



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2021-31A

Billy H. Stout, M.D. Board Secretary
Oklahoma State Board of Medical
Licensure and Supervision
10 N.E. 51st St.
Oklahoma City, OK 73105-1821

June 15, 2021

Dear Secretary Stout:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma State Board of Medical Licensure and Supervision (“Board”) intends to take in case 18-03-5602. In October 2020, licensee physical therapist license was suspended after violating her APPA contract by testing positive for alcohol. In January 2021, her license was reinstated under an agreed order, which required a five-year probation period. In March 2021, licensee again tested positive for alcohol and agreed not to practice. Licensee failed to comply with the terms of the agreed order. Pursuant to the terms of the agreed order, the Board proposes to suspend licensee’s license for ninety days and require licensee to pay costs, including legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney fees. All terms of the agreed order will remain in full force and effect.

The Physical Therapy Practice Act authorizes the Board to discipline licensees who have used “intoxicating liquors to an extent which affects the professional competency of the licensee” or “[b]een guilty of conduct unbecoming a person licensed as a physical therapist[.]” 59 O.S.Supp.2020, § 887.13(A)(4), (9). The rules of the Board define conduct unbecoming to include “[h]abitual intemperance or addicted use of any . . . substance” that could interfere with licensee’s practice and responsibilities or “[v]iolation of any provision(s)” of a Board order. OAC 435:20-5-8(12), (29). 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 well-being of the citizens of Oklahoma.

A handwritten signature in black ink, appearing to read "Dan Goyette".

ACTING ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink, appearing to read "Ethan Shaner".

ETHAN SHANER
DEPUTY GENERAL COUNSEL