



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-758A

Deborah J. Bruce, J.D., Executive Director
State Board of Osteopathic Examiners
4848 N. Lincoln Blvd., Suite 100
Oklahoma City, Oklahoma 73105

November 2, 2017

Dear Executive Director Bruce:

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 1216-163. The licensee, an osteopathic physician and surgeon, pled guilty or no contest to DUI-related charges on three occasions between 2014 and 2016 and failed to report the arrests and please on license renewals.

The Board proposes to (i) suspend the license, (ii) require an evaluation to determine competence to practice, (iii) prevent the licensee from prescribing, administering, or dispensing scheduled controlled dangerous substances until further Board orders, and (iv) require the licensee to pay prosecution costs and \$5,300 in administrative fees and costs. The licensee also must appear at a Board meeting following submission of the evaluation and payment of costs for further Board orders. The license is to remain suspended until all terms and conditions are met.

The Oklahoma Osteopathic Medicine Act authorizes the Board to discipline licensees who have "obtained a license [or] license renewal...through fraud, deception [or] misrepresentation," "entered a plea of guilty or nolo contendere in a criminal prosecution . . . for any offense involving moral turpitude," or "been guilty of habitual drunkenness." 59 O.S.2011, § 637(A)(1), (5), (12). The Board may reasonably believe that the proposed action is necessary to ensure osteopathic physicians meet minimum standards of professional conduct.

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 public health, safety and welfare.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

RYAN CHAFFIN
DEPUTY CHIEF – ASSISTANT ATTORNEY GENERAL