



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-287A

Deborah J. Bruce, J.D., Executive Director
State Board of Osteopathic Examiners
4848 N. Lincoln Blvd., Suite 100
Oklahoma City, Oklahoma 73105

July 24, 2018

Dear Executive Director Bruce:

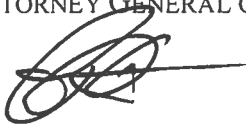
This office has received your request for a written Attorney General Opinion regarding action that the State Board of Osteopathic Examiners intends to take pursuant to consent agreement in Board case 0615-74. Between March 1 and May 1, 2015, the licensee, a family practitioner, wrote an unusually large number of prescriptions for controlled dangerous substances (CDS). An independent medical expert retained by the Board reviewed 10 medical charts of the licensee's patients. The expert concluded that five charts did not substantiate a medical necessity for the prescribed CDS and that the records did not evidence a professional and ethical standard of patient care. The Board proposes to monitor the licensee for up to three years and require the licensee to complete two continuing education courses and pay the costs of the administrative proceeding.

The Oklahoma Osteopathic Medicine Act authorizes the Board to impose discipline when a licensee "has engaged in the use or employment of dishonesty, fraud, misrepresentation, false promise, false pretense, unethical conduct or unprofessional conduct" involving the "dispensing, prescribing, administering or . . . distributing [of] any controlled substance," "has engaged in gross negligence, gross malpractice or gross incompetence," "[h]as engaged in repeated acts of negligence, malpractice or incompetence," and/or "has violated, or failed to comply with [the] provisions of any act or regulation administered by the Board." 59 O.S.2011, § 637(A)(2)(g), (3), (4), (7). The Board may reasonably believe that the proposed action is necessary to ensure the adequate regulation of the prescription of CDS medications.

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's policy to protect the public welfare by ensuring that licensees adhere to the Act and the Board's rules.



MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA



RYAN CHAFFIN
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