

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

STATE OF OKLAHOMA, *ex rel.*,)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE)
AND SUPERVISION,)
)
)
Plaintiff,)
)
v.)
)
JANICE CAROL RAINS, OTA)
LICENSE NO. OA 599,)
)
Defendant.)

FILED

NOV 19 2020

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 20-07-5925

VERIFIED COMPLAINT

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision ("Board"), alleges and states as follows for its Complaint against **JANICE CAROL RAINS, OTA** ("Defendant"):

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 Occupational Therapy Assistants in the State of Oklahoma. **59 O.S. §888.14, et seq. and Okla. Admin. Code 435:30-1-10.**
2. In Oklahoma, Defendant holds Oklahoma license no. OA599.

II. ALLEGATIONS OF UNPROFESSIONAL CONDUCT

3. On a January 31, 2019 license renewal application, Defendant reported that she had completed 20 hours of Continuing Education and that she had the documentation to verify the same. However, Defendant actually had completed 0 hours of Continuing Education and her statement to the contrary was incorrect and untruthful. At the bottom of page 2 of the application, Defendant signed off in endorsement of the statement "I, the undersigned, have to the best of my knowledge, complied with the laws and rules regulating my profession. I hereby state that the information contained in this application is true and correct."

4. On May 4, 2018, Defendant was charged in the District Court of Cleveland County in case No. CF-2018-550 with one count of "Exploitation of an Elderly Person or Disabled Adult", a Felony carrying a maximum of 10 years imprisonment, in violation of 21 O.S. §843.4(A)(1). On August 17, 2020, Defendant pled "Guilty" to the charged felony and, as a result, was found guilty by District Judge Lori Walkley. Defendant received a 7-year deferred sentence and must submit to 18 months of supervised probation, plus payment of restitution to the victim in the amount of \$20,000.00.

5. 21 O.S. §843.4(A)(1), the charge of "Exploitation of an Elderly Person or Disabled Adult", has the following definition:

a. A. As used in this section, "exploitation of an elderly person or disabled adult" means:

- 1. Knowingly, by deception or intimidation, obtaining or using, or endeavoring to obtain or use, an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who:
 - a. stands in a position of trust and confidence with the elderly person or disabled adult, or
 - b. has a business relationship with the elderly person or disabled adult.

6. In a sworn *Affidavit*, filed in the District Court on May 4, 2018, the following was attested to by the assigned Detective from the Moore Police Department:

- "That the affiant is employed by the Moore Police Department. That on or about the 14th day of August, 2017 at 4212 Nottinghill Drive, City of Moore, Cleveland County, Oklahoma, the undersigned further states as follows:

"Affiant is a detective with the Moore Police Department. The affiant was assigned a case where the defendant received a \$20,000.00 loan from her elderly employer and did not use the money as indicated. The defendant was hired as a caretaker for the 80 year old victim who had recently suffered a stroke and was unable to care for herself. The defendant was at the victim's residence everyday taking care of the victim and meeting her needs. The defendant would tell the victim about her financial troubles and the victim would loan the defendant money. The defendant told the victim about a construction business she wanted to start and the victim agreed to loan the defendant

\$20,000.00 to start the business. The victim transferred the money into the defendant's account, after which the defendant cut off contact with the victim. The defendant advised she was the victim's caretaker and that she had to use the \$20,000.00 for other things and never started the construction business. The defendant advised she had recently started a different business selling products made with cannabinoids and would repay the victim when she was able to do so."

7. In *the Plea of Guilty – Summary of Facts*, filed on August 17, 2020, Defendant answered the following questions as follows:
 - a. "Did you commit the acts as charged in the information?"
 - ANSWER: "YES."
 - b. "State the factual basis for your plea(s)"
 - ANSWER: "On 6/1/17, in Cleveland County, State of Oklahoma, I, Janice Rains, did receive a loan from Margaret Friesen and elderly person of at least 62 years of age, and failed to repay the loan."
8. Within the same document, Defendant signed a sworn statement agreeing to the following statements under oath:
 - a. "My attorney completed this form and we have gone over the form and I understand its contents and agree with the answers";
 - b. "The answers are true and correct";
 - c. "I understand that I may be prosecuted for perjury if I have made false statements to this Court."

III. VIOLATIONS

9. Based on the foregoing, **JANICE CAROL RAINS, OTA**, 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: 30-1-10(a)(2).
 - b. Participation in fraud, abuse and/or violation of state or federal laws, in violation of Okla. Admin. Code 435: 30-1-10(a)(5).
 - c. Failing to timely make application for license renewal, in violation of Okla. Admin. Code 435: 30-1-10(a)(21).
 - d. Falsifying documents submitted to the Occupational Therapy Committee or the Oklahoma State Board of Medical Licensure and Supervision, in violation of Okla. Admin. Code 435: 30-1-10(a)(22).
 - e. Obtaining or attempting to obtain a license, certificate or documents of any form as an occupational therapist or occupational therapy assistant by fraud or deception, in

violation of Okla. Admin. Code 435: 30-1-10(a)(23) and 59 O.S. §888.9(1).

- f. Violation of any provision(s) of the Occupational 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: 30-1-10(a)(28) and 59 O.S. §888.9(4) and (5).
- g. Failure to comply with continuing education requirements, in violation of the terms of Okla. Admin. Code 435: 30-1-5(b).
- h. Engaging in unprofessional conduct as defined by the rules established by the Board, or violating the Code of Ethics adopted and published by the Board, in violation of 59 O.S. §888.9(2).

IV. CONCLUSION

Given the foregoing, the undersigned respectfully request the Board to conduct a hearing, and upon proof of the allegation(s) contained herein, impose an appropriate punishment pursuant to the applicable law and rule on **JANICE CAROL RAINS, OTA**, including an assessment of costs and attorneys' fees incurred in this action as provided by law.

Respectfully submitted,

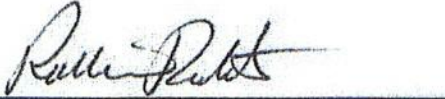


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VERIFICATION

I, Robbin Roberts, under penalty of perjury, under the laws of the State of Oklahoma, state as follows:

1. I have read the above Complaint regarding **JANICE CAROL RAINS, OTA,** and,
2. The factual statements contained therein are true and correct to the best of my knowledge and belief.



Robbin Roberts, Investigator
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Executed this 16th day of November, 2020, in Oklahoma County, State of Oklahoma.