



OFFICE OF THE ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2020-43A

Marty Hendrick, Executive Director  
Oklahoma State Board of Pharmacy  
2920 N Lincoln Blvd, Suite A  
Oklahoma City, Oklahoma 73105

December 15, 2020

Dear Executive Director Hendrick:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Pharmacy intends to take with respect to case number 1606 against respondent pharmacy license 99-8690. In August 2020, the Board received a complaint from an Oklahoma resident alleging receipt of fraudulent prescriptions from the respondent. After an investigation by the Board, the prescriptions were found to be fraudulent, and the respondent admitted that it shipped 99 prescriptions into Oklahoma prior to obtaining a license in May 2020. After a hearing at which the respondent did not appear, the Board proposes to suspend the license indefinitely and impose fines totaling \$105,000.00.

The Oklahoma Pharmacy Act authorizes the Board of Pharmacy to regulate the practice of pharmacy in the State, *see* 59 O.S.Supp.2020, § 353.7, and prohibits the sale of offer for sale of prescription medications in by persons not licensed by the Board. *Id.* § 353.18(A). The Board may “reprimand, place on probation, suspend, revoke permanently and levy fines . . . and take other disciplinary action against any person who . . . [e]xercises conduct and habits inconsistent with the rules of professional conduct established by the Board.” *Id.* § 353.26(A)(8). Such rules require licensees to conduct their business in accordance with State law, OAC 535:25-7-3, and prohibit “[f]raudulent billing or submitting false reports to a third party payer.” *Id.* 535:25-9-4. 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.

A handwritten signature in blue ink that reads "Mike Hunter".

MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink that reads "Ethan Shaner".

ETHAN SHANER  
DEPUTY GENERAL COUNSEL