



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-41A

Billy Stout, M.D., Board Secretary
State Board of Medical Licensure and
Supervision
101 NE 51st Street
Oklahoma City, Oklahoma 73105

October 6, 2015

Dear Board Secretary Stout:

This office has received your request for a written Attorney General Opinion regarding agency action that the State Board of Medical Licensure and Supervision intends to take regarding licensee 19233. The Board had revoked the license in 2003 and reinstated it in 2012 with restrictions on the ability to perform surgeries pending completion of a year-long fellowship in spinal surgery approved by the Accreditation Council for Graduate Medical Education. In 2014, the Board modified its fellowship requirement to any year-long orthopedic fellowship. Afterwards, the licensee completed around six months of orthopedic fellowship. The licensee requested that restrictions on ability to perform surgeries be removed, claiming that the licensee's six months of experience in programs in France and Japan were sufficient to meet the year-long requirement. The Board intends to deny that request and require another six months of fellowship in line with its original year-long requirement.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S.2011 & Supp.2014, §§ 480-519, authorizes the Board to place conditions on a license to practice medicine as part of the remedy in a disciplinary action, 59 O.S.2011, §§ 506(A), 509.1(4), (8). Here, a license was reinstated more than nine years after revocation. A reasonable condition on that reinstatement would be to ensure the licensee's competence to perform skill-intensive surgeries critical to patient health. The Board required a year-long fellowship, and in this action is enforcing that initial requirement to ensure licensee's competence.

It is, therefore, the official opinion of the Attorney General that the State Board of Medical Licensure and Supervision has adequate support for the conclusion that this action advances the State of Oklahoma's policy to protect public health and ensure patient welfare.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", is written over a horizontal line.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA