

**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,)
)
 vs.)
)
 BRITT JOHNSON, P.T.,)
 LICENSE NO. PT 2265,)
)
 Defendant.)

FILED

MAR 05 2020

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 20-02-5875

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), by and through the undersigned counsel for the Plaintiff, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, along with Britt Johnson, P.T. (“Defendant”), Oklahoma Physical Therapy License no. 2265, who appears in person, (collectively, the “Parties”), and offer this Order Accepting Voluntary Submittal to Jurisdiction (herein, “Order” or “Agreement”) for acceptance by the Board. Okla. Admin. Code § 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant admits to the allegations herein contained and further acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (“Act”). 59 O.S. § 480, *et seq.*

Defendant, Britt Johnson, P.T., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for an evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement may be reviewed and discussed with him by legal counsel prior to execution.

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Defendant herein, if any, shall not be regarded as evidence against him in a subsequent disciplinary hearing. Defendant 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



BJ

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.

Findings of Fact

1. Defendant is required by Oklahoma Administrative Code § 435:20-9-2(b) et seq., to complete forty (40) hours of approved continuing education every two years. Defendant's due date for completion was by December 31, 2017.
2. Defendant failed to complete the continuing education hours required by December 31, 2017.
3. Further, in accordance with Oklahoma Administrative Code § 435:20-9-2(c), Defendant was required to complete double the continuing education hours, eighty (80), the following two years as a result of being late completing his education during the previous period. These double hours were due to be completed on December 31, 2019. Defendant did not complete the double hours by December 31, 2019.
4. Disciplinary action is required in this case pursuant to Oklahoma Administrative Code § 435:20-9-2(c).

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 therapists and physical therapist assistants in the State of Oklahoma. 59 O.S. 2011, § 887.1 et seq. Okla. Admin. Code §§ 435:1-1-1 et seq.
6. Notice was given as required by law and the rules of the Board. 59 O.S. 2011, § 504 and Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.
7. The Board is authorized to suspend, revoke or order any other appropriate sanctions against the license of any physical therapist and physical therapist assistant holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. 59 O.S. 2011, 887 et seq. Okla. Admin. Code § 435:20-5-8 et seq. 59 O.S. Supp. 2014, § 503. This authority is quasi-judicial 59 O.S. 2011, § 513(A)(1). These actions are authorized by 59 O.S. 2015, § 887.13(10); 435:20-5-9(2), (3), (5).
8. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
 - a. Effective January 1, 2004 and every two years thereafter, physical therapists will be required to show proof of forty (40) approved contact hours and Physical Therapist Assistants will be required to show proof of thirty (30) approved contact hours, in violation of Okla. Admin. Code § 435:20-9-2(b) et seq.

- b. Any applicant for renewal who cannot meet the requirements for continuing education may not renew until deficient hours are obtained and verified. Additionally, within the next compliance period the licensee will be required to obtain double the required hours of approved continuing education. At least half of the required hours must be Category A. Proof of meeting the additional requirements, as verified by an audit, will be required in order to renew at the end of the next compliance period. Failure to meet these additional requirements will result in disciplinary action, in violation of Okla. Admin. Code § 435:20-9-2(c).

Orders

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

1. The Board hereby adopts the Agreement of the Parties in this Order Accepting Voluntary Submittal to Jurisdiction, including the findings of fact and conclusions of law stated herein.
2. **BRITT JOHNSON, P.T.**, agrees and understands that he is formally reprimanded and understands that such reprimand will be reported to the National Practitioners Data Bank.
3. **BRITT JOHNSON, P.T.**, agrees and understands that he is fined \$500.00 (five hundred dollars) which is to be paid within (6) six months of the date of this order.
4. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees. .
5. A copy of this Order shall be provided to Defendant as soon as it is processed.

Dated this 5th day of MARCH, 2020.



Susan Chambers, M.D., President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Britt Johnson P.T.

Britt Johnson, P.T.
License No. 2265
Defendant

Billy H. Stout

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

Joseph L. Ashbaker

Joseph L. Ashbaker, OBA No. 19395
Assistant Attorney General
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105
T: (405) 522-2974
F: (405) 522-4536

BJ