



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2020-6A

Marty Hendrick, Executive Director
Oklahoma State Board of Pharmacy
2920 N Lincoln Blvd, Suite A
Oklahoma City, Oklahoma 73105

January 29, 2020

Dear Executive Director Hendrick:

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 licensee T-18941. The licensee was shown on camera removing controlled dangerous substance medications without accounting for them. The licensee neither admitted nor denied having improperly removed the medication, but, after proper notice, did not appear at the Board's hearing on the allegations. The Board proposes to revoke the registrant's pharmacy technician permit.

The Oklahoma Pharmacy Act authorizes the Board to regulate the practice of pharmacy. 59 O.S.Supp.2019, § 353.7. Specifically, the Board may revoke a permit issued pursuant to the Act when the permit holder violates any provision of the Act or the Uniform Controlled Dangerous Substances Act or "[c]onducts himself or herself in a manner likely to lower public esteem for the profession of pharmacy." *Id.* § 353.26(A)(2), (5). 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.2019, § 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

ETHAN SHANER
DEPUTY GENERAL COUNSEL