



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-204A

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

December 29, 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 0413-40. The proposed action is to impose a five-year term of probation and fines of \$10,420 on a licensed osteopathic physician. The terms of probation include a restriction on the licensee's ability to administer, prescribe, or dispense controlled dangerous substances; a requirement that licensee complete eight-hour courses in prescribing controlled dangerous substances and medical record keeping; quarterly appearances before the Board for twelve months; close monitoring by Board staff; and delivery of a copy of the disciplinary order to potential employers. Evidence showed that the licensee had overprescribed controlled dangerous substances to several patients over a period of several years.

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 that probationary terms and a fine will adequately prevent and deter future violations.

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