



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2023-24A

Michael T. Leake, Jr., J.D., Executive Director
State Board of Osteopathic Examiners
4848 N. Lincoln Blvd., Ste. 100
Oklahoma City, Oklahoma 73105

July 12, 2023

Re: Robison, Case No. 0814-96

Dear Director Leake:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Osteopathic Examiners intends to take in Case Number 0814-96.

The Oklahoma Osteopathic Medicine Act authorizes the Board to “revoke any license issued . . . upon proof that the . . . holder of such a license . . . [h]as engaged in . . . unethical conduct or unprofessional conduct, as determined by the Board, in the performance of the functions or duties of an osteopathic physician.” 59 O.S.2021, § 637(A)(2). Further, the Board may also take action when a license holder “[h]as . . . entered a plea of guilty . . . in a criminal prosecution for any offense reasonably related to the qualifications, functions or duties of an osteopathic physician . . . ; [h]as had the authority to engaged in the activities regulated by the Board revoked, suspended, modified or limited, or has been reprimanded, warned or censured, probated, or otherwise disciplined by any other state or federal agency whether or not voluntarily agreed to by the physician including, but not limited to, the denial of licensure, surrender of the license, permit or authority allowing the license, permit or authority to expire or lapse, or discontinuing or limiting the practice of osteopathic medicine pending disposition of a complaint or completion of an investigation; or [h]as violated or failed to comply with provisions of any act or regulation administered by the Board.” *Id.* § 637(A)(5–7).

According to a Board complaint, Respondent entered guilty pleas relating to 164 counts of illegal distribution of controlled drugs in an Oklahoma federal court. Additionally, Respondent entered a guilty plea to felony Medicare fraud in a Florida federal court. Respondent was ordered to serve a total of 54 months in prison, three years of supervised release and make payment of \$300,000 in restitution and fees. Finding clear and convincing evidence of grounds for discipline under 59 O.S.2021, § 637(A)(2), (5–7), the Board proposes to revoke Respondent’s license. The Board may reasonably believe the proposed action is necessary to 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's policy to protect the public welfare.



ROB JOHNSON
GENERAL COUNSEL