



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-14A

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 pharmacy technician permittee T-14040. The proposed action is to revoke the permit. The Board and permittee agreed that the permittee stole controlled substances from permittee's place of employment using fraudulent prescriptions.

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 and violation of other applicable laws, OAC 535:25-9-3; OAC 535:25-9-7. State law 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 and protect the public health by preventing the permittee from having ongoing access to controlled dangerous substances.

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 that reads "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA