



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-527A

Billy Stout, Board Secretary
State Board of Medical Licensure and
Supervision
101 N.E. 51st Street
Oklahoma City, Oklahoma 73105

August 19, 2016

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 with respect to case 13-10-4826. In September 2013, the licensee was charged in federal court in Missouri for felony sexual exploitation of children. The licensee subsequently executed an agreement with the Board not to practice until the Board's investigation of the matter was concluded. In January 2016, the licensee pled guilty to the felony. The proposed action is to revoke the license .

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S.2011 & Supp.2015, §§ 480–518.1, authorizes the Board to suspend, revoke, or sanction the license of any physician for unprofessional conduct, 59 O.S.Supp.2015, § 503. Unprofessional conduct includes “[c]onviction of a felony or of any offense involving moral turpitude” or “[d]ishonorable or immoral conduct which is likely to deceive, defraud, or harm the public.” 59 O.S.2011, § 509(5), (8). “Upon proof of a final felony conviction [involving moral turpitude] by the courts and after exhaustion of the appellate process, the Board shall revoke the physician’s license.” 59 O.S.2011, § 513(A)(3); *see also* OAC 435:5-1-5.2(b). The action enforces requirements that physicians convicted of felonies involving moral turpitude not be permitted to practice medicine. The Board may reasonably believe that revoking the license is necessary to protect patients.

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 the public health, safety, and welfare.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", with a long horizontal stroke extending to the right.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA