



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-275A

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 11103. The licensee admits to violating federal law and failing to provide for multiple responsibilities of a pharmacist in charge. The Board proposes to fine the licensee \$6,000 total and to require the licensee to attend 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). Further, the Board’s rules require each pharmacy to designate a pharmacy manager or “pharmacist in charge” that is “responsible for all aspects of the operation related to the practice of pharmacy.” OAC 535:15-3-2(b). 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