



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-235A

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State Board of Dentistry
2920 N. Lincoln Blvd., Suite B
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This office has received your request for a written Attorney General Opinion regarding action that the State Board of Dentistry intends to take pursuant to an agreed order with respect to D.D.S. licensee 6111 in case 18-004. The licensee provided anesthesia to patients without obtaining the proper permits from the Board, had multiple violations regarding the licensee's drug cabinet (including turning over all control of drugs to staff and writing prescriptions to fill the drug cabinet thereby avoiding normal reporting protocols) and failed to use gloves in front of an inspector while inserting a needle into a patient. The Board proposes to impose a 120 day suspension of all practice, a 5-year suspension of all drug licenses/registrations (without the drugs the licensee cannot provide anesthesia), suspension of all anesthesia provided by licensee in licensee's office for a 5-year period (with the sole exception of a local), a \$10,000 fine, 150 hours of community service, and a paper about the dangers of anesthesia in a dental office.

The Oklahoma State Dental Act authorizes the Board to suspend licenses, impose administrative penalties, place licensees on probation under terms and conditions deemed appropriate by the Board and restrict the services that can be provided by a dentist under terms and conditions deemed appropriate by the Board when a licensee violates the Act. *See* 59 O.S.Supp.2017, § 328.44a(A)(2), (4), (6), (8). The Act authorizes discipline against a licensee when a licensee "[p]ractic[es] dentistry in an unsafe or unsanitary manner or place," is "dishonest in a material way with a patient," or "[w]rit[es] a false, unnecessary, or excessive prescription for any drug or narcotic which is a controlled dangerous substance under either federal or state law[.]" *Id.* § 328.32(A)(13), (28), (33); *see also* OAC 195:20-1-4(b), (d) and 475:30-1-3. The Board may reasonably believe that the proposed action is necessary to deter future violations.

It is, therefore, the official opinion of the Attorney General that the State Board of Dentistry has adequate support for the conclusion that this action advances the State's policy of protecting the health, safety, and general welfare of the citizens of Oklahoma.



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