



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-733A

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

December 6, 2016

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 pursuant to a consent agreement with medical doctor license application 32628. The proposed action is to grant the application for licensure with standard and specific terms. Due to a history of alcohol abuse, the licensee is currently bound by an “aftercare agreement” with the Physician’s Health Program of the Tennessee Medical Foundation. The terms of the agreement for licensure require the applicant to continue with the terms of the aftercare agreement as well as enter into a contract with the Oklahoma Health Professionals Program, a substance abuse monitoring program.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S.2011 & Supp.2016, §§ 480–518.1, authorizes the Board to “establish rules authorizing the . . . issuance of licenses under terms of agreement,” 59 O.S.2011, § 493.3(D). The Board may enter into such an agreement when circumstances or conditions of an applicant raise questions as to the fitness or ability of the applicant to practice medicine and surgery with reasonable skill and safety or questions as to prior actions of the applicant in this or any other jurisdiction which would constitute a violation of the Act. OAC 435:10-4-11(2). The Board may reasonably believe that the agreed terms are necessary to protect patient safety.

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 upholding minimum standards of professionalism among physicians.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA