



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-13A

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 with pharmacy technician permittee T-10024. The proposed action is to revoke the permit. The permittee had acted as a pharmacist at a licensed pharmacy and performed tasks within the practice of pharmacy, including filling prescriptions, without pharmacist supervision.

The Oklahoma Pharmacy Act, 59 O.S.2011 & Supp.2015, §§ 353–355.2, requires that anybody seeking to sell “dangerous drugs, medicines, chemicals or poisons” outside certain narrow exceptions obtain a license from the Board, 59 O.S.Supp.2015, § 353.18(A)(1). Licensed facilities may use “[s]upportive personnel . . . if used in compliance with rules established by” the Board, 59 O.S.2011, § 353.29(A). Under those rules, licensees must ensure that “[a]ll tasks performed by pharmacy technicians . . . be accomplished under the immediate and direct supervision of a pharmacist who is currently licensed by the Board.” OAC 535:15-13-5(a). Permittee has several duties that permittee cannot perform under the Board’s rules, including interpreting prescriptions; certify completed prescriptions; and counseling or advising patients OAC 535:15-13-7(1), (6), (7). The action seeks to enforce the Board’s pharmacy technician rules, which ensure that only licensed pharmacists practice pharmacy. *See* 59 O.S.2011, §§ 353.13, 353.17A. The Board may reasonably believe that revocation of the permit as part of this agreed order will prevent 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 of Oklahoma’s policy to protect the public health, safety and welfare.

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

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA