



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-885A

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 consent agreements with pharmacy 2-6630 and pharmacist #15976. The respondents admit that the pharmacist was named as the pharmacist-in-charge for the pharmacy, but never worked a shift at the pharmacy and came by to check on the pharmacy only two to four times a month. The Board proposes to fine the pharmacy and the pharmacist \$5,000 each for multiple rule violations.

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.” *Id.* § 353.7(12). Oklahoma law requires that in order to maintain its license, each pharmacy is required 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). As part of that responsibility, Board rules state that “[a] pharmacy manager shall work sufficient hours in the pharmacy to exercise control and meet the responsibilities of the pharmacy manger.” OAC 535:15-3-2(b)(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.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL