



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2015-35A

Deborah J. Bruce, J.D., Executive Director  
State Board of Osteopathic Examiners  
4848 Lincoln Boulevard, Ste. 100  
Oklahoma City, Oklahoma 73105

October 6, 2015

Dear Executive Director Bruce:

This office has received your request for a written Attorney General Opinion regarding agency action that the State Board of Osteopathic Examiners intends to take in Board case 0515-61. The proposed action is to place the licensee on probation for five years after it was established that the licensee had been diverting addictive drugs for personal use and for the use of an employee. During the probation, the licensee may not administer, prescribe, or dispense scheduled controlled dangerous substances without written permission from the Board; the licensee must pay costs of \$3,854; the licensee must make regular appearances before the Board; the licensee must allow unannounced office visits by Board representatives; the licensee must maintain a contract for addiction treatment services; the licensee must provide notice of the probation to any current or future employer; and Board staff may require production of relevant documents.

The Oklahoma Osteopathic Medicine Act, 59 O.S.2011 & Supp.2015, §§ 620–645, authorizes the Board to discipline licensees who “dispens[e], prescrib[e], administer[] or otherwise distribut[e] any drug, controlled substance or other treatment . . . for other than [a] medically accepted therapeutic or experimental or investigational purpose,” 59 O.S.2011, § 637(A)(2)(g). It also authorizes discipline for failure to keep records related to controlled substances, *id.* § 637(A)(2)(m), and for being habitually addicted to “habit-forming drugs,” *id.* § 637(A)(12). The action seeks to enforce these requirements, which ensure that physicians do not use their privileges to abuse or enable others to abuse controlled substances, and reasonably does so without absolutely barring the licensee from practicing medicine.

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 of Oklahoma’s policy to protect the public welfare and adequately regulate controlled substances.

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

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA