

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

FILED

JUL 25 2024

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

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

Plaintiff,)

v.)

Case No. 23-11-6281

LARRY SIDNEY TANNER, P.T.,)
LICENSE NO. PT 1807,)

Defendant.)

ORDER OF DEFAULT JUDGMENT AND REVOCATION

This matter comes on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (“Board”) on May 16, 2024, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105, pursuant to proper notice and service given as required by law and the rules of the Board.

Alex A. Pedraza, Assistant Attorney General (“AAG Pedraza”), appears for Plaintiff. Defendant Larry Sidney Tanner, P.T., appears not, nor is he represented by counsel. Defendant was called three times before the Board in session without answer by the Defendant or a representative. The Board voted and declared the Defendant in default. 75 O.S. §309(E) and Okla. Admin. Code §435:3-3-14.

The Board, having considered representations of counsel, the sworn testimony of Board Investigator Jimmy Stokes and Ms. Madilyne Brownlie, as well as the exhibits admitted into evidence and being fully apprised of the premises therein, finds the following has been established by clear and convincing evidence.

FINDINGS OF FACT

1. Defendant, a physical therapist, engaged in inappropriate physical contact of a sexual nature with a patient during a physical therapy session on October 6, 2023.
2. Following the incident of inappropriate physical contact of a sexual nature, Defendant further engaged the patient in communication of a sexual nature.

3. Any conclusion of law below which is more properly characterized as a finding of fact is hereby incorporated as a finding of fact.

CONCLUSIONS OF LAW

1. 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 in the State of Oklahoma. 59 O.S. § 887.1, *et seq.* and Okla. Admin. Code 435:5-1-1, *et seq.*
2. Defendant holds physical therapist license No. 1807, issued 10/05/1991 by the Oklahoma Board of Medical Licensure and Supervision. The acts and/or omissions complained of herein occurred while Defendant was licensed to practice physical therapy by the State of Oklahoma and was in fact practicing physical therapy.
3. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
 - a. Engaging in physical conduct with a patient that is sexual in nature, or in any verbal behavior that is seductive or sexually demeaning to a patient, in violation of Okla. Admin. Code § 435:20-5-8(6).
 - b. While engaged in the care of a patient, engaging in conduct with a patient, patient family member, or significant other that is seductive or sexually demeaning/exploitive in nature, in violation of Okla. Admin. Code § 435:20-5-8(25).
4. Any finding of fact above which is more properly characterized as a conclusion of law is hereby incorporated as a conclusion of law.

ORDERS:

IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision that **LARRY SIDNEY TANNER, PT** is found guilty of unprofessional conduct as described herein by default by clear and convincing evidence.

IT IS FURTHER ORDERED by the Oklahoma State Board of Medical Licensure and Supervision that **LARRY SIDNEY TANNER, PT**, Oklahoma physical therapist license no. 1807 is **REVOKED** without the right to reapply.

IT IS FURTHER ORDERED by the Oklahoma State Board of Medical Licensure and Supervision that **LARRY SIDNEY TANNER, PT** shall promptly, upon receipt of an invoice, 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.

This Order is subject to review and approval by the Oklahoma Attorney General, and this Order shall become final upon completion of the review by the Oklahoma Attorney General unless disapproved, in which case this Order shall be null and void. A copy of this Agreed Order shall be provided to Defendant as soon as it is processed.

Dated this 25th day of July, 2024.



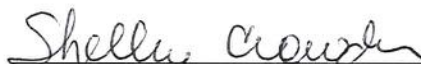
Trevor Nutt, President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

CERTIFICATE OF SERVICE

This is to certify that on the 25th day of July 2024, a true and correct copy of this Order was transmitted as indicated, postage prepaid, the following:

U.S. Certified Mail

Mr. Larry Sidney Tanner
3315 Kethley
1519 N. Oklahoma Ave.
Tulsa, Oklahoma 74804
Defendant



Shelley Crowder



FILED

JUL 11 2024

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2024-33A

Billy H. Stout, M.D., Board Secretary
State Board of Medical Licensure and Supervision
101 N.E. 51st Street
Oklahoma City, OK 73105-1821

July 10, 2024

Re: Tanner ("Defendant"), Case No. 23-11-6281

Dear Dr. Stout:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Medical Licensure and Supervision intends to take in case 23-11-6281.

The Physical Therapy Practice Act ("Act") authorizes the Board to revoke or order other appropriate sanctions against the license of a physical therapist found "guilty of conduct unbecoming a person licensed as a physical therapist . . . or guilty of conduct detrimental to the best interests of the public or other profession" and "guilty of any act in conflict with the ethics of the profession of physical therapy." 59 O.S.2021, § 887.13(A)(9-10). Medical Board Rules concerning the practice of physical therapy define the following acts as unprofessional conduct: (6) "[e]ngaging in physical conduct with a patient that is sexual in nature, or in any verbal behavior that is seductive or sexually demeaning to the patient;" and (25) "[w]hile engaged in the care of a patient, engaging in conduct with a patient, patient family member, or significant other that is seductive or sexually demeaning/exploitive in nature." OAC 435:20-5-8(b)(6 & 25).

According to a Board complaint filed in February 2024, Defendant engaged in inappropriate physical contact of a sexual nature with a patient during a physical therapy session on or about October 6, 2023. Defendant then subsequently engaged the patient by communications of a sexual nature. After determining that Defendant was in default and finding clear and convincing evidence that the Defendant violated the Act and Board rules, the Board proposes to revoke Defendant's license without the right to reapply and to require Defendant to pay costs related to the disciplinary action. The Board may reasonably believe that the proposed action is necessary to deter future violations and to protect the public.

It is, therefore, the official opinion of the Attorney General that the State Board of Medical Licensure and Supervision has adequate support for the conclusion that this board action advances the State's policy of protecting the health, safety, and well-being of the citizens of Oklahoma.

A handwritten signature in blue ink, appearing to read "Rob Johnson".

ROB JOHNSON
General Counsel