



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-694A

Amy Hall, Executive Secretary
Board of Examiners for Speech-Language
Pathology and Audiology
P.O. Box 53592
Oklahoma City, OK 73152

September 21, 2017

Dear Executive Secretary Hall:

This office has received your request for a written Attorney General Opinion regarding agency action that the Board of Examiners for Speech-Language Pathology and Audiology intends to take pursuant to a Final Order against licensee number SLP 4485 in Case No. 15-25. The proposed action is to impose a \$50 fine on the licensee.

The licensee is a licensed Speech-Language Pathologist. On August 12, 2016, the Board approved a Consent Agreement and Order to resolve Case No. 15-25. The Consent Order required the licensee to review the Board statutes and rules regarding requirements for licensure and the ASHA requirements for certification and create a chart comparing the pathways to Board licensure and ASHA certification. The Consent Order required the chart to be completed and submitted to the Board by November 15, 2016. The licensee did not timely submit the chart to the Board and therefore did not timely comply with the Consent Order issued by the Board. Accordingly, a Motion to Enforce was filed. After the Motion to Enforce was filed, the licensee subsequently submitted a chart that satisfied requirements of the Consent Agreement.

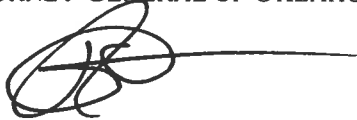
The Speech-Language Pathology and Audiology Licensing Act, 59 O.S.2011 & Supp.2016, §§ 1601–1622, gives the Board the power and duty to “regulate the practice of speech-language pathology and audiology in this state[.]” 59 O.S.2011, § 1610(A)(1). To that end, the Act gives the Board the power to “issue . . . licenses,” renew licenses, “[c]ontinue in effect, suspend, revoke, modify or deny . . . licenses” and prescribe “conditions . . . [on] licenses for the practice of speech pathology and audiology in this state.” *Id.* §§ 1610(A)(2), (3); 1616(B). The Act also gives the Board the authority to discipline licensees that violate the provisions of the Act or any rules promulgated by the Board. *See id.* § 1619(A); 59 O.S.Supp.2016, § 1610(A)(3),(6),(11). The disciplinary actions the Board may impose against licensees that violate the Act or Board rules include “suspend[ing] or revoke[ing] a license, issu[ing] a letter of reprimand, impos[ing] probationary conditions, impos[ing] . . . administrative fine[s] not to exceed . . . \$10,000, and assess[ing] reasonable costs.” 59 O.S.Supp.2016, § 1619(A). In this case, the Consent Order that required the licensee to submit the chart was a condition prescribed by the Board. The licensee did not timely comply with said condition. Therefore, the Board may reasonably believe that its

proposed action of a \$50 fine is necessary to deter future violations and to ensure future compliance with its lawfully issued Orders.

It is, therefore, the official opinion of the Attorney General that the Board of Examiners for Speech-Language Pathology and Audiology has adequate support for the conclusion that this action advances the State of Oklahoma's policy to protect the public health, safety and welfare.



MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA



RYAN CHAFFIN
DEPUTY CHIEF – ASSISTANT ATTORNEY GENERAL