



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-272A

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 agreed orders with pharmacist 10368. The licensee filled a prescription with incorrect medications on multiple occasions and violated several rules promulgated by the Board. The Board proposes to fine the licensee a total of \$7,000 and require the licensee to complete an eight-hour law seminar each year for two years.

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 set out specific requirements for dispensing prescriptions and for keeping patient records. OAC 535:25-9-1, 2, 9. 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 that reads "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink, appearing to be "Ryan Chaffin", with a long horizontal line extending to the right.

RYAN CHAFFIN
DEPUTY CHIEF ASSISTANT ATTORNEY GENERAL