



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-779A

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

November 6, 2017

Dear Executive Director Church:

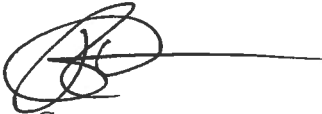
This office has received your request for a written Attorney General Opinion regarding action that the State Board of Pharmacy intends to take pursuant to Agreed Order with pharmacy intern #8987. In 2015, the intern self-referred to the Oklahoma Pharmacists Helping Pharmacists program (OPHP). In 2016, the intern tested positive for ETG/ETS after drinking alcohol. On July 7, 2017, after being selected for a hair test, the intern admitted to having smoked marijuana. The Board proposes to suspend the intern's license for one year and require the intern to enter a ten-year contract with OPHP and obtain a fit-for-duty evaluation from an OPHP-approved provider. After October 4, 2018, the intern may request a stay of the suspension in favor of probation.

The Oklahoma Pharmacy Act seeks to "promote, preserve and protect the public health, safety and welfare by and through the effective control and regulation of the practice of pharmacy" within the State. 59 O.S.2011, §§ 353(B). The Board is authorized to promulgate rules necessary for the regulation of pharmacy and the protection of public health, *see* 59 O.S.Supp.2016, § 353.7(14), and Board rules hold interns to the same rules of professional conduct as pharmacists. OAC 535:10-5-4(b). "Abuse of alcohol or habit-forming drugs or use of an illegal CDS drug, or a positive drug screen for such illegal substance or its metabolite" and "[v]iolation of any voluntary or Board ordered rehabilitation program for the impaired contract, e.g. OPHP contract" are violations of these rules. OAC 535:10-3-1.2(6), (24). The Board may reasonably believe that this action is necessary to protect public health and 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 promote, preserve, and protect public health, safety, and welfare through the effective control and regulation of the practice of pharmacy.



MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA



RYAN CHAFFIN
DEPUTY CHIEF – ASSISTANT ATTORNEY GENERAL