



JOHN M. O'CONNOR
ATTORNEY GENERAL

**ATTORNEY GENERAL OPINION
2022-55A**

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: Melton; Case No. 21-09-6046

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. 21-09-6046.

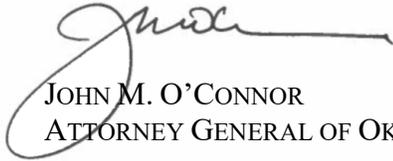
The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act authorizes the Board to suspend, revoke or order other appropriate sanctions against the license of a physician for unprofessional conduct.¹ 59 O.S.2021, § 503. The Board may reasonably believe that the proposed action is necessary to deter future violations and to protect the public.

Defendant holds a license to practice medicine in the State of Oklahoma. The Board has received complaints against Defendant for various acts in violation of the Oklahoma Statutes and the Board rules, such as 1) making inappropriate sexual comments to a patient, 2) prescribing Schedules II and IV medications to a patient with whom Defendant was sexually involved, and 3) providing controlled substances without establishing a valid physician/patient relationship and without records to support such treatment.

The Board proposes to indefinitely suspend the license and require Defendant to pay costs of this action. Defendant may reapply for his license no earlier than six months from date of the Board's order, and after completion of training and/or treatment programs as prescribed by the Board.

¹ Oklahoma statutes and the Board rules define "unprofessional conduct" to include 1) "physical contact with a patient that is sexual in nature" or "verbal behavior which is seductive," 2) failing to maintain "patient records which accurately reflect evaluation, treatment, and medical necessity of treatment," 3) failing to "establish a physician/patient relationship prior to providing" medical services, or 4) "conduct likely to deceive, defraud or harm the public." 59 O.S.2021, §§ 503, 509(17), (18), (49); OAC 435:10-7-4(11), (36), (45).

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.

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JOHN M. O'CONNOR
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink, appearing to read "Thomas R. Schneider", with a large, stylized initial "T" and "S".

THOMAS R. SCHNEIDER
ACTING GENERAL COUNSEL