



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-101A

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

March 20, 2018

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 agreed orders with pharmacy 47-3971 and pharmacist 12719. The respondents filled a prescription with an incorrect medication, possibly causing the patient to develop pneumonia and eventually pass away. The Board proposes to place the pharmacist on probation for one year, fine the pharmacist \$5,000, require the pharmacist to undertake training on retail pharmacy software, require the pharmacist to complete a one-day law seminar in addition to the required 15 hours of continuing education ("CE") for 2018 and 2019, and for 2018 and 2019 the licensee must complete live continuing education. The Board proposes to place the pharmacy on probation for three years, fine the pharmacy \$12,000, require all of the pharmacy's PRN (as needed) employees to have documented training on software used by the pharmacy, and require the pharmacy to implement and enforce a policy that every refusal to refill a prescription shall be reviewed by a pharmacist before refusal is communicated to the patient.

The Oklahoma Pharmacy Act authorizes the Board to regulate the practice of pharmacy. 59 O.S.Supp.2017, § 353.7. Specifically, the State Board of Pharmacy may "levy fines not to exceed . . . \$3,000.00 for each count of which any holder of a certificate, license, or permit has been convicted in Board hearings." *Id.* § 353.7(12). Additionally, "[t]he State Board of Pharmacy may . . . [r]evoke permanently or suspend any certificate, license or permit issued pursuant to the [Act] or reprimand or place on probation any holder of a certificate, license, or permit who . . . conducts himself or herself in a manner likely to lower public esteem for the profession of pharmacy." *Id.* § 353.26(A)(1)(e). 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



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