. John Occupational Healthcare, on May 1, 2017.
  - b. I consumed narcotics I took from my mother on April 4, 2017 and April 28, 2017.

- c. I produced a hair test collected on May 15, 2017, which was positive for hydromorphone and ~~codeine~~, for which I did not have a prescription.
- d. I did not notify the Board of these aforementioned relapses.
6. I am guilty of unprofessional misconduct as established by the first Voluntary Surrender of License in Lieu of Prosecution in this matter, dated May 8, 2003:
- a. Is unfit or incompetent by reason of negligence, habits, or other causes of incompetency in violation of 59 O.S. §2040(2).
  - b. 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).
  - c. Is guilty of dishonest or unethical conduct in violation of 59 O.S. §2040(5).
  - d. 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).
  - e. Confessed to a drug related offense in violation of OAC 435:45-5-3(6).
7. I hereby submit my wallet card and wall certificate as evidence of my intent to surrender my license.
8. I hereby agree that I will not reapply for reinstatement of my license for a minimum of one (1) year from the date this surrender is accepted by the Board. If the Board ever reinstates my license, I agree that it will be under terms of probation to be set by the Board at the time of reinstatement and that I will be required to be evaluated by Board approved providers to ensure my ability to practice safely.
9. If the Board does not accept this Voluntary Surrender In Lieu of Prosecution or it is disapproved by the Oklahoma Attorney General, the Plaintiff and Defendant (collectively, the "Parties") stipulate that it shall be regarded as null and void. Admissions by Jimmie E. Howell, Jr. herein, if any, shall not be regarded as evidence against him in a subsequent disciplinary hearing. Jimmie E. Howell, Jr. will be free to defend himself, and no inferences will be made from his willingness to have this Order accepted by the Board. The Parties stipulate that neither the presentation of this Order nor the Board's consideration of this Order shall be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not be grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.
10. As a condition to accepting my Voluntary Surrender of License in Lieu of Prosecution, I acknowledge that the Board shall 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.

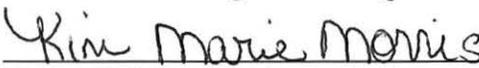
**This Order is subject to review and approval by the Oklahoma Attorney General, and this Order shall become final upon completion of the review by the Oklahoma Attorney General unless disapproved, in which case this Order shall be null and void.**

Dated this 4 day of JANUARY, 2018.

  
\_\_\_\_\_  
Jimmie E. Howell, Jr. RC License #117

Subscribed and sworn before me this 4 day of January, 2018.



  
\_\_\_\_\_  
Notary Public

My commission expires: 4/18/2019  
#03004505

**ACCEPTED:**

  
\_\_\_\_\_  
Billy H. Stout, M.D., Board Secretary  
OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION

Dated: January 11<sup>th</sup>, 2018.



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2018-36A

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

February 12, 2018

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 with respect to Respiratory Care Practitioner License 117 in case 01-12-2448. The licensee has been previously disciplined by the Board for the misappropriation and use of drugs, resulting in the licensee signing an Agreement Not to Practice. The Board has now filed a Motion to Enforce the Order. The licensee offered to surrender the license in lieu of prosecution. The Board proposes to accept this offer.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act authorizes the Board to suspend or revoke a license and order other appropriate sanctions against a licensee for unprofessional conduct, which includes “[d]ishonorable or immoral conduct which is likely to deceive, defraud, or harm the public,” and “[h]abitual intemperance or the habitual use of habit-forming drugs.” 59 O.S.Supp.2017, §§ 503, 509(4), (8). The Board may reasonably believe that the proposed action is necessary to protect public health and safety.

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.

MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA

AMANDA OTIS  
ASSISTANT ATTORNEY GENERAL

RECEIVED

FEB 14 2018  
OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE  
AND SUPERVISION