

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,

v.

TERRY JACKSON HEWITT, P.T.A.,
LICENSE NO. TA 424

Defendant.

FILED

AUG 09 2017

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 10-12-4123

ORDER TERMINATING INDEFINITE PROBATION

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision ("Board") on July 20, 2017, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and the rules of the Board.

Gary Ricks, Compliance Coordinator, appeared for the Plaintiff. Terry Jackson Hewitt, P.T.A. ("Defendant") appeared in person, *pro se*. Dr. Merlin Kilbury, Associate Director of the Oklahoma Health Professionals Program, Inc. ("OHPP"), appeared and testified.

The Board considered testimony, reviewed the evidence and being fully apprised of the premises, makes the following Findings of Fact, Conclusions of Law, and Orders:

Findings of Fact

1. Terry Jackson Hewitt, P.T.A. holds Oklahoma physical therapist assistant license no. TA 424, which was issued on August 25, 1995.

Prior Disciplinary Action, Case No. 05-10-3009

2. On December 22, 2005, a Complaint and Citation were filed; hearing was set January 26, 2006. A Return of Service by Agent was executed December 23, 2006.
3. On January 26, 2006, Defendant's Voluntary Submittal to Jurisdiction ("2006 VSJ") for substance abuse violations was entered, with terms and conditions including four (4) months **SUSPENSION** effective October 11, 2005, followed by five (5) years' **PROBATION** effective February 11, 2006 to February 11, 2011.

4. An Order Modifying Probation was filed May 31, 2007, discontinuing the counseling requirements of paragraphs 3(H) and (I) of the 2006 VSJ.
5. The parties requested Defendant's probation be terminated early for compliance with all the terms of his probation. On January 22, 2010, an Order Terminating Probation was filed.

Current Disciplinary Action, Case No. 05-10-3009

6. On January 21, 2011, a Complaint and Citation were filed; hearing was set on March 10, 2011. A Return of Service was executed on February 1, 2011.
7. On March 10, 2011, a Defendant's Voluntary Submittal to Jurisdiction ("2011 VSJ") for substance abuse violations was entered, with certain terms and conditions including **INDEFINITE PROBATION**.
8. On July 5, 2017, Board staff issued a Memorandum, Staff Motion to Terminate Indefinite Probation ("Motion to Terminate"); hearing was set for July 20, 2017.
9. At the July 20, 2017 meeting of the Board, Mr. Ricks presented staff's Motion to Terminate. Dr. Kilbury testified regarding Defendant's performance at OHPP. Defendant testified on his own behalf.

Conclusions of Law

10. The Board may impose practice parameters and other restrictions as necessary to protect the health, safety and welfare of the public under 59 O.S. § 480 *et seq.* The Board may also modify, or remove entirely, previously placed restrictions.
11. Defendant presented satisfactory evidence to justify termination of his indefinite probation.

Orders

1. **IT IS THEREFORE ORDERED** by the Oklahoma State Board of Medical Licensure and Supervision as follows:
2. The **INDEFINITE PROBATION** of **TERRY JACKSON HEWITT, P.T.A.**, the terms of which are set in the Voluntary Submittal to Jurisdiction, entered March 10, 2011, is hereby **TERMINATED**, effective July 20, 2017.
3. 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.
4. A copy of this order shall be provided to Defendant as soon as it is processed.

Dated this 9th day of August, 2017.



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

Certificate of Service

This is to certify that on the 9th day of August, 2017, a true and correct copy of the foregoing Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail

Terry Jackson Hewitt, P.T.A.
2410 Sidney Avenue
Broken Arrow, Oklahoma 74014
Defendant, Pro se



Nancy Thiemann, Legal Assistant