



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-737A

Cindy Fain, D.Ph.,  
Executive Director  
State Board of Pharmacy  
2920 N. Lincoln Blvd., Ste. A  
Oklahoma City, Oklahoma 73105

December 19, 2016

Dear Executive Director Fain:

This office received your request for a written Attorney General Opinion regarding agency action that the State Board of Pharmacy intends to take regarding pharmacy technician T-21186. The proposed action is to revoke the permit. The permittee processed fraudulent refunds in the amount of \$682.04.

The Oklahoma Pharmacy Act, 59 O.S.2011 & Supp.2016, §§ 353–355.2, 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.” 59 O.S.2011, § 353(B). The Act authorizes the State Board of Pharmacy to promulgate rules necessary for regulating pharmaceutical care and protection of public health, 59 O.S.Supp.2016, § 353.7(14), and the Board has promulgated rules prohibiting theft of any material from an employer and violating other applicable laws. OAC 535:25-9-3; OAC 535:25-9-7. This action seeks to enforce these requirements and protect the public health by preventing the permittees from having ongoing access to controlled dangerous substances and other pharmacy employer assets. The Board has a reasonable basis for concluding it necessary to revoke the permit and thereby prevent this individual from further employment in sensitive functions at pharmacies.

It is, therefore, the official opinion of the Attorney General that the State Board of Pharmacy has adequate support for the conclusion this action advances the State of Oklahoma’s policy to protect the public health, safety and welfare.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA