



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-1A

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

January 8, 2018

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 Board case 1017-129. After a hearing during which testimony was heard and other evidence presented, the Board found that the licensee was prescribing controlled dangerous substances to his patient in exchange for receipt of part of the prescription. The Board proposes to temporarily suspend the license pending a further hearing.

The Oklahoma Osteopathic Medicine Act authorizes the Board to “suspend or revoke any license issued . . . upon proof that the . . . holder of such a license . . . [h]as engaged in the use or employment of dishonesty, fraud, misrepresentation, false promise, false pretense, unethical conduct or unprofessional conduct,” “[h]as engaged in gross negligence, gross malpractice or gross incompetence,” “[h]as engaged in repeated acts of negligence, malpractice or incompetence,” “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,” or “[h]as been guilty of . . . habitual addiction to the use of morphine, cocaine or other habit-forming drugs.” 59 O.S. § 637(A)(2-4), (8), (12). The Board may reasonably believe that the proposed action is necessary to ensure the adequate regulation of the prescription of CDS medications.

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 adhere to the Act and the Board’s rules.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Amanda Otis in black ink.

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL