



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-181A

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

December 9, 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 with regard to an application for reinstatement by former medical doctor licensee 14117. The intended action is to deny the application. The licensee had been disciplined in 2012 for sexual misconduct involving patients. The licensee has applied for reinstatement on two prior occasions, making this the licensee's third application. As part of the application process, the licensee indicated a willingness to undertake work restrictions to minimize the risk of future sexual misconduct. For example, at the hearing, licensee's counsel indicated that upon reinstatement the licensee, a male, would attempt to work in all-male settings such as male correctional facilities.

The licensee also submitted, however, failing exam scores from the Special Purpose Examination, a professional competence exam for professionals seeking reinstatement. During the hearing, the Board specifically voted upon and approved on the record a motion essentially finding that licensee's failing exam score was the reason for the denial of the application.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S.2011 & Supp.2015, §§ 480-519, authorizes the Board require "satisfactory evidence of professional competence and good moral character" when reinstating a license to practice medicine, 59 O.S.2011, § 495h. The Board may reasonably believe that licensee's failing exam score fails to show adequate evidence supporting licensee's current professional 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". The signature is stylized and written in a cursive-like font.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA