



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-5A

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

January 7, 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 an application for reinstatement by former licensee 10683. The proposed action is to deny the application. The former licensee has not come into compliance with a contract with Oklahoma Pharmacists Helping Pharmacists, a drug and alcohol treatment program. The licensee was considered noncompliant in late 2014 but, before the Board could bring licensee to a hearing, the licensee decided not to renew the license. The proposed action directs the licensee to comply with drug and alcohol treatment and obtain a fit for duty evaluation—an evaluation of whether narcotic dependence means working as a pharmacist presents risks of drug diversion or abuse.

The Oklahoma Pharmacy Act, 59 O.S.2011 & Supp.2015, §§ 353–355.2, authorizes the Board to impose discipline on individuals who “abuse[] intoxicating liquors or other chemical substances,” 59 O.S.Supp.2015, § 353.26(A)(1)(d). The proposed action seeks to prevent a pharmacist with drug abuse issues from working in pharmacies—that is, locations that often have large inventories of narcotics. The Board may reasonably believe that requiring additional treatment may prevent violations while allowing the pharmacist to take steps that would allow a return to work.

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 cursive script that reads "Scott Pruitt".

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA

