

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

FILED

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

Plaintiff,

vs.

TERRY JACKSON HEWITT, PTA
LICENSE NO. TA424,

Defendant.

JAN 21 2011

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

CASE NO. 10-12-4123

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.

PRIOR DISCIPLINARY ACTION

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. The State subsequently filed a Complaint against Defendant and on January 26, 2006, accepted a Voluntary Submittal to Jurisdiction whereby Defendant was **SUSPENDED** for **FOUR (4) MONTHS** from October 11, 2005 through February 11, 2006, to be followed by a **FIVE (5) YEAR PROBATION** to end February 11, 2011.

10. On or about January 14, 2010, Defendant and the State requested that his probation be terminated early due to the fact that he had complied with all terms of his probation. The Board granted the parties' request.

CURRENT ALLEGATIONS OF MISCONDUCT

11. On or about July 25, 2010, Defendant was pulled over by the Coweta Police Department for suspicion of drunk driving. At the time he was pulled over, he appeared to be impaired and had his three (3) minor children in the car with him. When the police officer patted him down, she found a pill bottle in his front pocket. Defendant attempted to keep her from seeing what was in the bottle, but when the officer did examine the bottle, she found marijuana in it. Defendant then advised the officer that the marijuana belonged to his wife and he was "taking it to a friend at the lake". Defendant was immediately arrested for possession of marijuana.

12. On or about August 2, 2010, Defendant was charged with Possession of a Controlled Substance-Marijuana. On or about October 21, 2010, the charge was reduced to Possession of Drug Paraphernalia. Defendant plead no contest and received a one (1) year

deferred sentence with District Attorney supervised probation for six (6) months, along with a fine and court costs.

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

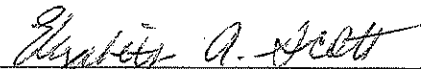
- A. Is guilty of conduct unbecoming a person licensed as a physical therapist or physical therapy assistant or guilty of conduct detrimental to the best interests of the public or his profession in violation of 59 O.S. §887.13(9).
- B. Is guilty of any act in conflict with the ethics of the profession of physical therapy in violation of 59 O.S. §887.13(10).
- C. 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).
- D. 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).
- E. 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).
- F. Procured, aided or abetted a criminal operation in violation of OAC 435:20-5-8(1).
- G. 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).

14. 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 21st day of January, 2011.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Elizabeth A. Scott", written over a horizontal line.

Elizabeth A. Scott (OBA #12470)

Assistant Attorney General

101 N.E. 51st Street

Oklahoma City, OK 73105

Attorney for State ex rel.

Oklahoma Board of Medical Licensure and
Supervision