



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2018-268A

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 pharmacy 99-7594. The licensee admits that it compounded products that are commercially available drugs. The Board proposes to fine the licensee \$100 for each of 372 counts, totaling \$37,200.

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 . . . 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 of 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.

A handwritten signature in black ink, appearing to read "Mike Hunter".

MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Ryan Chaffin".

RYAN CHAFFIN  
DEPUTY CHIEF ASSISTANT ATTORNEY GENERAL