



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-47A

John A. Foust, D.Ph., Pharm.D.  
Executive Director  
State Board of Pharmacy  
2920 N. Lincoln Blvd., Ste. A  
Oklahoma City, Oklahoma 73105

January 27, 2016

Dear Executive Director Foust:

This office has received your request for a written Attorney General Opinion regarding agency action that the State Board of Pharmacy intends to take pursuant to a consent agreement with pharmacy licensee 15-7107. The proposed action is to place the licensee on probation for one year, impose an \$18,000 fine, require the licensee to implement a one-year program to review 100 prescription fills each day for errors, and require the licensee to have its pharmacists complete a risk assessment program. The action also requires the pharmacist-in-charge, pharmacist licensee 12629, to complete a one-day law seminar during 2016. The pharmacy licensee misfilled prescriptions at a very high rate.

The Oklahoma Pharmacy Act seeks to “promote, preserve and protect the public health, safety and welfare by and through the effective control and regulation of the practice of pharmacy” within the State. 59 O.S.2011, § 353(B). The Act authorizes the Board to promulgate rules necessary for the regulation of pharmacy and protection of public health, 59 O.S.Supp.2015, § 353.7(14), and one such rule authorizes discipline when misfilling a prescription or drug order in a way that falls below the standard of care, OAC 535:25-9-9, while another requires licensees to have effective controls against prescription errors, OAC 535:25-9-8(1). The action seeks to enforce the rule described above and to prevent any person from being harmed by a misfilled prescription.

It is, therefore, the official opinion of the Attorney General that the Executive Director of the State Pharmacy Board has adequate support for the conclusion that this action advances the State of Oklahoma’s policy to protect the public health, safety, and welfare.

A handwritten signature in black ink, appearing to read "Scott Pruitt".

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA