



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-884A

Chelsea O. Church, Executive Director
Oklahoma State Board of Pharmacy
2920 N Lincoln Blvd, Suite A
Oklahoma City, Oklahoma 73105

December 19, 2017

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 a consent agreement with pharmacy 1-6280 and pharmacist #9832. The respondents admit that the pharmacy employed one pharmacy technician who stole approximately 9800 Controlled Dangerous Substance (“CDS”) doses from the pharmacy as well as \$1,100 in cash and a second technician who stole approximately 200 CDS doses from the pharmacy. The Board proposes to fine the pharmacy \$1,428.50, fine the pharmacist-in-charge \$3,571.50, require the pharmacist-in-charge to attend an eight hour law seminar, and require all 15 hours of continuing education necessary to renew the pharmacist’s license to be live classes in the presence of other professionals.

The Oklahoma Pharmacy Act authorizes the Board to regulate the practice of pharmacy. 59 O.S.Supp.2017, § 353.7. Specifically, the State Board of Pharmacy may “levy fines not to exceed . . . \$3,000.00 for each count of which any holder of a certificate, license, or permit has been convicted in Board hearings . . . [t]he Board may also require additional continuing education, including attendance at a live continuing education program[.]” *Id.* § 353.7(12). During the Board hearing, the respondents admitted to violating the Board’s rule, which states that “[t]he pharmacy, pharmacist, and/or PIC shall establish and maintain effective controls against the diversion of prescription drugs into other than legitimate medical, scientific, or industrial channels as provided by federal, state or local laws or rules.” OAC 535:15-3-2(c)(4). 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.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Amanda Otis in black ink.

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL