

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.)
JUSTIN BRENT SMITH, P.T.A.,)
Defendant.)

FILED

SEP 28 2021

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 21-01-5969

**ORDER RATIFYING SECOND IMMEDIATE ORDER OF SUSPENSION
OF PHYSICAL THERAPIST LICENSE**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (“Board”) on September 16, 2021, at 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and the rules of the Board.

Joe Ashbaker, Assistant Attorney General (“AAG Ashbaker”) appeared on behalf of Plaintiff. Defendant appeared not.

The Board, having heard argument of AAG Ashbaker, reviewing the Exhibits, and being fully apprised of the premises, found that there is clear and convincing evidence to support the following findings of fact and conclusions of law:

Findings of Fact

1. In Oklahoma, Defendant holds physical therapist assistant license no. PTA 1773, originally issued September 25, 2009.
2. On July 19, 2021, a Second Immediate Suspension of Physical Therapist Assistant License (“Second Suspension Order”) was filed pursuant to 59 O.S. §518.1(J) and Okla. Admin. Code §435:12:1:8(c). Defendant was served on August 10, 2021 and a Return of Service was filed on August 11, 2021.
3. AAG Joe Ashbaker summarized the facts as to the reasons underlying the entry of the Second Suspension Order.
4. Any finding of fact which is more properly characterized as a conclusion of law is hereby incorporated as a conclusion of law.

Conclusions of Law


5. 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 therapy assistants in the State of Oklahoma. 59 O.S. 887.1 *et seq.*; Okla. Admin. Code §§ 435:20-3-1 *et seq.*, 435:12-1-8.
6. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. §518.1(J), Okla. Admin. Code §435:12-1-8(c).
7. Any conclusion of law which is more properly characterized as a finding of fact is hereby incorporated as a finding of fact.

Orders

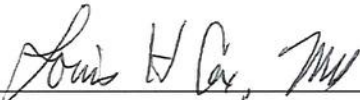
IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

8. The Immediate Suspension of Physical Therapist Assistant License, filed on June 4, 2021, is **RATIFIED**.
9. A copy of this order shall be provided to Defendant as soon as it is processed.
10. 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 21st day of September, 2021.



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

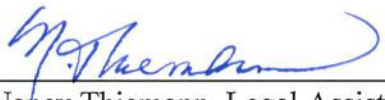


Louis Cox, M.D., President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Certificate of Service

This is to certify that on the 28th day of Sept, 2021, the foregoing instrument was transmitted as indicated, postage prepaid, to the following:

Justin Brent Smith
7411 Rutherford Road
Noble, Oklahoma 73068



Nancy Thiemann, Legal Assistant



OFFICE OF THE
ATTORNEY GENERAL

Billy H. Stout, M.D. Board Secretary
Oklahoma State Board of Medical
Licensure and Supervision
101 N.E. 51st St.
Oklahoma City, OK 73105-1821

September 28, 2021

Dear Secretary Stout:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma State Board of Medical Licensure and Supervision ("Board") intends to take in case 21-01-5969. The licensee's Physical Therapist Assistant License was immediately suspended after the licensee defaulted from the Allied Professional Peer Assistance ("APPA") Program, as is required by 59 O.S.Supp.2020, § 518.1(J). The order of suspension set a hearing for September 16, 2021. At the hearing, the licensee did not appear, and the Board proposed to ratify the suspension.

While this office generally reviews disciplinary action by Qualifying Boards that results in the suspension or revocation of a license, Executive Order 2019-17 excuses from this review actions that amount to the "non-discretionary task of implementing a mandatory statute." Because this suspension was mandated by 59 O.S.Supp.2020, § 518.1(J), review by this office is unnecessary.

If you have any questions or concerns, please do not hesitate to contact me.

A handwritten signature in blue ink, appearing to read "Ethan Shaner".

ETHAN SHANER
DEPUTY GENERAL COUNSEL