



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-732A

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 respiratory care practitioner license 341. The proposed action is to grant the application for licensure after probation with standard and specific terms. The terms of the agreement for licensure after probation require the licensee to practice in a supervised group setting and to submit quarterly reports from the licensee's employer to the Board. The license was placed on probation for five years beginning in November 2011 in response to discipline by the State of Florida Department of Health for fraudulent misrepresentation on documentation submitted to the Board regarding prior termination from an employment setting.

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 adequate 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 healthcare professionals.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA