



JOHN M. O'CONNOR
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2022-10A

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

May 12, 2022

Dear Dr. Stout:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Medical Licensure and Supervision intends to take in case 11-11-4441.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act authorizes the Board to suspend, revoke or order other appropriate sanctions against the license of a physician for unprofessional conduct.¹ 59 O.S.2022, § 503. The Board may reasonably believe that the proposed action is necessary to deter future violations and to protect the public.

After discipline by the Board in 2014, the parties entered an agreed order whereby the defendant surrendered his license and agreed to *never* reapply for licensure in this state. On March 6, 2014, the Board issued an order accepting the voluntary surrender to jurisdiction. *See* 2015 A.G. Opin. 183A. In June 2018, the defendant filed a motion to modify the order to allow him to reapply for licensure, and in September 2018, the Board denied the motion. *See* 2018 A.G. Opin. 374A. In July 2020, the defendant submitted the required fee and application for licensure, but in response, the Board moved to enforce the Board's March 2014, order accepting the voluntary surrender to jurisdiction. The defendant then filed a motion to review application for licensure and a motion in limine.

The Board proposes to (1) deny the defendant's motions, (2) grant the Board's motion to enforce and, (3) require the defendant to pay a \$5,000 fine and all reasonable costs. The Board may reasonably believe the proposed action is necessary to deter future violations.

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's policy of protecting the health, safety, and welfare of the citizens of Oklahoma.


JOHN M. O'CONNOR
ATTORNEY GENERAL OF OKLAHOMA


THOMAS R. SCHNEIDER
DEPUTY GENERAL COUNSEL

¹ Oklahoma statutes and the Board rules define "unprofessional conduct" to include "[d]ishonorable or immoral conduct which is likely to deceive, defraud, or harm the public[]" and "[c]ommission of any act of sexual abuse, misconduct, or exploitation . . ." 59 O.S.2021, §§ 503, 509(8); OAC 435:10-7-4(23).