



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-786A

Billy H. Stout, M.D., Board Secretary
State Board of Medical Licensure and Supervision
101 NE 51st Street
Oklahoma City, OK 73105

November 8, 2017

Dear Dr. Billy H. Stout, M.D., Board Secretary:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Medical Licensure and Supervision intends to take with respect to medical doctor licensee 21684 in Board case 14-08-5019. The licensee was investigated for excessive prescribing of controlled dangerous substances (“CDS”) to patients without a legitimate medical need and for failing to oversee and monitor such patients. After a two-day hearing, the Board proposes to, among other things, suspend the medical license for six months, prohibit the licensee from prescribing CDS medications, assess a \$20,000 fine, and require Board Secretary approval for the licensee’s future practice locations.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act authorizes the Board to suspend or revoke a license and order other appropriate sanctions against a licensee for unprofessional conduct, *see* 59 O.S.Supp.2016, § 503, which includes “[p]rescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice, or...without medical need in accordance with published standards,” and “[f]ailure to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient.” 59 O.S.2011, § 509(16), (18). Further, the Board’s administrative rules prohibit engaging in the “[i]ndiscriminate or excessive prescribing...of Controlled or Narcotic drugs” and “[g]ross or repeated negligence in the practice of medicine.” OAC 435:10-7-4(1), (15). The Board may reasonably believe that the proposed action is necessary to protect public health.

It is, therefore, the official opinion of the Attorney General that the State Board of Medical Licensure and Supervision has adequate support for the conclusion that this action advances the State's policy to ensure the adequate regulation of dangerous substances and require that medical doctors observe minimum standards of professionalism.



MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA



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