



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2020-18A

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

July 17, 2020

Dear Executive 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 2020-39 against license #6326. After a hearing at which the licensee was present, the Board found that from December 12, 2017 to April 22, 2020, the licensee prescribed nine CDS prescriptions to patients in Oklahoma using mail order pharmacies out of Florida. The licensee does not have OBNDD or DEA numbers that allow him to prescribe CDS in Oklahoma. In addition, the Board found that when renewing his license, the licensee failed to disclose 10 actions other states took against his license in 2018 and eight actions states took against his license in 2019. The Board proposes to revoke the license.

The Oklahoma Osteopathic Medicine Act authorizes the Board to revoke any license upon proof that the license or license renewal was obtained through fraud, deception or misrepresentation, that the licensee has been subject to discipline in another jurisdiction, or that the licensee is "incapable, for medical or psychiatric or any other good cause, of discharging the functions of an osteopathic physician in a manner consistent with the public's health, safety and welfare." 59 O.S.Supp.2019, § 637(A). The Board may reasonably believe that the proposed action is necessary to protect the public and prevent 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 by ensuring that licensees comply with the Act and the Board's rules.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Ethan Shaner in black ink.

ETHAN SHANER
DEPUTY GENERAL COUNSEL