



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2018-95A

Chelsea O. Church, Executive Director  
Oklahoma State Board of Pharmacy  
2920 N Lincoln Blvd, Suite A  
Oklahoma City, Oklahoma 73105

March 20, 2018

Dear Executive Director Church:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Pharmacy intends to take pursuant to a consent agreement with pharmacist 12317. The licensee has been before the board on multiple occasions due to substance abuse. The licensee admitted to having relapsed. The Board proposes to suspend the license indefinitely and to require the licensee to enter into and abide by a lifetime contract with Oklahoma Pharmacists Helping Pharmacists ("OPHP"). The suspension may be lifted and the license will be placed on probation upon proof of the following: successful completion of three years of OPHP contract, the licensee has been found fit-for-duty, and it is found that the licensee returning to practice would not put the public at risk. If the licensee fails to comply with the OPHP contract, this non-compliance restarts the three year period.

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 [themselves] in a manner likely to lower public esteem for the profession of pharmacy." *Id.* § 353.26(A)(1)(b), (e). 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.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Amanda Otis in black ink.

AMANDA OTIS  
ASSISTANT ATTORNEY GENERAL