



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-755A

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

October 31, 2017

Dear Executive Director Church:

This office has received your requests for written Attorney General Opinions regarding action that the State Board of Pharmacy intends to take pursuant to Agreed Orders with respect to pharmacist #13346 and pharmacy 1-6693. The pharmacist is the pharmacist-in-charge of the pharmacy. A pending complaint alleges 154 Counts of statute/rule violations by pharmacist/pharmacy. Neither have admitted to the allegations, but they chose not to contest them. The Board proposes to (i) suspend the pharmacist's license from November 1, 2017 to November 1, 2018, followed by probation until November 1, 2023, (ii) place the pharmacy on probation until October 4, 2022, and (iii) fine the pharmacy \$1,804 per count for a total fine of \$267,000.

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 Act authorizes the Board to suspend a license, place a license on probation, and levy fines not to exceed \$3,000 per count if a licensee is convicted of a statute or rule violation at a Board hearing. *See* 59 O.S.Supp.2016, § 353.7(12). The Board may reasonably believe that the proposed disciplinary actions are 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 the action advances the State's policy to promote, preserve, and protect public health, safety and welfare through effective control and regulation of the practice of pharmacy.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

RYAN CHAFFIN
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