



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-264A

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

July 16, 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 with respect to pharmacist 17352. The licensee previously entered into an agreement with the Board, which required the licensee to take and pass the North American Pharmacist Licensure Examination (“NAPLEX”) and to enter into a ten-year contract with Oklahoma Pharmacists Helping Pharmacists (“OPHP”). The licensee has failed to comply with the terms of the OPHP contract. The Board proposes to indefinitely suspend the license; however, the license may be reinstated if the licensee enters into a new ten-year contract with OPHP and provides evidence that the licensee has been determined “Fit for Duty.”

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 Oklahoma Pharmacy Act.” *Id.* § 353.26(A)(1)(A). The Act makes it unlawful to “[v]iolate a Board order or agreed order.” *Id.* § 353.24(A)(12). 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

RYAN CHAFFIN
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