

Unprofessional Conduct

1. On or about January 31, 2013, Defendant, in an online renewal of his physical therapist license no. PT 2859, answered “YES” to the following question:

“D. Have you ever been arrested for, charged with or convicted of a felony or misdemeanor other than a traffic violation?”

2. Upon investigation, it was found that on or about December 21, 2011, Defendant was arrested and charged with **FELONY – PROCURING JUVENILE PORNOGRAPHY** in the District Court of Pontotoc County, State of Oklahoma, Case No. CF-2011-602.
3. On or about May 14, 2013, Board Investigator SW interviewed Defendant wherein Defendant **admitted** to viewing juvenile pornography, to include videos on his computer at his residence. Defendant signed a letter of agreement not to practice physical therapy at the time of the interview.
4. On or about July 11, 2013, Defendant was sentenced in Pontotoc County to five (5) years suspended sentence for **FELONY – PROCURING JUVENILE PORNOGRAPHY**.
5. On or about July 17, 2013, Board Investigator SW contacted Defendant and confirmed Defendant’s five (5) year suspended sentence with **FELONY CONVICTION**.
6. Title 59 O.S. §513(A) provides as follows:

“Upon proof of a final felony conviction by the courts, the Board shall revoke the license...” (Emphasis added.)

7. Defendant is guilty of unprofessional conduct in that he engaged in:
 - a) Conduct unbecoming a person licensed as a physical therapist or physical therapy assistant or guilty of conduct detrimental to the best interests of the public or his profession in violation of Title 59 O.S. §887.13(9);
 - b) Any act in conflict with the ethics of the profession of physical therapy in violation of 59 O.S. §887.13(10);
 - c) Dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public in violation of Oklahoma Administrative Code Rule 435:20-5-8(5);
 - d) Was **convicted** of or confessed to a crime involving violation of the laws of this state in violation of Oklahoma Administrative Code Rule 435:20-5-8(13); and

- e) Has been **convicted** of, or confessed to, or pled no contest to a **felony** or misdemeanor in violation of Oklahoma Administrative Code Rule 435:20-5-8(26).

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 engaged in:
 - f) Conduct unbecoming a person licensed as a physical therapist or physical therapy assistant or guilty of conduct detrimental to the best interests of the public or his profession in violation of Title 59 O.S. §887.13(9);
 - g) Any act in conflict with the ethics of the profession of physical therapy in violation of 59 O.S. §887.13(10);
 - h) Dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public in violation of Oklahoma Administrative Code Rule 435:20-5-8(5);
 - i) Was **convicted** of or confessed to a crime involving violation of the laws of this state in violation of Oklahoma Administrative Code Rule 435:20-5-8(13); and
 - j) Has been **convicted** of, or confessed to, or pled no contest to a **felony** or misdemeanor in violation of Oklahoma Administrative Code Rule 435:20-5-8(26).
3. The Board further found that the Defendant’s license should be **REVOKED**.

Order

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

1. The license of Defendant, Jim Pitman, Oklahoma physical therapist license no. 2859, is hereby **REVOKED** as of the date of this hearing, November 7, 2013.
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.

Dated this 15 day of November, 2013.


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

Certificate of Mailing

I certify that on the 15th day of November, 2013, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Jim Pitman, PT, 1315 Willowbrook, Ada, OK 74820.


Barbara J. Smith, Legal Assistant