



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-273A

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 16396. The licensee was named as the pharmacist-in-charge for a pharmacy. Allegedly on several occasions there was no licensed pharmacist on the premises during business hours. The licensee neither admits nor denies this allegation. The Board proposes to fine the licensee \$18,000 total, place the licensee on probation for two years, 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 any other applicable state or federal law.” *Id.* § 353.26(A)(1)(a). Oklahoma law requires “a licensed pharmacist [to] be present and on duty at all business hours.” *Id.* § 353.18(A)(2)(d). 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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