



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-296A

Gaylord Z. Thomas, Executive Director
Oklahoma State Board of Examiners for
Long-Term Care Administrators
2401 NW 23rd Street, Ste. 62
Oklahoma City, Oklahoma 73107

May 11, 2016

Dear Executive Director Thomas:

This office has received your request for a written Attorney General Opinion regarding agency action to be taken under the auspices of the Oklahoma State Board of Examiners for Long-Term Care Administrators with respect to Board case A16-038(B). The licensee failed to prove completion of continuing education requirements during a random audit—the licensee was 11.25 hours short. The proposed action is to impose a \$562.50 fine and 22.5 additional hours of continuing education to be completed within 120 days.

State law requires the Board to “develop, impose, and enforce standards” to ensure long-term care administrators are “suitable . . . by training or experience in the field of institutional administration” to operate long-term care facilities. *See* 63 O.S.2011, § 330.58(1). The Board may discipline licensees who fail to conform to those standards. *Id.* § 330.58(3). The Board’s administrative rules require that licensees obtain a specific number of continuing education hours depending on the license type held. *See* OAC 490:1-9-4. The Board’s rules also specify that a first offense will result in fines of \$50 per hour short and the requirement that the licensee complete twice the number of hours short. *See* OAC 490:1-9-5. This licensee failed to document completion of continuing education hours; the discipline conforms to the rule’s scheme; and the discipline is proportional to the violations. It is therefore reasonable to conclude that this action advances the statutory mandate that the Board implement professional standards.

It is, therefore, the official opinion of the Attorney General that the Oklahoma State Board of Examiners for Long-Term Care Administrators has adequate support for the conclusion that this action advances the State of Oklahoma’s policy upholding minimum standards of competence among long-term care administrators.

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