



the medications and apologizing after realizing he has been recorded on video stealing the medication. The recorded incident took place on December 2, 2022, and the complainant patient's wife subsequently petitioned for a protective order against Defendant in the District Court of Texas County, OK.

4. Board investigators subsequently learned that at least six (6) additional patients to whom Defendant had been providing physical therapy services had experienced similar incidents with Defendant, wherein the patients discovered either their pain medications had been replaced with other medications or were missing altogether, following Defendant's visit(s) to their homes.
5. On February 14, 2023, Defendant was interviewed by Detective Matt Lamatsch of the City of Hugoton, Stevens County, KS, in which he admitted to stealing ten (10) Oxycodone tablets of a patient's prescription in Kansas on December 1, 2022, after offering to retrieve the patient's medication from the pharmacy on the patient's behalf. He admitted to Detective Lamatsch that he later consumed the stolen pain narcotics.
6. On March 13, 2023, Board investigators interviewed Defendant, during which he admitted to stealing pain narcotics from the complainant patient, but insisted he only did so once, on the December 2, 2022, occasion which was recorded by video. Defendant claimed he had never stolen medications from any other patient(s) aside from the complainant patient on December 2, 2022, and from a Kansan patient on December 1, 2022. Upon further questioning, Defendant admitted he had in fact stolen pain narcotics from the complainant patient one other occasion prior to the December 2, 2022, incident. Defendant agreed to execute an Agreement not to Practice ("ANTP") with Board staff at the conclusion of the interview. Defendant telephoned Board investigators the following day and retracted the admission he had stolen medication at any other time aside from the December 1<sup>st</sup> and 2<sup>nd</sup>, 2022, occasions.
7. The foregoing acts and/or omissions constitute unprofessional conduct as defined under the Physical Therapy Practice Act and corresponding regulations, as detailed herein.

### **III. VIOLATIONS**

8. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
  - a. Dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public, in violation of Okla. Admin. Code § 435:20-5-8(b)(4).
  - b. Any conduct which potentially or actually jeopardizes a patient's life, health or safety, in violation of Okla. Admin. Code § 435:20-5-8(b)(8).
  - c. Negligence while in the practice of physical therapy or violating the "Standards of Ethics and Professional Conduct" adopted by the Board, in violation of Okla. Admin. Code § 435:20-5-8(b)(11).
  - d. Habitual intemperance or addicted use of any drug, chemical or substance that could result in behavior that interferes with the practice of physical therapy and the

responsibilities of the licensee, in violation of Okla. Admin. Code § 435:20-5-8(b)(12).

- e. 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 Okla. Admin. Code § 435:20-5-8(b)(13).
- f. Violation of any provision(s) 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 Okla. Admin. Code § 435:20-5-8(b)(29).
- g. Habitual intemperance or the habitual use of habit-forming drugs, in violation of Okla. Admin. Code § 435:20-5-8(b)(2).
- h. Failure to report to the Board any adverse action taken against him or her by another licensing jurisdiction (United States or foreign), by any governmental agency, by any law enforcement agency, or by any court for conduct similar to acts or conduct that would constitute grounds for action as defined by regulation, in violation of Okla. Admin. Code § 435:20-5-8(b)(30).

#### V. CONCLUSION

Given the foregoing, the undersigned respectfully requests 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 and any other appropriate action with respect to Defendant's professional license, including an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



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VERIFICATION

I, Jim Stokes, under penalty of perjury, under the laws of the State of Oklahoma, state as follows:

1. I have read the above Complaint regarding Jake Strain.; and
2. The factual statements contained therein are true and correct to the best of my knowledge and belief.

  
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Jim Stokes, Investigator  
OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION

Date: 4/19/2023

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County, State of Execution