



JOHN M. O'CONNOR
ATTORNEY GENERAL

**ATTORNEY GENERAL OPINION
2022-29A**

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

September 6, 2022


Dear Dr. Stout:


This office has received your request for a written Attorney General Opinion regarding action that the State Board of Medical Licensure and Supervision ("Board") intends to take with respect to Case No. 20-11-5945.

The Occupational Therapy Practice Act ("Act") authorizes the Board to discipline an Occupational Therapist ("OT") guilty of practicing occupational therapy without a license, unprofessional conduct¹ or failure to cooperate with a Board investigation. 59 O.S.2021, §§ 888.9(A), 888.15; OAC 435:10-7-4(38).

The Defendant's OT license expired in October 2019. Despite it expiring, Defendant continued to practice occupational therapy and hold herself out as an OT without a valid license. Even more, Defendant has refused to cooperate with the Board's investigation. The Board proposes to revoke Defendant's license. Prior to reinstatement, Defendant must undergo a comprehensive mental assessment by a Board provider approved by the Board Secretary. Defendant must also appear in front of the Medical Board. Additionally, the Board assessed the Defendant with all legal fees, investigatory costs, staff time, salary and travel, expenses, witness fees and attorney's fees applicable to the investigation and prosecution of her case. The Board may reasonably believe the proposed action is necessary to 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 board action advances the State's policy of protecting the health, safety, and well-being of the citizens of Oklahoma.


JOHN M. O'CONNOR
ATTORNEY GENERAL OF OKLAHOMA


THOMAS R. SCHNEIDER
DEPUTY GENERAL COUNSEL

¹ "Unprofessional conduct" is defined as engaging in unprofessional conduct as defined by the Board rules or Code of Ethics, violating any lawful order, rule, or regulation of the Board or violating any provisions of the Act. 59 O.S.2021, § 889.9(A)(2), (4), (5).