



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-804A

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

November 17, 2017

Dear Dr. Billy H. Stout, M.D., Board Secretary:

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 13-08-4790. The licensee, a physical therapist, was charged with DUI while in the possession of a firearm and endangering others while attempting to elude police. The Board subsequently required the licensee to execute an Agreement Not to Practice and to enter a contract with the Allied Professional Peer Assistance Program ("APPA"). After another complaint, the Board placed licensee on five years of probation. The Board proposes to revoke the license for failure to complete the APPA program.

The Physical Therapy Practice Act authorizes the Board to discipline licensees who have "been guilty of any act in conflict with the ethics of the profession of physical therapy." 59 O.S.Supp.2017, § 887.13(A)(10). The "ethical and professional principles" required of physical therapists include "refus[ing] to participate in illegal or unethical acts[.]" OAC 435:20-5-9(10). The Board may reasonably believe that the proposed action is necessary to protect public health and deter future violations.

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's policy of protecting the health, safety, and welfare of the citizens of Oklahoma.

A handwritten signature in black ink, appearing to read "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Amanda Otis".

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL