



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-90A

Deborah J. Bruce, J.D., Executive Director
State Board of Osteopathic Examiners
4848 Lincoln Boulevard, Ste. 100
Oklahoma City, Oklahoma 73105

February 12, 2016

Dear Executive Director Bruce:

This office has received your request for a written Attorney General Opinion regarding agency action that the State Board of Osteopathic Examiners intends to take in Board case 1113-111. The proposed action is to temporarily suspend the license until the licensee completes several conditions, including a obtaining a comprehensive skills assessment and completing eight-hour courses in prescribing controlled dangerous substances and in keeping medical records. The licensee was issuing hundreds of prescriptions for controlled dangerous substances, and patient records showed significant amounts of drugs being prescribed to individual patients. Four of the licensee's patients actually died, and acute drug toxicity was the likely cause of death.

The Oklahoma Osteopathic Medicine Act, 59 O.S.2011 & Supp.2015, §§ 620-645, authorizes the Board to discipline licensees who "dispens[e], prescrib[e], administer[] or otherwise distribut[e] any drug, controlled substance or other treatment . . . for other than [a] medically accepted therapeutic or experimental or investigational purpose," 59 O.S.2011, § 637(A)(2)(g). The Board's administrative rules also prohibit the "[i]ndiscriminate or excessive prescribing, dispensing or administering [of] controlled dangerous drugs." OAC 510:5-7-1(1). The action seeks to enforce these requirements, which ensure that a licensee's osteopathic medical practice serves legitimate therapeutic needs and does not endanger public health. The Board may reasonably believe a temporary suspension of the license and the requirements imposed on reinstatement are necessary to achieve the State's objectives with respect to dangerous drugs.

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 of Oklahoma's policy to protect the public welfare and adequately regulate controlled substances.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA