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

STATE OF OKLAHOMA, ex rel.	
OKLAHOMA STATE BOARD	APR 19 2023
OF MEDICAL LICENSURE)
AND SUPERVISION,	OKLAHOMA STATE BOARD OF MEDICAL LICENSURE & SUPERVISION
Plaintiff,)
v.) Case No. 23-01-6190
JAKE STRAIN, PT,)
LICENSE NO. PT 4689,)
Defendant.)

VERIFIED COMPLAINT

The State of Oklahoma, *ex rel*. Oklahoma State Board of Medical Licensure and Supervision ("Board"), for its Verified Complaint against Jake Strain ("Defendant"), alleges and states as follows:

I. JURISDICTION

- 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.
- Defendant holds physical therapist license No. 4689, issued 05/24/2013 by the Oklahoma Board of Medical Licensure and Supervision. The acts and/or omissions complained of herein were made while Defendant was licensed to practice physical therapy by the State of Oklahoma.

II. ALLEGATIONS OF UNPROFESSIONAL CONDUCT

3. This action arises out of unprofessional conduct by the Defendant as detailed herein. The Board initially received a complaint on December 16, 2022, from a home health care agency who contracted the Defendant's physical therapy company for the purpose of providing physical therapy services to the agency's patients. The complainant alleged that Defendant had been stealing one of the agency's patient's Oxycontin medication and replacing the stolen medication with over-the-counter Tylenol medication. The Board subsequently received another complaint from the complainant agency's patient and patient's wife, asserting the same allegations as the first complaint and providing that the patient's wife had recorded Defendant's conduct on video, as well as Defendant returning

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 1st and 2nd, 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,

Alex A. Pedraza, OBA No. 33584

Assistant Attorney General

OKLAHOMA STATE BOARD OF MEDICAL

LICENSURE AND SUPERVISION

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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.

sin Stohu	Date: 4/19/2023
Jim Stokes, Investigator	
Oklahoma State Board of Medical	
LICENSURE AND SUPERVISION	
	County, State of Execution