



GENTNER DRUMMOND
ATTORNEY GENERAL

**ATTORNEY GENERAL OPINION
2023-2A**

Michael T. Leake, Jr., J.D., Executive Director
State Board of Osteopathic Examiners
4848 N. Lincoln Blvd., Ste. 100
Oklahoma City, Oklahoma 73105

February 3, 2023

Re: Clymer, Case No. 2022-57

Dear Director Leake:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Osteopathic Examiners intends to take in Case Number 2022-57.

The Oklahoma Osteopathic Medicine Act authorizes the Board to “suspend or revoke any license issued . . . upon proof that the . . . holder of such a license . . . [h]as engaged in . . . unethical conduct or unprofessional conduct, as determined by the Board, in the performance of the functions or duties of an osteopathic physician.” 59 O.S.2021, § 637(A)(2). Further, the Board may also take action when a license holder is alleged to be “[e]ngaging in any sexual activity within a physician/patient relationship[.]” *Id.* § 637(A)(2)(h).

According to a Board complaint, in August 2022, the Board alleged that Respondent harassed a current patient of his by improperly making unwanted sexual advances, inappropriate touching and kissing the patient, and engaging in inappropriate, suggestive conversations during office visits and outside the office. And on December 18, 2022, following a hearing, the Board found that the license holder had violated the above-mentioned laws by clear and convincing evidence. The Board proposes to suspend the Respondent’s license indefinitely and require the Respondent to do as follows: (1) provide the Board with documented evidence of an evaluation regarding the Respondent’s cognitive physical abilities by a qualified expert who has been approved by the Board or its Executive Director; (2) provide the Board with documented evidence of an evaluation regard the Respondent’s clinical skills and abilities by a qualified expert who has been approved by the Board or its Executive Director; (3) provide the Board with documented evidence of an evaluation of Respondent regarding sexual boundaries by a qualified expert who has been approved by the Board or its Executive Director (4) payment of a fine and costs of investigation and prosecution; and (5) personal appearance before the Board upon completion of the four preceding requirements. 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 Osteopathic Examiners has adequate support for the conclusion that this action advances the State's policy to protect the public welfare.



THOMAS R. SCHNEIDER
DEPUTY GENERAL COUNSEL