

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,

Plaintiff,

v.

HAROLD SCOTT CHEETWOOD, R.C.,
LICENSE NO. RC1968

Defendant.

JAN 26 2007

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 06-11-3208

FINAL ORDER OF REVOCATION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on January 18, 2007, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel Gamino, appeared for the plaintiff and defendant appeared not.

The Board *en banc* after hearing arguments of counsel and reviewing the exhibits admitted and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

Findings of Fact

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of respiratory care practitioners in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* 2026 *et seq.*
2. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.
3. Defendant, Harold Scott Cheetwood, R.C., holds Oklahoma respiratory care license no. RC1968, and is authorized to practice as a respiratory care practitioner.

4. On or about May 20, 2005, Defendant was arrested by the Oklahoma Highway Patrol based upon an automobile accident which occurred on Interstate 40 in Okfuskee County, State of Oklahoma. Defendant hit another car at a speed of 91 m.p.h., at which time the driver of the other car was killed. Defendant was subsequently charged with **FIRST DEGREE MANSLAUGHTER, A FELONY**, and **TRANSPORTING AN OPEN BOTTLE OR CONTAINER OF LIQUOR, A MISDEMEANOR**. At the time of the arrest, the highway patrol found an open bottle of Vodka in Defendant's car. As a result of the arrest, Defendant submitted to a drug test, which resulted in a blood alcohol level of .16%.

5. On or about December 14, 2005, Defendant plead guilty to the charge of **FIRST DEGREE MANSLAUGHTER, A FELONY**, and was sentenced to twenty (20) years in jail, with the last ten (10) years suspended, during which time Defendant will be on probation. Defendant is currently serving his ten (10) year jail term at the Jess Dunn Correctional Center in Taft, Oklahoma.

6. Defendant is guilty of unprofessional conduct in that he:

- A. Is unfit or incompetent by reason of negligence, habits, or other causes of incompetency in violation of 59 O.S. §2040(2).
- B. 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 59 O.S. §2040(9) and OAC 435:45-5-3(24).
- C. Violated any provision of the Respiratory Care Practice Act or the rules promulgated by the Board in violation of OAC 435:45-5-3(21).
- D. Is habitually intemperate or addicted to any drug, chemical or substance which could result in behavior that interferes with the practice of respiratory care and the responsibilities of the licensee in violation of OAC 435:45-5-3(1).
- E. Is guilty of dishonest or unethical conduct in violation of 59 O.S. §2040(5).
- F. Has violated or aided or abetted others in violation of any provision of the Respiratory Care Practice Act in violation of 59 O.S. §2040(8).
- G. Is habitually intemperate in the use of alcoholic beverages

in violation of 59 O.S. §2040(3).

- H. Was convicted of, or confessed or plead no contest to a felony or a crime involving moral turpitude in violation of OAC 435:45-5-3(5).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant is guilty of unprofessional conduct in that he:

- A. Is unfit or incompetent by reason of negligence, habits, or other causes of incompetency in violation of 59 O.S. §2040(2).
- B. 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 59 O.S. §2040(9) and OAC 435:45-5-3(24).
- C. Violated any provision of the Respiratory Care Practice Act or the rules promulgated by the Board in violation of OAC 435:45-5-3(21).
- D. Is habitually intemperate or addicted to any drug, chemical or substance which could result in behavior that interferes with the practice of respiratory care and the responsibilities of the licensee in violation of OAC 435:45-5-3(1).
- E. Is guilty of dishonest or unethical conduct in violation of 59 O.S. §2040(5).
- F. Has violated or aided or abetted others in violation of any provision of the Respiratory Care Practice Act in violation of 59 O.S. §2040(8).
- G. Is habitually intemperate in the use of alcoholic beverages

in violation of 59 O.S. §2040(3).

- H. Was convicted of, or confessed or plead no contest to a felony or a crime involving moral turpitude in violation of OAC 435:45-5-3(5).

3. The Board further found that the Defendant's license should be revoked based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §2040 (2), (3), (5), (8) and (9) and OAC 435:45-5-3(1), (5), (21) and (24).

Order

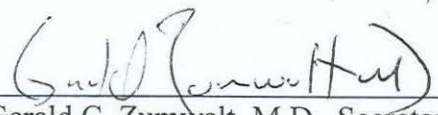
IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The license of Defendant, Harold Scott Cheetwood, R.C., Oklahoma license no. RC1968, is hereby **REVOKED** as of the date of this hearing, January 18, 2007.

2. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

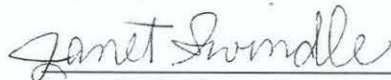
3. Defendant's revoked license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs and expenses incurred by the State of Oklahoma.

Dated this 26 day of January, 2007.


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

CERTIFICATE OF SERVICE

I certify that on the 26 day of January, 2007, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Harold Scott Cheetwood, 522900-118, JDCC, P.O. Box 316, Taft, OK 74463.


Janet Swindle