

Policy Number:	OSBOE-P013
Adopted by Board:	March 12, 2026
To be Reviewed:	2028

Purpose:

This policy establishes a process that allows an open investigation to be suspended while a physician enters and completes a treatment program approved by the Board.

Relevant Citations:

510:1-3-5. Public access to records

The following documents shall be available for public inspection and copying or printing at the Board's principal office during regular office hours: all records of receipt and expenditure of funds, rules adopted by the Board, declaratory rulings issued by the Board, minutes of Board meetings, applications for licensure and renewal, the official record of individual proceedings and other records required to be maintained by Oklahoma law and to be made public by the Oklahoma Open Records Act. The records to be made public do not include documents that are confidential or subject to an evidentiary privilege (including patient records and attorney/client communications) or are protected from disclosure under the work product doctrine, the Board's litigation files, the Board's investigatory files and reports and communications to the Board about current and prospective licensees. Printed copies of the documents available to the public will be provided upon the Board's receipt of a written request and payment of required fees, including \$.25 for each page printed. [59 O.S., Section 627, 51 O.S., Section 24A.1 et seq.]

Procedure:

For licensed physicians who are under investigation for a violation of the osteopathic medicine act related to improperly using legal habit-forming drugs, using illegal substances, or using alcohol in a manner that adversely impacted the physician's ability to provide care, the investigation may be suspended if the physician chooses to enter into an agreement for treatment.

To pursue this path the physician can review Board approved treatment programs or provide information about a treatment program they want to use and seek approval for that program. Once approved the physician must enter an Investigative Safe Harbor

Agreement (“Agreement”). Prior to entering the Agreement, the physician may consult an attorney.

An Investigative Safe Harbor Agreement will include the following, but is not limited to:

1. Full and complete compliance by the physician with all recommendations and contract requirements of the approved treatment provider.
2. Successful completion of the entire treatment program of the approved treatment provider.
3. The physician will agree that during pendency of their Agreement the Board staff may freely communicate with the approved treatment program regarding compliance status of the physician and will sign any related release.
4. The physician will agree that upon failure to complete the approved treatment program or other breach of the Agreement all records of the approved treatment provider may be shared with the Board staff for use in any board investigation or action.
5. The physician will agree that the Compliance Monitoring Program of OSBOE may request random drug screening of the physician, at the physician’s expense, to independently verify compliance with the approved treatment program.

Failure to comply with any of the requirements set out in the Agreement will allow the Board to continue with any investigation or pending Board action that was suspended based on the Agreement.