

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

FILED

AUG - 4 2005

**STATE OF OKLAHOMA
EX REL. THE OKLAHOMA BOARD
OF MEDICAL LICENSURE
AND SUPERVISION,**

Plaintiff

v.

**JAY DEE BRUMBAUGH, PT
LICENSE NO. PT2729,**

Defendant.

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 05-07-2967

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, Jay Dee Brumbaugh, PT, Oklahoma license no. PT2729, 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 therapists in the State of Oklahoma pursuant to 59 O.S. 887.1 *et seq.* and 59 Okla. Stat. §480 *et seq.*
2. Defendant, Jay Dee Brumbaugh, PT, holds Oklahoma physical therapy license no. PT2729.
3. On or about May 5, 2005, Defendant was arrested and charged in the District Court of Tulsa County, State of Oklahoma, with **FELONY MEDICAID FRAUD** based upon certain incidents where Defendant submitted claims for physical therapy services rendered to both Medicaid and private insurance companies. Defendant was paid by both, thereby receiving payment in excess of that allowed by Medicaid.
4. On or about June 16, 2005, the State amended its claim to **MISDEMEANOR MEDICAID FRAUD**. Defendant plead guilty to the charges and received a six (6) month deferred sentence. Defendant was also required to pay restitution of \$3,500.00 by July 18, 2005.
5. Defendant is guilty of unprofessional conduct in that he:

- A. Is guilty of conduct unbecoming a person licensed as a physical therapist or physical therapist 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. Procured, aided or abetted a criminal operation in violation of OAC 435:20-5-8(b)(1).
- D. Was convicted of or confessed to a crime involving violation of the laws of this state in violation of OAC 435:20-5-8(b)(4).
- E. Engaged in dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public in violation of OAC 435:20-5-8(b)(5).
- F. Participated in fraud, abuse, and/or violation of state or federal laws in violation of OAC 435:20-5-8(b)(8).
- G. Engaged in fraudulent billing practices and/or violation of Medicare and Medicaid laws or abusive billing practices in violation of OAC 435:20-5-8(b)(15).
- H. Was convicted of, or confessed to or plead no contest to a felony or misdemeanor in violation of OAC 435:20-5-8(b)(26).
- I. 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(b)(31).

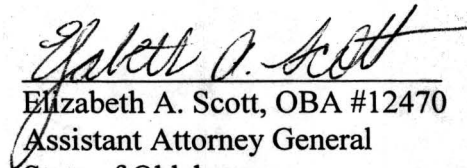
Conclusion

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 the revocation or suspension of the Defendant's license to practice as a physical therapist in the State of Oklahoma, 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 therapist in the State of Oklahoma.

Dated this 4th day of August, 2005 at 2:00 p.m.

Respectfully submitted,



Elizabeth A. Scott, OBA #12470
Assistant Attorney General
State of Oklahoma
5104 N. Francis, Suite C
Oklahoma City, OK 73118

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