



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-735A

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 pursuant to a consent agreement with pharmacist licensee 14486. The proposed action is to suspend the license for one year and require the licensee's contract with Oklahoma Pharmacists Helping Pharmacists to be extended for ten years. In addition, all fifteen hours of continuing education must be obtained by attending live seminars in the presence of other professionals.

The licensee admitted to violations of the Oklahoma Pharmacists Helping Pharmacists contract and rules of professional conduct. The licensee's drug screen tested positive for multiple drugs, including alpha OH alprazolam, hydromorphone, and oxymorphone.

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 elsewhere authorizes the Board to promulgate rules necessary for the regulation of pharmacy, *id.* § 353.7(14), and the rules authorize discipline for violation of Board orders. OAC 535:10-3-1.2(24). This action enforces requirements that pharmacists do not abuse pharmaceuticals and that they do not otherwise compromise patient safety. The Board may reasonably believe that this 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 and written over a horizontal line.

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA