



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2023-25A

Billy H. Stout, M.D., Board Secretary
State Board of Medical Licensure and Supervision
101 N.E. 51st Street
Oklahoma City, OK 73105-1821

July 12, 2023

Re: Jenkins (“Defendant”); Case No. 23-02-6202

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 23-02-6202. Defendant holds an inactive medical license.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act authorizes the Board to revoke or order other appropriate sanctions against the license of a physician for unprofessional conduct.¹ 59 O.S.2021, § 503.

According to a Board complaint, in March 2023, Defendant plead guilty to 30 felony counts related to illegal possession/distribution/dispensing/or prescribing controlled dangerous substances (CDS) and maintaining a place/building where CDS are kept, as well as falsification and improper recordkeeping related to Medicaid claims. The court ordered Defendant to a twenty-year suspended sentence and a fine of over \$181,000, plus court fees and costs. Finding clear and convincing evidence, the Board proposes to revoke Defendant’s license without the right to reapply and require Defendant to pay costs related to the disciplinary action. The Board may reasonably believe that the proposed action is necessary to deter future violations and to protect the public.

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 board action advances the State’s policy of protecting the health, safety, and well-being of the citizens of Oklahoma.

A handwritten signature in blue ink, appearing to read "Rob Johnson".

ROB JOHNSON
GENERAL COUNSEL

¹Oklahoma statutes and the Board rules define “unprofessional conduct” to include 1) conviction or guilty plea to a felony to a crime involving moral turpitude; 2) conviction or guilty plea to violations of federal or state laws relating to controlled substances; or violations of federal or state laws relating to controlled substances; “pleading guilty to a felony; 3) “[t]he commission of any act” in violation of “the criminal laws of any state when such act is connected with the physician’s practice of medicine[;]” 59 O.S.2021, § 509(5), (7), (9); OAC 435:10-7-4(10), (27), (45).