



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2019-42A

Dorothy Gourley, Interim Executive Director
Oklahoma State Board of Pharmacy
2920 N Lincoln Blvd, Suite A
Oklahoma City, Oklahoma 73105

February 4, 2019

Dear Interim Executive Director Gourley:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Pharmacy intends to take pursuant to an agreed order with pharmacist D.Ph. 13663. The licensee allegedly falsified drug screenings that were required under the licensee's agreement with Oklahoma Pharmacists Helping Pharmacists ("OPHP"). The licensee neither admits nor denies these allegations. The Board proposes to indefinitely suspend the license. Before the suspension can be lifted, the licensee must enter into and comply with all terms of a 10-year agreement with OPHP. Further, the licensee must attend the next Board meeting to provide evidence that the licensee has entered into the above referenced agreement and has submitted to a "Fit for Duty" evaluation.

The Oklahoma Pharmacy Act authorizes the Board to regulate the practice of pharmacy. 59 O.S.Supp.2018, § 353.7. Specifically, "[t]he State Board of Pharmacy may . . . [r]evoke permanently or suspend any certificate, license or permit issued pursuant to the Oklahoma Pharmacy Act or reprimand or place on probation any holder of a certificate, license, or permit who . . . [e]xercises conduct and habits inconsistent with the rules of professional conduct established by the Board." *Id.* § 353.26(A)(8). The rules of professional conduct require licensees to comply with the terms of all OPHP contracts. OAC 535:10-3-1.2(24). 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 Pharmacy has adequate support for the conclusion that this action advances the State's policy to protect public health, safety, and welfare.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL