



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2024-7A

Katie L. Templeton, Interim Director
State Board of Osteopathic Examiners
4848 N. Lincoln Blvd., Ste. 100
Oklahoma City, Oklahoma 73105

January 2, 2024

Re: Whittaker, Case No. 2022-104

Dear Interim Director Templeton:

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 2022-104.

The Oklahoma Osteopathic Medicine Act authorizes the Board to suspend any license upon proof that the license holder “[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). Such conduct includes “acting in a manner which results in final disciplinary action by any . . . hospital . . . whether agreed to voluntarily or not, if the action was in any way related to professional conduct [or] professional competence [.]” 59 O.S.2021, § 637(A)(2)(f). Further, the Board may also take action when a license holder “[h]as engaged in repeated acts of negligence, malpractice or incompetence[.]” 59 O.S.2021, § 637(A)(4).

According to a Board complaint, Respondent was put on a remediation plan during his hospital residency program in 2019, due to concerns regarding competency and professionalism. Respondent was subsequently put on a twelve-month probation plan after violations of the remediation plan. In 2021, Respondent resigned from the residency program upon learning the hospital was not renewing his contract. Respondent has continued to work as a locum tenens contractor under a Texas emergency license. Finding clear and convincing evidence of grounds for discipline under 59 O.S.2021, § 637(A)(2), (4), the Board proposes to indefinitely suspend Respondent’s license pending an evaluation of medical knowledge, clinical competence, issues of honesty, boundary violations, psychiatric evaluation, and any other evaluation deemed necessary or appropriate by a Board-approved evaluator. After completion of the evaluation, Respondent will appear before the Board for further consideration. Additionally, Respondent shall bear the costs incurred by this action and ensure that all required reports are submitted to the Board timely. 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.



ROB JOHNSON
GENERAL COUNSEL