



JOHN M. O'CONNOR
ATTORNEY GENERAL

**ATTORNEY GENERAL OPINION
2022-54A**

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

December 19, 2022

Re: Dragoo; Case No. 22-07-6141

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. 22-07-6141. Defendant holds a respiratory care practitioner license in the State of Oklahoma.

The Respiratory Care Practice Act authorizes the Board to suspend the license of a respiratory care practitioner for dishonest, unethical or unprofessional conduct.¹ 59 O.S.2021, § 2040(2), (9). The Board may reasonably believe that the proposed action is necessary to deter future violations and to protect the public.

According to a Board complaint, in June 2022, Defendant was terminated from his job as a respiratory care practitioner at a hospital after testing positive for alcohol while on duty.

The Board proposes to indefinitely suspend the license and require Defendant to pay costs of this action. Defendant may apply for reinstatement of his license by providing proof of participation in the Professional Peer Assistance Program and appearing before the Board.

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.

A handwritten signature in black ink, appearing to read "John M. O'Connor".

JOHN M. O'CONNOR
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink, appearing to read "Thomas R. Schneider".

THOMAS R. SCHNEIDER
ACTING GENERAL COUNSEL

¹ Oklahoma statutes and the Board rules define "unprofessional conduct" to include 1) conduct which "potentially . . . jeopardizes a patient"; 2) violation of the Standard of Ethics and Professional Conduct Rules by failing to (a) behave in a manner that reflects integrity and fosters trust; or (b) refusing to participate in unethical acts; or 3) violation of the Act or other Board rules. OAC 435:45-5-3(3), (11), (21), (24); OAC 435:45-5-4(1), (8).