

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

FILED

JUL 20 2023

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.*, )  
THE OKLAHOMA STATE BOARD )  
OF MEDICAL LICENSURE AND )  
SUPERVISION, )

Plaintiff, )

vs. )

Case No. 23-06-6236

TRISTEN NICHOLE SWENGLE , P.T., )  
LICENSE NO. PT 5566, )

Defendant. )

**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 Tristen Nichole Swengle , P.T. (“Defendant”), Oklahoma medical license no. 5566, who appears in person, Pro Se, (collectively, the “Parties”), and 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. § 887.1 *et seq.*

Defendant, Tristen Nichole Swengle , P.T., states that she is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes her right to appear before the Board for an evidentiary hearing on the allegations made against her. Defendant hereby voluntarily waives her 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 she has read and understands the terms and conditions stated herein, and that this Agreement may be reviewed and discussed with her 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 her in a subsequent disciplinary hearing. Defendant will be free to defend herself and no inferences will be made from her willingness to have this Order accepted by the Board. The Parties stipulate that

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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 holds Oklahoma Physical Therapist license no. 5566, originally issued August 1, 2018.
2. Defendant's license to practice physical therapy expired January 31, 2023.
3. Defendant continued to practice physical therapy in the course of her employment following the January 31, 2023, expiration of her license, through at least May 27, 2023.
4. Defendant applied for reinstatement of her license with the Board on May 27, 2023.
5. The foregoing act(s) and/or omission(s) constitute unprofessional conduct as defined under the Physical Therapy Practice Act and corresponding regulations, as detailed herein.

### CONCLUSIONS OF LAW

1. The Board has jurisdiction over the subject matter and is the 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 §§ 435:20-5-1 *et seq.*
2. The Board is authorized to suspend, revoke or order any other appropriate conditions against the license of any Physical Therapy Practitioner holding a license to practice in the State of Oklahoma for unprofessional conduct. 59 O.S. §887.5(A)(8) and 435:20-5-8.
3. 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.
4. This Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
  - a. Practicing physical therapy while not licensed in accordance with the provisions of the Physical Therapy Practice act, in violation of 59 O.S. § 887.3.
  - b. 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



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Board, specifically the provision of law cited above, in violation of Okla. Admin. Code § 435:20-5-8(b)(29).

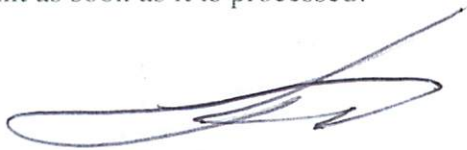

**ORDERS**

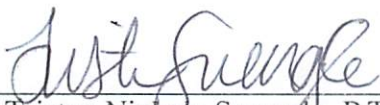
**IT IS THEREFORE ORDERED** by the Oklahoma State Board of Medical Licensure and Supervision as follows:


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. **TRISTEN NICHOLE SWENGLE, P.T.**, Oklahoma Physical Therapist license no. 5566, is hereby formally **REPRIMANDED**.
3. **TRISTEN NICHOLE SWENGLE, P.T.**, shall pay a fine of \$500.00 within 120 days of this Order being entered.
4. **TRISTEN NICHOLE SWENGLE, P.T.**, is approved for reinstatement upon completion of all licensing requirements.
5. Promptly upon receipt of an invoice, 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.
6. A copy of this Order shall be provided to Defendant as soon as it is processed.

Dated this 20<sup>th</sup> day of July, 2023.

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

  
\_\_\_\_\_  
Steven Katsis, M.D., President  
OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE AND SUPERVISION  
*for* 

  
\_\_\_\_\_  
Tristen Nichole Swengle, P.T.  
Oklahoma License No. 5566  
*Defendant, Pro Se*

  
\_\_\_\_\_  
Joseph Ashbaker, OBA No. 19395  
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 TULSA )

This instrument was acknowledged before me on the 13 day of July, 2023, by Tristen Nichole Swengle.



Notary Public Paloma Lucero  
Commission Expiration: 11/11/2023

Certificate of Service

This is to certify that on the ~~13~~ <sup>20<sup>th</sup></sup> day of July, 2023, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail  
Tristen Nichole Swengle, P.T.  
7905 N. 122 East Ave.  
Tulsa, Oklahoma 74055  
*Defendant*

E-Mail  
Joseph Ashbaker, AAG  
State of Oklahoma  
Office of Attorney General  
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(405) 522-0113  
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joe.ashbaker@oag.ok.gov  
*Attorney for Plaintiff,*  
*Oklahoma State Board of Medical*  
*Licensure and Supervision*

Shelley Crowder  
Shelley Crowder

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