



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2018-359A

Dorothy Gourley, Interim Executive Director  
Oklahoma State Board of Pharmacy  
2920 N Lincoln Blvd, Suite A  
Oklahoma City, Oklahoma 73105

August 30, 2018

Dear Interim Executive Director Gourley:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Pharmacy intends to take with respect to pharmacist 14288. The licensee allegedly stole controlled dangerous substance medications on several occasions. The Board proposes to require the licensee to attend an eight-hour law seminar and to suspend the license for 10 years, which will be stayed and the licensee will be placed on 10 years of probation. While on probation, the licensee must comply with the 10-year Recovery Monitoring Agreement with the Oklahoma Pharmacists Helping Pharmacists ("OPHP") program.

The Oklahoma Pharmacy Act authorizes the Board to regulate the practice of pharmacy. 59 O.S.Supp.2017, § 353.7. Specifically, "[t]he State Board of Pharmacy may . . . [r]evoke permanently or suspend any certificate, license or permit issued pursuant to the Oklahoma Pharmacy Act or reprimand or place on probation any holder of a certificate, license, or permit who . . . violates any provision of the Uniform Controlled Dangerous Substances Act" or "conducts himself or herself in a manner likely to lower public esteem for the profession of pharmacy." *Id.* § 353.26(A)(1)(b), (e). The Uniform Controlled Dangerous Substances Act states that "[i]t shall be unlawful for any person knowingly or intentionally to possess a controlled dangerous substance unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his or her professional practice." 63 O.S.Supp.2017, § 2-402(A)(1). The Board may reasonably believe the proposed action is necessary to deter 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's policy to protect public health, safety, and welfare.



MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA



AMANDA OTIS  
ASSISTANT ATTORNEY GENERAL