



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-886A

Chelsea O. Church, Executive Director
Oklahoma State Board of Pharmacy
2920 N Lincoln Blvd, Suite A
Oklahoma City, Oklahoma 73105

December 19, 2017

Dear Executive Director Church:

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 a consent agreement with pharmacist #13361. The pharmacist previously entered into an agreed order with the Board due to substance abuse problems; as part of that order, the pharmacist was to comply with the recommendations for treatment of Oklahoma Pharmacists Helping Pharmacists (“OPHP”). The pharmacist has failed to follow OPHP’s program by diverting and possessing drugs without a valid prescription and testing positive on a drug screen. The Board proposes to suspend the pharmacist’s license indefinitely.

The Oklahoma Pharmacy Act authorizes the Board to regulate the practice of pharmacy. 59 O.S.Supp.2017, § 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 . . . violates any provision of the Uniform Controlled Dangerous Substances Act” or “conducts himself or herself in a manner likely to lower public esteem for the profession of pharmacy.” *Id.* § 353.26(A)(1)(b), (e). The Uniform Controlled Dangerous Substances Act states that “[i]t shall be unlawful for any person knowingly or intentionally to possess a controlled dangerous substance unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his or her professional practice, or except as otherwise authorized by this act.” 63 O.S.Supp.2017, § 2-402(A)(1). 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.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Amanda Otis in black ink.

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL