



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-266A

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 pursuant to an agreed order with pharmacist 15854. The licensee allegedly compounded two products that are commercially available drugs. The licensee neither admits nor denies these allegations. The Board proposes to fine the licensee \$16.25 for each of 372 counts, totaling \$6,045. This action is not considered discipline.

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” or “[e]xercises conduct . . . inconsistent with the rules of professional conduct established by the Board.” *Id.* § 353.26(A)(1)(a), (h). The rules of professional conduct require licensees to comply with the rules promulgated by the Board. OAC 535:10-3-1.2. The rules promulgated by the Board prohibit licenses from compounding a drug that is commercially available. OAC 535:10-9-1.2, 15-10-8(h)(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

RYAN CHAFFIN
DEPUTY CHIEF ASSISTANT ATTORNEY GENERAL