

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

**FILED**

MAY 13 2021

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.* )  
OKLAHOMA STATE BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
JOSHUA W. JOHNSON, PT )  
LICENSE NO. MD 5519, )  
 )  
Defendant. )

Case No. 20-08-5930

**ORDER ACCEPTING  
VOLUNTARY SUBMITTAL TO JURISDICTION**

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision ("Board"), by and through the undersigned counsel for the Plaintiff, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, along with Joshua W. Johnson, PT ("Defendant"), Oklahoma Physical Therapist License No. 5519, who appears pro se (collectively, the "Parties"), hereby offer this Order Accepting Voluntary Submittal to Jurisdiction (herein, "Order" or "Agreement") for acceptance by the Board. Okla. Admin. Code § 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant admits to the allegations herein contained and further acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Physical Therapy Practice Act ("Act"). 59 O.S. § 480, *et seq.*

Defendant states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for an evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement may be reviewed and discussed with him by legal counsel prior to execution.

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Defendant herein, if any, shall not be regarded as evidence against him

in a subsequent disciplinary hearing. Defendant will be free to defend himself and no inferences will be made from his willingness to have this Order accepted by the Board. The Parties stipulate that neither the presentation of this Order nor the Board's consideration of this Order shall be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not be grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.

### **Findings of Fact**

The Plaintiff, Defendant, and the Board staff each stipulate and agree as follows:

1. In Oklahoma, Defendant hold Physical Therapy License no. 5519.
2. On February 9, 2021, a Verified Complaint and Citation were each filed by the Board. Hearing was set for May 13, 2021.
3. An Answer to the Complaint was filed on March 3, 2021 by Defendant, pro se.
4. This matter was initiated after a complaint was received on August 18, 2020 by K.B., a former patient of Defendant, alleging the Defendant carried on an intimate relationship with the complainant that began when the complainant was under the professional care of Defendant as a patient, approximately one year prior to the complaint being submitted.
5. During the investigation, it was determined that the complainant was under the care of Defendant as a physical therapy patient from July 8, 2019 until she was discharged from treatment on September 27, 2019. During that time frame, Defendant and the complainant began a personal relationship amounting to unprofessional conduct under the Act. Said relationship continued for approximately 11 months after the complainant was discharged from treatment by the Defendant. Shortly prior to the Board's receipt of the complaint, the Defendant ended the personal relationship with the complainant and, after the relationship was ended by the Defendant, the complainant filed the complaint based on the existence of the personal relationship. The complainant further alleged or insinuated that the Defendant had recently begun an intimate relationship with another of Defendant's patients. That allegation was investigated and determined to be untrue.
6. Defendant has, at all times, been cooperative and forthcoming with the prosecution and, furthermore, the State of Oklahoma finds that significant mitigating circumstances exist in favor of the Defendant. The State is satisfied that Defendant is unlikely to repeat the conduct in the future. It is the State's position that the terms of this Voluntary Submittal to Jurisdiction, and the agreed terms thereof, serve the interests of justice.



### Conclusions of Law

7. 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 435:20-5-8.**
8. The Board is authorized to suspend, revoke or order any other appropriate conditions against the license of any physical therapy professional holding a license to practice in the State of Oklahoma for unprofessional conduct. 59 O.S. §§ 887.5, 887.13.
9. The Board is authorized to accept voluntary submittals to jurisdiction mutually agreed to by parties to a disciplinary action to resolve the action without need for a hearing. 75 O.S. § 309(E); Okla. Admin. Code § 435:5-1-5.1.
10. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
  - a. Violating the "Standards of Ethics and Professional Conduct" adopted by the Board or being guilty of any act in conflict with the standards of the profession of physical therapy, in violation of OAC §§ 435:10-5-8(b)(11) and 435:10-5-9(2), and 59 O.S. § 887.13(10).

### Orders

**IT IS THEREFORE ORDERED** by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The Board hereby adopts the Agreement of the Parties in this Order Accepting Voluntary Submittal to Jurisdiction, including the findings of fact and conclusions of law stated herein.
2. **JOSHUA W. JOHNSON**, Oklahoma Physical Therapy License no. 5519, is formally **REPRIMANDED**.
3. Pursuant to 59 O.S. §509.1A(9) and Okla. Admin. Code §435:5-1-4.1, **JOSHUA W. JOHNSON, PT**, shall pay a fine of **\$1,500.00** to the Oklahoma State Board of Medical Licensure and Supervision within 6 months from the Board's approval of this Order.
4. Promptly upon receipt of an invoice, or within 6 months thereof, Defendant shall 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.
5. A copy of this Order shall be provided to Defendant as soon as it is processed.

Dated this 13<sup>th</sup> day of May, 2021.

*[Handwritten signature of Billy H. Stout]*

Billy H. Stout, M.D., Board Secretary  
OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION

*[Handwritten signature of James M. Brinkworth]*

James M. Brinkworth, M.D., President  
OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION

*[Handwritten signature of Joshua W. Johnson]*

Joshua W. Johnson, PT  
Oklahoma License No. 5519  
***Defendant, pro se***

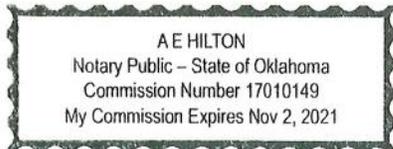
*[Handwritten signature of Amanda R. Everett]*

Amanda R. Everett, OBA No. 30107  
Assistant Attorney General  
STATE OF OKLAHOMA,  
OFFICE OF ATTORNEY GENERAL  
***Attorney for Plaintiff,  
Oklahoma State Board of Medical  
Licensure and Supervision***

**ACKNOWLEDGMENT**

STATE OF OKLAHOMA )  
 ) ss.  
COUNTY OF Oklahoma )

This instrument was acknowledged before me on the 29<sup>th</sup> day of April,  
2021, by **Joshua W. Johnson**.



*[Handwritten signature of Notary Public]*

Notary Public

Commission Expiration: Nov 2, 2021

**Certificate of Service**

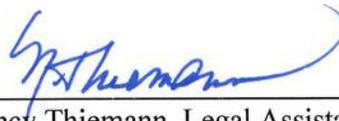
This is to certify that on the 14<sup>th</sup> day of May, 2021, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail, and E-Mail

Joshua W. Johnson  
1624 Midtown Place, Ste. B  
Midwest City, OK 73130  
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DEFENDANT PRO SE

E-Mail

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**Attorney for Plaintiff,  
Oklahoma State Board of Medical  
Licensure and Supervision**



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Nancy Thiemann, Legal Assistant