



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-262A

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

July 13, 2018

Dear Dr. Billy H. Stout, M.D., Board Secretary:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Medical Licensure and Supervision intends to take pursuant to an Order Accepting Voluntary Submittal to Jurisdiction with respect to medical licensee 28578 in case 17-05-5470. The licensee left pre-signed, blank prescriptions with an office manager which were used by nurse practitioners to prescribe controlled dangerous substances (CDS) for established patients. The Board proposes to adopt the agreement of the parties in the Voluntary Submittal to Jurisdiction, suspend the licensee's license for 30 days, issue a formal reprimand, impose a \$30,000 fine, prohibit the licensee from supervising mid-level practitioners for six months, and require the licensee to complete additional continuing medical education courses, to be subject to an unlimited and random review of patient records and charts for 1 year, and to pay all costs of the action.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act authorizes the Board to suspend or revoke a license and order other appropriate sanctions against a licensee for unprofessional conduct, which includes "[d]ishonorable or immoral conduct which is likely to deceive, defraud, or harm the public," "[t]he writing of false or fictitious prescriptions for any drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs," "[a]iding or abetting, directly or indirectly, the practice of medicine by any person not duly authorized under the laws of this state," and "[p]rescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship." 59 O.S.Supp.2017, §§ 503, 509(8), (11-12), (14). Board rules provide that "unprofessional conduct" includes "[i]ndiscriminate or excessive prescribing, dispensing or administering of Controlled or Narcotic drugs." OAC 435: 10-7-4(1). The Board may reasonably believe that the proposed action is necessary to protect public health.

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's policy of protecting the health safety and well-being of the citizens of Oklahoma.

A handwritten signature in black ink, appearing to read "Mike Hunter", with a stylized, cursive script.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Ryan Chaffin", with a stylized, cursive script.

RYAN CHAFFIN
DEPUTY CHIEF ASSISTANT ATTORNEY GENERAL