



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2019-7A

Marty Hendrick, Executive Director  
Oklahoma State Board of Pharmacy  
2920 N Lincoln Blvd, Suite A  
Oklahoma City, Oklahoma 73105

January 29, 2020

Dear Executive Director Hendrick:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Pharmacy intends to take pursuant Pharmacy License No. 99-8126. In January 2018, the Respondent applied for a non-resident pharmacy license, listing the PIC as S.M. In May 2018, S.M. informed the Board by email that he was no longer the PIC at the Respondent. In February 2019, the Respondent submitted a renewal application, again listing the PIC as S.M. The license was processed and renewed. The signature of S.M. on the renewal application did not match the signature of S.M. on the initial application. When the Board contacted S.M. in October 2019 regarding the signature, he acknowledged he had not signed the renewal application and had not been the PIC for the Respondent since his May 2018 email to the Board. Following a hearing, the Board proposes to immediately revoke the Respondent's pharmacy license, order the Respondent to refrain from shipping prescription drugs or substances into the State, and impose a \$3,000 fine for each count in the complaint, totaling \$21,000. Payment of the fine is stayed so long as the Respondent complies with the order and does not seek reinstatement of the license.

The Oklahoma Pharmacy Act authorizes the Board to regulate the practice of pharmacy. 59 O.S.Supp.2019, § 353.7. Specifically, the Board has the power to, among other things, revoke a license and impose a fine up to \$3,000 per count for persons convicted in a Board hearing of violating the Act or Board rules. *Id.* § 353.7(12). Several Board rules require those seeking to renew a license, including non-resident pharmacies, to provide the Board with truthful information. *See, e.g.*, OAC 535:15-3-9, 535:25-3-3, 535:25-7-3, 535:25-9-3, 535:25-9-4. 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



ETHAN SHANER  
DEPUTY GENERAL COUNSEL