

## Minutes

The Occupational Therapy Advisory Committee of the Board of Medical Licensure and Supervision met on July 7, 2016, in accordance with the Open Meeting Act. The meeting was held at the office of the Board, 101 NE 51<sup>st</sup> Street, Oklahoma City, Oklahoma. Advance notice of this regularly scheduled meeting was transmitted to the Oklahoma Secretary of State on October 1, 2015, and posted on the Board's website on July 5, 2016. The notice and agenda were posted in prominent public view on the front doors of the Oklahoma Board of Medical Licensure and Supervision building located at 101 NE 51st Street, Oklahoma City, OK on July 5, 2016 at 4:15 p.m.

### Members Present:

Kari Garza, OT, Chair  
Troy Lee, OT, Vice-Chair  
Kim Hancock, OTA

### Members Absent:

Mary White, OT  
Ms. Wilma Cooper, Consumer Member

### Others Present:

Lyle Kelsey, Executive Director  
Barbara Smith, Executive Secretary  
Teresa Mitchell, Licensing Director  
Tiffany Wythe, Assistant Attorney General

Having noted a quorum, Ms. Garza called the meeting to order at 9:02 a.m.

Following Committee review, Ms. Garza moved to approve the minutes of April 7, 2016 as written. Mr. Lee seconded the motion and the vote was unanimous in the affirmative.

Following discussion, Ms. Hancock moved to nominate Mr. Lee to serve in the position of Committee Chair. Ms. Garza seconded the motion and the vote was unanimous in the affirmative.

Ms. Hancock moved to nominate Ms. Garza to serve in the position as Committee Vice-Chair. Mr. Lee seconded the motion and the vote was unanimous in the affirmative.

Next, Lyle Kelsey, Executive Director of the Medical Board, gave a brief update on the revised rules (*Okla. Admin. Code 435:30-1-2 and Okla. Admin. Code 435:30-1-10*). Mr. Kelsey advised that the governor approved the rules by declaration on June 9<sup>th</sup> and, barring any unforeseen circumstances, the rules will be effective September 12, 2016. (*See Attachment #1*)

\***NINA MADSEN**, applicant, Occupational Therapy Assistant, did not appear. The Committee took no action on this matter at this time.

Following Committee review, Ms. Garza moved to recommend approval of the following complete applications for Occupational Therapists. Mr. Lee seconded the motion and the vote was unanimous in the affirmative.

**FLEMING, GERREYL**

**GROZDANIC, AMANDA MICHELLE**

Mr. Lee moved to recommend approving the complete application of **CHELSEA RENE MILLER** for Occupational Therapist and tabling the application of **CLARANN LOUISE MAYFIELD** for Occupational Therapist pending personal appearance before the Committee and presentation of current CEU documentation for Committee review at that time. Ms. Hancock seconded the motion and the vote was unanimous in the affirmative.

Ms. Hancock moved to recommend approval of the following complete applications for Occupational Therapists. Mr. Lee seconded the motion and the vote was unanimous in the affirmative.

**OLIVIER, MATTHEW R**

**TUBBS, JORDAN**

Mr. Lee moved to recommend approval of the following incomplete applications for Occupational Therapists pending completion of the files. Ms. Hancock seconded the motion and the vote was unanimous in the affirmative.

**GARLING, TYLER PATRICK**  
**GREEN, NANCY A**  
**ISELY, ELIZABETH ARLENE**

**LASHLEY, LACEY BREE**  
**MASTIN, BROOKE**

Ms. Hancock moved to recommend approval of the following incomplete applications for Occupational Therapists pending completion of the files. Ms. Garza seconded the motion and the vote was unanimous in the affirmative.

**ARIAS, JULIE**  
**BOSS, NICOLE MARIE**  
**CHRONISTER, DANIELLE LEAANN**

**FAIN, LESLEY DIANE**  
**FARRAND, MISHAEL**

Ms. Garza moved to recommend approval of the following incomplete applications for Occupational Therapists pending completion of the files. Ms. Hancock seconded the motion and the vote was unanimous in the affirmative.

**MCBEE, DANA ELIZABETH**  
**PERKINS, ASHLEY RENYEA**  
**RHONE, ALISON LYNN**

**TAPLEY, SCOTT ALAN**  
**VARUGHESE, JASMIN**  
**WILLIAMS, LAYCE CHANDELL**

Mr. Lee moved to recommend approval of the complete application of **ASHLEY RENAE MILLER** for Occupational Therapy Assistant. Ms. Garza seconded the motion and the vote was unanimous in the affirmative.

Ms. Garza moved to recommend approval of the complete applications of **BROOKLYN DANIELLE WHITE** and **HEATHER MAY WILLIAMS** for Occupational Therapy Assistants. Ms. Hancock seconded the motion and the vote was unanimous in the affirmative.

Mr. Lee moved to recommend approval of the application of **TIMOTHY RYAN REASON** for Occupational Therapy Assistant. Ms. Garza seconded the motion and the vote was unanimous in the affirmative.

Ms. Garza moved to recommend approval of the following incomplete applications for Occupational Therapy Assistants pending completion of the files. Ms. Hancock seconded the motion and the vote was unanimous in the affirmative.

**ABEYTA, CARRIE MICHELE**  
**BAILEY, DE'VON AMEEN**  
**BARNES, BRANDY RAY**  
**BRADFORD, DONNA**  
**COX, MARK DANIEL**

**DOUGLAS, VICKY ANN**  
**DUNCAN, LLUVIA AZUCENA**  
**GARDNER, RUTH ANN**  
**GOODNIGHT, BRITTANY ANN**

Ms. Garza moved to recommend approval of the complete application of **MICHELLE BURCH** for Occupational Therapy Assistant. Mr. Lee seconded the motion and the vote was unanimous in the affirmative.

Mr. Lee moved to recommend approval of the following incomplete applications for Occupational Therapy Assistants pending completion of the files. Ms. Hancock seconded the motion and the vote was unanimous in the affirmative.

**HOWARD, NICHOLE LYNN**  
**LANE, LESLIE CARON**  
**LAWRENCE, EMILY NICOLE**  
**LEE, CHEONG**  
**LEMONS, GARIETT**

**LOVETT, ANASTASHA RAE**  
**MCDANIEL, KIARA MERCEDEZ**  
**MYERS, KENDRA NICOLE**  
**PRUITT, JILL**

\*Mr. Lee moved to recommend tabling the incomplete application of **NINA MARIE MADSEN** for Occupational Therapy Assistant pending personal appearance before the Committee. Ms. Hancock seconded the motion and the vote was unanimous in the affirmative.

Ms. Hancock moved to recommend approval of the following incomplete applications for Occupational Therapy Assistants pending completion of the files. Ms. Garza seconded the motion and the vote was unanimous in the affirmative.

**RANSOM, TAYLOR MORGAN**  
**ROBINSON, LOGAN HUNTER**  
**ROCK, RHONDA RENEE**  
**SCHUNEMAN, SCHELBY NICOLE**  
**SILVER, JENNIFER**  
**STOWERS, JANICE LEA**

**TATE, FONTANA BREE**  
**WEEKS, SUMMER ASHLYN**  
**WEST, ERYN**  
**WYANT, JENNIFER ANN**  
**MIZE, JOSHUA**

Ms. Garza moved to recommend tabling the incomplete application of **GREGORY SHAUN PERRIN** for reinstatement of Occupational Therapy Assistant licensure pending completion of the file. Mr. Lee seconded the motion and the vote was unanimous in the affirmative.

The Committee reviewed supervisory information provided by **JULIE B. MOORE**, OT, pursuant to the Committee's previous request of April 2016. Following Committee review, the Committee requested that, in the future, Teresa Mitchell have Ms. Moore's supervisory information available, but it does not need to be provided in the Committee notebooks. Ms. Moore is still required to appear before the Committee annually.

While reviewing the supervisory information provided by Ms. Moore, the Committee issued a staff directive to Teresa Mitchell regarding the supervisory form. The Committee directed that the language "Active Caseload" be inserted in place of "Number of Treatment Plans." Further, the language "Patients Treated per Week" should be inserted in place of "Patients Per Week." The Committee also requested that "Years of Practice" be revised/corrected to be uniform under the heading "Current Supervisees".

The Committee then reviewed CEUs presented by Teresa Mitchell for pre-approval. Ms. Garza moved to approve the CEU requests as presented. Ms. Hancock seconded the motion and the vote was unanimous in the affirmative. (*See Attachment #2*)

Ms. Garza then moved to table various CEU requests as presented pending receipt of further information. Mr. Lee seconded the motion and the vote was unanimous in the affirmative. (*See Attachment #3*)

Ms. Mitchell confirmed the CEUs, both approved and tabled, will be put in a list format and provided for attachment hereto.

Next on the agenda was the matter regarding removing the word "misdemeanor" from licensure application forms. Lyle Kelsey, Executive Director of the Oklahoma Medical Board, stated that the Board has a standardized initial licensure application form that is utilized by several of the allied professions. Mr. Kelsey advised the Committee that the plan is to have some of the language contained in the application revised by the end of the month. He stated that, specifically, the question containing the word "misdemeanor" will be more generically posed leaving out the word "misdemeanor" entirely. Mr. Kelsey apologized to the Committee for the delay in resolving this issue.

Next, Tiffany Wythe, Assistant Attorney General, discussed the matter of reviewing "expunged records" for licensure purposes. Ms. Wythe reported that when a criminal record is expunged, it is removed from the *public* record i.e., court clerk records, but that does not mean it will be removed from a Google search or a third-party background search. It is not uncommon to have expunged records and state law does not allow licensing boards to require an applicant to disclose expunged information nor may an applicant be punished for not disclosing expunged information. It is the recommendation of the Oklahoma Attorney General that if a record is expunged, it may not be considered as part of the licensure process. Board staff may inadvertently receive expunged information and the standard procedure has been to ask the

applicant about it, but to even ask the applicant about an expunged record is a violation of Oklahoma law. Ms. Wythe further stated that applicants who "think" a record is expunged, need to confirm that the record is in fact expunged if they do not intend to disclose it. The Committee thanked Ms. Wythe for her time. *(See Attachment #4)*

Finally, the Occupational Therapy Assistant students from Murray State College were welcomed. The Committee, Mr. Kelsey and Ms. Wythe all answered questions regarding the online application form and expungement of records. Mr. Kelsey advised the students to always be honest when filling out their licensure applications.

There being no new business, Ms. Garza moved to adjourn the meeting. Ms. Hancock seconded the motion and the vote was unanimous in the affirmative. The time was 10:55 a.m.

**TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION  
CHAPTER 30. OCCUPATIONAL THERAPISTS AND ASSISTANTS**

**RULEMAKING ACTION:**

PERMANENT final adoption

**RULES:**

435:30-1-2. Definitions [AMENDED]

435:30-1-10. Grounds for disciplinary action [AMENDED]

**AUTHORITY:**

59 O.S. § 888.14; Oklahoma Board of Medical Licensure and Supervision

**SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET**

**SECRETARY:**

December 3, 2015

**COMMENT PERIOD:**

January 4 – February 4, 2016

**PUBLIC HEARING:**

February 11, 2016

**ADOPTION:**

March 10, 2016

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 17, 2016

**APPROVED BY GOVERNOR'S DECLARATION:**

Approved by Governor's declaration on June 9, 2016

**FINAL ADOPTION:**

June 9, 2016

**EFFECTIVE:**

September 12, 2016

**SUPERSEDED EMERGENCY ACTIONS:**

n/a

**INCORPORATIONS BY REFERENCE:**

n/a

**ANALYSIS:**

Pursuant to the law passed under Title 59 O.S. 2011 § 88.9, definitions were added and language revised regarding applicants who have been convicted of a felony.

**CONTACT PERSON:**

Barbara J. Smith, Executive Secretary, Oklahoma State Board of Medical Licensure and Supervision, 101 NE 51<sup>st</sup> Street, Oklahoma City, Oklahoma  
73105, [bsmith@okmedicalboard.org](mailto:bsmith@okmedicalboard.org).

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES  
ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTIONS  
250.3(5) and 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 12, 2016:**

**TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION  
CHAPTER 30. OCCUPATIONAL THERAPISTS AND ASSISTANTS**

### **435:30-1-2. Definitions**

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly in-dictates otherwise:

**"Alternate supervisor"** means an Oklahoma licensed Occupational Therapist who has signed a Form #5, Verification of Supervision, agreeing to provide supervision to the Occupational Therapy Assistant or applicant for licensure in the absence of the supervising Occupational Therapist. The alternate supervisor assumes all duties and responsibilities of the primary supervisor during that absence.

**"Consultation"** means periodic meetings to review and to provide recommendations and resource information regarding methods of implementation of the occupational therapy programs.

**"Direct supervision"** means personal supervision and specific delineation of tasks and responsibilities by an Oklahoma licensed occupational therapist who has signed a Form #5, Verification of Supervision, agreeing to supervise the Occupational Therapy Assistant or applicant for licensure. Direct supervision shall include the responsibility for personally reviewing and interpreting the results of any habilitative or rehabilitative procedures conducted by the supervisee. It is the responsibility of the supervising occupational therapist to be onsite during treatment to ensure that the supervisee does not perform duties for which he is not trained.

**"General supervision"** means responsible supervision and control by an Oklahoma licensed occupational therapist who has signed a Form #5, Verification of Supervision, agreeing to supervise the Occupational Therapy Assistant or applicant for licensure. The supervising occupational therapist provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of treatment shall not be altered by the supervised individual without prior consultation with and approval of the supervising occupational therapist. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services; however, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual. Supervision is an interactive process, more than a paper review or a co-signature, and requires direct in-person contact.

**"In association with"** means a formal working relationship in which there is regular consultation.

**"Occupational therapist of record"** means the occupational therapist who assumes responsibility for the provision and /or supervision of occupational therapy services for a client, and is held accountable for the coordination, continuation and progression of the plan of care.

**"Poses a reasonable threat"** means the nature of criminal conduct for which the person was convicted involved an act or threat of harm against another and has a bearing on the fitness or ability to serve the public or work with others in the occupation.

**"Primary supervisor"** means the Oklahoma licensed Occupational Therapist who has signed a Form #5, Verification of Supervision, agreeing to provide supervision to the Occupational Therapy Assistant or applicant for licensure. The Primary Supervisor must have access to the client's plan of care.

**"Substantially relates"** means the nature of criminal conduct for which the person was convicted has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the occupation.

#### **435:30-1-10. Grounds for disciplinary action**

(a) The Board may reprimand or place on probation any holder of an Occupational Therapist License or Occupational Therapy Assistant License or revoke or suspend any license issued to an Occupational Therapist or Occupational Therapy Assistant who is found in violation of the Act. Violations include but shall not be limited to the following:

- (1) Conviction of a felony crime that substantially relates to the occupation of occupational therapy or poses a reasonable threat to public safety ~~or of any offense involving moral turpitude.~~
- ~~(2) Conviction of, or confession of or plea of no contest to a felony or misdemeanor.~~
- ~~(2 3)~~ Dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public.
- ~~(3 4)~~ Aiding, abetting or assisting any other person to violate or circumvent any law, rule or regulation intended to guide the conduct of a occupational therapist or occupational therapy assistant.
- ~~(4 5)~~ Procuring, aiding or abetting a criminal operation.
- ~~(5 6)~~ Participation in fraud, abuse and/or violation of state or federal laws.
- ~~(6 7)~~ Fraudulent billing practices and/or violation of Medicare and Medicaid laws or abusive billing practices.
- ~~(7 8)~~ Improper management of medical records, inaccurate recording, falsifying or altering of patient records.
- ~~(8 9)~~ Falsely manipulating patient's records or forging a prescription for medication/drugs, or presenting a forged prescription.
- ~~(9 10)~~ Habitual intemperance or the habitual use of habit-forming drugs.
- ~~(10 11)~~ Habitual intemperance or addicted use of any drug, chemical or substance that could result in behavior that interferes with the practice of occupational therapy and the responsibilities of the licensee.
- ~~(11 12)~~ Unauthorized possession or use of illegal or controlled substances or pharmacological agents without lawful authority or prescription by an authorized and licensed independent practitioner of the State of Oklahoma.
- ~~(12 13)~~ Engaging in physical conduct with a patient that is sexual in nature, or in any verbal behavior that is seductive or sexually demeaning to a patient.
- ~~(13 14)~~ While engaged in the care of a patient, engaging in conduct with a patient, patient family member, or significant other that is seductive or sexually demeaning/exploitive in nature.
- ~~(14 15)~~ Verbally or physically abusing patients.
- ~~(15 16)~~ Discriminating in the rendering of patient care.
- ~~(16 17)~~ Leaving a patient care assignment without properly advising the appropriate personnel.
- ~~(17 18)~~ Violating the confidentiality of information or knowledge concerning a patient.
- ~~(18 19)~~ Any conduct which potentially or actually jeopardizes a patient's life, health or safety.
- ~~(19 20)~~ Negligence while in practice of occupational therapy or violating the "Standards of Ethics and Professional Conduct" adopted by the Board.
- ~~(20 21)~~ Being judged mentally incompetent by a court of competent jurisdiction.
- ~~(21 22)~~ Failing to timely make application for license renewal.
- ~~(22 23)~~ Falsifying documents submitted to the Occupational Therapy Committee or the



Oklahoma State Board of Medical Licensure and Supervision.

~~(23 24)~~ Obtaining or attempting to obtain a license, certificate or documents of any form as a an occupational therapist or occupational therapy assistant by fraud or deception.

~~(24 25)~~ Cheating on or attempting to subvert the national occupational therapy examination or skills assessment tests.

~~(25 26)~~ Failure to report through proper channels the unsafe, unethical or illegal practice of any person who is providing care.

~~(26 27)~~ Failure to furnish to the Board, its investigators or representatives, information lawfully requested by the Board.

~~(27 28)~~ Failure to cooperate with a lawful investigation conducted by the Board.

~~(28 29)~~ Violation of any provision(s) of the Occupational Therapy Practice Act or the rules and regulations of the board or of an action, stipulation, agreement or order of the Board.

~~(29 30)~~ Failure to report to the Board any adverse action taken against him or her by another licensing jurisdiction (United States or foreign), by any governmental agency, by any law enforcement agency, or by a court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section.

(b) An occupational therapist or occupational therapy assistant who knowingly allows or participates with individual(s) who are in violation of the above will be prohibited from supervising other occupational therapy practitioners for so long as the Board deems appropriate, and may themselves be subject to disciplinary action pursuant to their conduct.

(c) All Occupational Therapists and Occupational Therapy Assistants are responsible for maintaining and promoting the ethical practice of occupational therapy. Occupational therapy personnel shall act in the best interest of the patient/client at every level of practice. This Code of Ethics modeled in principal and the spirit of the Code of Ethics of the American Occupational Therapy Association, sets forth principles for the ethical practice of occupational therapy for occupational therapy personnel. This Code of Ethics shall be binding on all Occupational Therapists and Occupational Therapy Assistants. All Occupational Therapy Personnel shall:

(1) Demonstrate a concern for the well-being of the recipients of their services.

(Beneficence).

(2) Take reasonable precautions to avoid imposing or inflicting harm upon the recipient of services or to his/her property. (Nonmaleficence).

(3) Respect the recipient and/or their surrogate(s) as well as the recipient's rights.

(Autonomy, privacy, confidentiality).

(4) Achieve and continually maintain high standards of competence. (Duties)

(5) Comply with laws and policies guiding the profession of occupational therapy.

(Justice).

(6) Provide accurate information about occupational therapy services. (Veracity)

(7) Treat colleagues and other professionals with fairness, discretion and integrity.

CEUs approved in the July 7, 2016 Advisory Committee of Occupational Therapy Meeting

*For information regarding the approved CEUs, please contact: Teresa Mitchell, Licensing Director, at (405) 962-1413 or [tmitchell@okmedicalboard.org](mailto:tmitchell@okmedicalboard.org)*

CEUs tabled in the July 7, 2016 Advisory Committee of Occupational Therapy Meeting

*For information regarding the tabled CEUs, please contact: Teresa Mitchell, Licensing  
Director, at (405) 962-1413 or [tmitchell@okmedicalboard.org](mailto:tmitchell@okmedicalboard.org)*



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

April 13, 2016

Barbara Smith  
Executive Secretary  
Board of Medical Licensure and Supervision  
101 NE 51<sup>st</sup> Street  
Oklahoma City, OK 73105

RE: Consideration of Expunged Criminal Records in Licensure Decisions

Dear Barbara:

This is in response to questions raised by the Occupational Therapy Advisory Committee on January 21, 2016 regarding whether the Committee may review or consider expunged criminal records when considering applicants for licensure.

"Expungement" is defined generally as the sealing of criminal records. The expungement of criminal records for first offenses under the Uniform Controlled Dangerous Substances Act is addressed in 63 O.S. § 2-410. This statute specifically prohibits consideration of criminal records that have been expunged under this statute in subsection (B) which states in relevant part:

Any expunged arrest or conviction shall not thereafter be regarded as an arrest or conviction for purposes of employment, civil rights, or any statute, regulation, license, questionnaire or any other public or private purpose...

Therefore, criminal records of offenses under the Uniform Controlled Dangerous Substance Act that have been expunged pursuant to 63 O.S. § 2-410 may not be considered by the Committee.

Expungements of most other criminal records would be covered by 22 O.S. § 18. Individuals who meet the criteria of the statute are allowed to request expungement under the procedures identified in 22 O.S. § 19. In addition to setting forth the procedure for requesting expungement, 22 O.S. § 19 also identifies impermissible use of expunged criminal records. Section (F) states as follows:

Attachment #4

Employers, educational institutions, state and local government agencies, officials, and employees shall not, in any application or interview or otherwise, require an applicant to disclose any information contained in sealed records. An applicant need not, in answer to any question concerning arrest and criminal records provide information that has been sealed, including any reference to or information concerning such sealed information and may state that no such action has ever occurred. Such an application may not be denied solely because of the refusal of the applicant to disclose arrest and criminal records information that has been sealed.

Other state statutes that allow expungement of criminal records for particular crimes or offenders use the same or similar language. See 22 O.S. § 60.18 (victim protective orders) and 10A O.S. § 2-6-109 (juvenile offender records). It is clear from the statutory language that the Committee may not require a license applicant to disclose information about expunged criminal records and may not reject an application due to the applicant's refusal to disclose such information.

Although the language of 22 O.S. § 19(F) does not specifically state that the expunged arrest or conviction cannot be considered in occupational licensing actions, the intent of the statute is to prevent the applicant from having to answer for those crimes. That intent would be frustrated if the Committee could consider the expunged arrest or conviction. The Oklahoma Court of Civil Appeals explained the purpose of the statute in *State v. McMahon*, 1998 OK CIV APP 103, ¶ 9 as follows:

The plain purpose of sections 18 and 19 is to afford special relief in the form of a full or partial sealing of records relating to a person's involvement or suspected involvement in a crime. It is clearly intended to aid those who are acquitted, exonerated, or who otherwise deserve a second chance at a "clean record."

Any license denial would have to be reviewed by the Attorney General's office. In that review, the Attorney General will consider whether the Committee/Board's action of denying the license is in accordance with established state policy. Here, the established state policy is to provide these individuals with a second chance at a clean record. Denying a license based, in whole or in part, on information in expunged criminal records would not further the established state policy and the license denial may not be approved. Further, it would be difficult, if not impossible, to consider the expunged criminal records without asking the applicant questions about those records which would violate the clear language of the statute. Therefore, my advice to the Committee is that expunged criminal records, regardless of the offense, should not be considered by the Committee.

Expungement orders only seal criminal records maintained by the court and law enforcement agencies. Information obtained by third party background search providers such as Trak-1 which is currently being used by the Board would not be sealed. As a result, a search of an individual may show criminal actions that have been expunged and may not provide staff with any indication that the records were later expunged. This is problematic because applicants are routinely asked to

appear before the Committee when the background check shows criminal actions that were not reported by the applicant. The Committee would be violating 22 O.S. § 19 if an applicant is asked to appear and answer questions about criminal records that have been expunged. To avoid this problem, I would recommend running background checks through OSBI or through a third party that updates its records to ensure that criminal records that have been expunged are not released.

The opinions expressed herein are those of the undersigned Assistant Attorney General and do not constitute an official opinion of the Attorney General.

Sincerely,



Tiffany J. Wythe  
Assistant Attorney General  
General Counsel Section