



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-736A

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 under an agreed order with licensee 13663. The proposed action is to suspend the license and place the licensee on probation for ten years. The licensee's contract with Oklahoma Pharmacists Helping Pharmacists is extended to 2021, and future employers must be notified of the contract. In addition, an eight-hour law seminar must be completed and the required fifteen hours of continuing education must be completed by live seminar. The licensee self-reported violating the contract with the Oklahoma Pharmacists Helping Pharmacists by consuming alcohol but failed to report being charged with driving under the influence in July 2016. The licensee admits to violations of the Oklahoma Pharmacists Helping Pharmacists contract and the rules of professional conduct.

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 discipline for pharmacists who “abuse[] intoxicating liquors or other chemical substances.” 59 O.S.Supp.2016, § 353.26(A)(1)(d). The Act also authorizes the State Board of Pharmacy to promulgate rules necessary for regulating pharmacy and protection of public health, *id.* § 353.7(14), and the Board has promulgated rules for violations of voluntary or Board ordered rehabilitation program contracts. OAC 535:10-3-1.2(24). The action seeks to enforce requirements that pharmacists do not abuse chemical substances and do not otherwise compromise patient safety. The Board may reasonably believe the 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 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". The signature is stylized with large, sweeping loops and a prominent initial "E".

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA