

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.

JIM PITMAN, PT
LICENSE NO. PT 2859,

Defendant.

AUG 16 2013

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

CASE NO. 13-02-4677

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, Scott Randall Sullivan, Special Prosecutor, and for its Complaint against the Defendant, Jim Pitman, PT, 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 Title 59 O.S. §§ 480 *et seq.* and 887.1 *et seq.*

2. Defendant, Jim Pitman, PT, holds physical therapist license no. PT 2859 in the State of Oklahoma.

3. On or about January 31, 2013, Defendant, in an online renewal of his physical therapist license no. PT 2859, answered "YES" to the following question:

"D. Have you ever been arrested for, charged with or convicted of a felony or misdemeanor other than a traffic violation?"

4. Upon investigation, it was found that on or about December 21, 2011, Defendant was arrested and charged with **FELONY – PROCURING JUVENILE PORNOGRAPHY** in the District Court of Pontotoc County, State of Oklahoma, Case No. CF-2011-602.

5. On or about May 14, 2013, Board Investigator SW interviewed Defendant wherein Defendant **admitted** to viewing juvenile pornography, to include videos on his computer at his residence. Defendant signed a letter of agreement not to practice physical therapy at the time of the interview.

6. On or about July 11, 2013, Defendant was sentenced in Pontotoc County to five (5) years suspended sentence for **FELONY – PROCURING JUVENILE PORNOGRAPHY**.

7. On or about July 17, 2013, Board Investigator SW contacted Defendant and confirmed Defendant's five (5) year suspended sentence with **FELONY CONVICTION**.

8. Title 59 O.S. §513(A) provides as follows:

“Upon proof of a final felony conviction by the courts, the Board shall revoke the license...” (Emphasis added.)

9. Defendant is guilty of unprofessional conduct in that he engaged in:

- a) 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 Title 59 O.S. §887.13(9);
- b) Any act in conflict with the ethics of the profession of physical therapy in violation of 59 O.S. §887.13(10);
- c) Dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public in violation of Oklahoma Administrative Code Rule 435:20-5-8(5);
- d) Was **convicted** of or confessed to a crime involving violation of the laws of this state in violation of Oklahoma Administrative Code Rule 435:20-5-8(13); and
- e) Has been **convicted** of, or confessed to, or pled no contest to a **felony** or misdemeanor in violation of Oklahoma Administrative Code Rule 435:20-5-8(26).

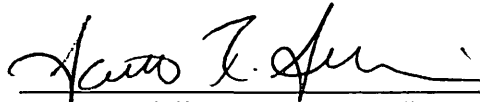
10. These allegations raise serious concerns about Defendant's ability to practice as a physical therapist in the State of Oklahoma with reasonable skill and safety.

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 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 therapist in the State of Oklahoma.

Dated this 16 day of August, 2013.

Respectfully submitted,



Scott Randall Sullivan, OBA #11179
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
101 N.E. 51st Street
Oklahoma City, OK 73105

Attorney for Plaintiff