



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-37A

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

October 6, 2015

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 0112-10. The proposed action is to alter conditions on a licensee's continuing ability to practice in a case where it was established that the licensee had been overprescribing controlled substances with unclear diagnoses supporting the prescriptions. The new conditions include completion of a clinical judgment educational program and monitoring of controlled substances prescriptions after lifting a restriction on the prescription of controlled substances.

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). It also authorizes discipline for failure to keep records related to controlled substances. *Id.* § 637(A)(2)(m). The action seeks to continue ongoing discipline to enforce these requirements by ensuring that the licensee has the clinical competence to practice without violating the requirements and, for the near-future, ensuring no further violations occur.

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