



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-12A

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 a consent agreement regarding pharmacist licensee 13801. The proposed action is to impose fines totaling \$2,000; impose probation for five years, including a requirement that all continuing education during that time period be live; and require completion of a one-day law seminar in addition to other continuing education requirements during 2016 and 2017. The Board and licensee agreed that the licensee stole controlled substances from licensee's place of employment.

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 State Board of Pharmacy to promulgate rules necessary for the regulation of pharmacy and protection of public health, 59 O.S.Supp.2015, § 353.7(14), and the Board has prohibited theft of any material from an employer while serving as a pharmacist, OAC 535:10-3-1.2(15); OAC 535:25-9-7. State law further prohibits possession of a controlled dangerous substance not validly obtained pursuant to a prescription or otherwise. 63 O.S.Supp.2015, § 2-402(A)(1). The action seeks to enforce these requirements while allowing licensee to continue practicing as a pharmacist. The Board may reasonably believe that its disciplinary action will adequately deter future violations.

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.

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA