



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-741A

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 actions that the State Board of Pharmacy intends to take regarding pharmacy technician permittee T-19902. The Board found permittee stole controlled dangerous substances from employer, including Norco and Phentermine. The Board intends to revoke this permit.

The Oklahoma Pharmacy Act, 59 O.S.2011 & Supp.2016, §§ 353–355.2, seeks to advance “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 State Board of Pharmacy to promulgate rules necessary for regulating pharmacy and protection of public health, 59 O.S.Supp.2016, § 353.7(14), and the Board has prohibited theft of any material from an employer and violation of other applicable laws, OAC 535:25-9-3; OAC 535:25-9-7. State law prohibits possession of a controlled dangerous substance not validly obtained with a prescription or otherwise. 63 O.S.Supp.2016, § 2-402(A)(1). This action seeks to enforce these requirements and protect the public health by preventing the permittee from having ongoing access to controlled dangerous substances or 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 Oklahoma State Pharmacy Board 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 "Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA