



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-677A

Cathy Kirkpatrick, Executive Director
State Board of Veterinary Medical Examiners
2920 N. Lincoln Blvd., Suite C
Oklahoma City, Oklahoma 73105

September 8, 2017

Dear Executive Director Kirkpatrick:

This office has received your request for a written Attorney General Opinion regarding agency action to be taken by the State Board of Veterinary Medical Examiners against a licensed veterinarian (license number 5125) pursuant to a Voluntary Submission to Jurisdiction and Agreed Order (Agreed Order) in Case No. C-17-029.

In this case, the licensee is a licensed veterinarian that practices at an animal hospital. On May 2, 2017, the licensee voluntarily contacted the Board and advised Board staff that the licensee was currently seeking treatment for drug abuse and that the licensee had been using a Controlled Dangerous Substance (CDS) in excess, specifically Tramadol. In a meeting with the Board staff on June 27, 2017, the licensee confirmed the licensee's drug addiction over the past couple of years and admitted to diverting Tramadol from the clinic for the licensee's own personal use. The Tramadol acquired by the licensee was that which was returned by animal owners after their animal had expired. The licensee also admitted to taking Tramadol from the 500 count bottle that is held in the pharmacy of the hospital for dispensing to animals that are seen by the hospital veterinarians. On July 27, 2017, the licensee signed an Agreed Order. The Board voted to approve the Agreed Order on August 25, 2017. The Agreed Order places the licensee's license on probation for a period of 10 years, subject to various terms and conditions. The Agreed Order also imposes a fine of \$9,000 and requires the licensee to pay \$1,000 for the costs of investigation, which fine and costs will be deferred and waived upon licensee's full compliance with all of the terms of the Agreed Order. Furthermore, during the period of probation, the licensee is to pay the Board an administrative probation fee of \$50 a month.

The Oklahoma Veterinary Practice Act, 59 O.S.2011 & Supp.2016, §§ 698.1 – 698.30b, authorizes the Board to “regulate the practice of veterinary medicine,” 59 O.S.2011, § 698.7, which includes, but is not limited to, the power to “issue or deny licenses,” the authority to “determin[e] a person's . . . continuing qualification and fitness for the practice of veterinary medicine,” the power to impose administrative penalties against people who violate the provisions of the Act, the power to “impose . . . the payment of costs in investigating and prosecuting a [case,]” and the power to “[p]romulgate . . . [such] rules such as may be necessary for carrying out and enforcing the

provisions of the [Act][.]" *Id.* §§ 698.7(5); 698.3(B)(1); 698.14a(Q); 698(B)(2); 698.7(18). The Board rules specifically provide that "the Board may accept a voluntary submission to jurisdiction entered into by the plaintiff and the defendant . . . to resolve a complaint pending before the Board on any matter in which the parties can reach an agreement." OAC 775:15-7-1. The Board may reasonably believe that its proposed action of entering into the Agreed Order with the licensee is necessary to uphold professional standards among veterinarians.

It is, therefore, the official opinion of the Attorney General that the State Board of Veterinary Medical Examiners has adequate support for the conclusion that this action advances the State of Oklahoma's policy to require veterinarians to meet minimum professional standards.



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