



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-778A

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 regard to technician permittee T-9934. The Board proposes to revoke the pharmacy technician permit. The permittee was found to have stolen controlled substances from the permittee's place of employment.

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 protection of public health, *see* 59 O.S.Supp.2016, § 353.7(14), and Board rules prohibit theft of any material from an employer and violation of other applicable laws. OAC 535:25-9-3; 535:25-9-7. State law further prohibits possession of a controlled dangerous substance not validly obtained pursuant to a prescription or otherwise. 63 O.S.Supp.2016, § 2-402(A)(1). 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.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Ryan Chaffin in black ink.

RYAN CHAFFIN
DEPUTY CHIEF – ASSISTANT ATTORNEY GENERAL