



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-182A

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

December 9, 2015

Dear Board Secretary Stout:

This office has received your request for a written Attorney General Opinion regarding agency action that the State Board of Medical Licensure and Supervision intends to take with regard to Board case 14-08-5033. The intended action is to revoke the licensee's medical license and fine the licensee \$30,000. The licensee was found to have prescribed controlled dangerous substances in an unprofessional and unsafe manner by, for example, not adequately examining patients before prescribing such substances. The licensee was also found to have failed to maintain office records.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S.2011 & Supp.2015, §§ 480-519, authorizes the Board to impose discipline on licensees who prescribe drugs "without sufficient examination and establishment of a valid physician-patient relationship" and those who prescribe "controlled substances or narcotic drugs in excess of the amount considered good medical practice or "without medical need," 59 O.S.2011, § 509(12), (16). The Act also authorizes discipline where a physician fails to maintain medical records documenting evaluation and treatment of patients, including drug prescriptions. *Id.* § 509(18), (20). The action seeks to advance these requirements in a situation where a physician's ongoing and flagrant willingness to violate them both results in substantial additional income for the physician and has resulted in unsupportable distribution of controlled dangerous substances. The Board may reasonably believe that these circumstances require the severe discipline of license revocation and a significant fine to deter future violations.

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 of Oklahoma's policy to protect public health and ensure patient welfare.

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

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA