



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-734A

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 29256. The proposed action is to place the licensee on probation for five years with both standard and specific terms. The terms of the probation require the licensee to submit to drug tests; release medical records to the Board; enter a five year contract with the Oklahoma Health Professionals Program, a drug and alcohol monitoring program; attend "12-step" meetings; undergo evaluation and treatment by a Board certified psychiatrist; limit work hours to no more than 55 hours per week with no night shifts; submit any change in working environment to the Board for approval; and pay the Board's costs. The Board initiated an investigation after allegations were made that the licensee had a strong odor of marijuana and was observed making frequent trips to the parking lot while on duty. Marijuana paraphernalia was also seen in the licensee's vehicle. The licensee's hospital privileges were suspended in January 2016. Following a drug and alcohol assessment, the licensee entered an in-patient treatment program in March 2016.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S.2011 & Supp.2016, §§ 480–518.1, authorizes the Board to impose appropriate sanctions for unprofessional conduct, 59 O.S.Supp.2016, § 503. Unprofessional conduct includes circumstances when a physician's practice may be compromised by substance abuse. 59 O.S.2011, § 509(4), (9). Here, the licensee has agreed to the additional conditions imposed on the license. 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 to uphold minimum standards of professionalism among physicians.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt". The signature is stylized with a large, sweeping initial "E" and a long horizontal stroke extending to the right.

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA