

**IN AND BEFORE THE OKLAHOMA STATE BOARD
OF MEDICAL LICENSURE AND SUPERVISION
STATE OF OKLAHOMA**

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**STATE OF OKLAHOMA, ex rel.,
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND
SUPERVISION,**

Plaintiff,

vs.

**TERRY JACKSON HEWITT, PTA
LICENSE NO. TA424,**

Defendant.

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION

CASE NO. 05-10-3009

COMPLAINT

COMES NOW the plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Complaint against the Defendant, Terry Jackson Hewitt, PTA, alleges and states as follows:

1. The Board 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 pursuant to 59 O.S. §§ 480 *et seq.* and 887.1 *et seq.*

2. Defendant, Terry Jackson Hewitt, PTA holds physical therapy assistant license no. TA424 in the State of Oklahoma.

3. On or about October 3, 2005, Defendant was pulled over by the Hugo Police Department at which time an open 12-pack of beer was found in his car. Defendant admitted to police officers that he had a beer which he had hidden under the driver's seat. He was cited for Transporting an Open Container and was then released.

4. On or about October 4, 2005, Defendant was pulled over by the Hugo Police Department for suspected drunk driving. His speech was slurred, he smelled of alcohol and was unsteady on his feet. He admitted to police officers that he had consumed three (3) beers. He was arrested and agreed to submit to a blood test, at which time he was transported to the hospital. At the hospital, blood was drawn for testing. The vials of blood were left in the room

with Defendant for a short time. When police officers returned, they found that two (2) of the vials' seals were broken and one (1) vial was missing.

5. Defendant later admitted to Board investigators that at the time of his October 4, 2005 arrest, he had consumed at least a 12-pack of beer, and had taken some Xanax and Cocaine.

6. On or about October 5, 2005, Defendant was released from jail and went to the Hugo Police Department to retrieve his vehicle which had been impounded when he was arrested on October 4, 2005. Outside the Hugo Police Department, he became involved in an altercation with his wife when he attempted to choke her, resulting in minor injuries to her. Police officers intervened, but she did not wish to press charges at that time.

7. On or about October 9, 2005, Defendant was arrested by the Hugo Police Department for Criminal Trespass and Public Intoxication. At the time of his arrest, he admitted to police officers that he had used crystal methamphetamine earlier that evening.

8. From October 11, 2005 through October 13, 2005, Defendant sought detoxification and early treatment for methamphetamine, cocaine and alcohol withdrawal at New Vision in Durant, Oklahoma. At the time of his discharge, he refused to obtain in-patient treatment.

9. Based on the allegations stated above, Defendant is guilty of unprofessional conduct as follows:

- A. Used drugs, narcotics, medication, or intoxicating liquors to an extent which affects the professional competency of the licensee in violation of 59 O.S. §887.13(4).
- B. Is guilty of 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 59 O.S. §887.13(9).
- C. Is guilty of any act in conflict with the ethics of the profession of physical therapy in violation of 59 O.S. §887.13(10).
- D. Engaged in dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public in violation of OAC 435:20-5-8(5).
- E. Engaged in any conduct which potentially or actually jeopardizes a patient's life, health or safety in violation of OAC 435:20-5-8(9).
- F. Engaged in the unauthorized possession or use of illegal or controlled substances or pharmacological agents without lawful authority or prescription by an authorized and licensed independent practitioner of the State of Oklahoma in violation of OAC 435:20-5-8(14).


- G. Violated any provision of the Physical Therapy 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 435:20-5-8(31).
- H. Is guilty of habitual intemperance or the habitual use of habit-forming drugs in violation of OAC 435:20-5-8(2).
- I. Was convicted of or confessed to a crime involving violation of the laws of this state in violation of OAC 435:20-5-8(4).
- J. Is guilty of the habitual intemperance or addicted use of any drug, chemical or substance that could result in behavior that interferes with the practice of physical therapy and the responsibilities of the licensee in violation of OAC 435:20-5-8(13).
- K. Has been convicted of, or confessed to or plead no contest to a felony or misdemeanor in violation of OAC 435:20-5-8(26).

10. These allegations raise serious concerns about Defendant's ability to practice as a physical therapy assistant in the State of Oklahoma with reasonable skill and safety.

WHEREFORE, plaintiff requests that the Board conduct a hearing, and upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a physical therapy assistant in the State of Oklahoma.

Dated this 22nd day of December, 2005.

Respectfully submitted,


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Attorney for State ex rel.
Oklahoma Board of Medical Licensure and
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