

ORIGINAL



IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED
SUPREME COURT
STATE OF OKLAHOMA

OKLAHOMA ACADEMY OF PHYSICIAN)
ASSISTANTS, INC.,)

Petitioner,)

v.)

STATE OF OKLAHOMA *ex rel.* STATE)
BOARD OF MEDICAL LICENSURE AND)
SUPERVISIONS and STATE OF OKLAHOMA)
ex rel. STATE BOARD OF PHARMACY,)

Respondents.)

MAR 27 2023

JOHN D. HADDEN
CLERK

No. 120,995

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| Rec'd (date) | 3-27-23 |
| Posted | <i>[initials]</i> |
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| Distrib | <i>[initials]</i> |
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ORDER

Petitioner's Application to Assume Original Jurisdiction, Petition for Declaratory Relief, and Request for Extraordinary Relief is denied. Petitioner has failed to establish that this matter warrants invoking the Court's *publici juris* doctrine to assume original jurisdiction and grant declaratory relief.

In order to invoke the *publici juris* doctrine and assume original jurisdiction over a matter, "the matter must be affected with the public interest and there must be some urgency or pressing need for an early determination of the matter." *Keating v. Johnson*, 1996 OK 61, ¶ 10, 918 P.2d 51, 56. Petitioner has failed to show that there is an urgent or pressing need for the Court to intervene in this matter. Specifically, Petitioner has failed to show that, prior to the November 3, 2022 directive issued by the Oklahoma State Board of Pharmacy and the administrative rules adopted by the Oklahoma State Board of Medical Licensure

on November 17, 2022, physician assistants possessed statutory authority to prescribe Schedule II narcotics for off-site administration. Accordingly, we decline to invoke our *publici juris* doctrine to assume original jurisdiction.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THIS
27TH DAY OF MARCH, 2023.


ACTING CHIEF JUSTICE

CONCUR: KANE, C.J., ROWE, V.C.J., WINCHESTER, GURICH, DARBY and KEUHN, JJ.

CONCUR IN RESULT: KAUGER, EDMONDSON and COMBS (by separate writing), JJ.