



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-271A

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 11099. The licensee stole prescription medications from his employer and violated multiple rules promulgated by the Board. The Board proposes to suspend the license for ten years, require the licensee to enter into a ten year contract with Oklahoma Pharmacists Helping Pharmacists (“OPHP”), and require the licensee to attend a law seminar each year of his suspension. If the licensee does not comply with the terms of OPHP, the licensee may be subject to further discipline. The licensee agrees that the Board may modify conditions of the probation if the Board determines that this is necessary.

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 promulgated by the Board. OAC 535:10-3-1.2. 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

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