



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2024-28A

Marty Hendrick, Executive Director
Oklahoma State Board of Pharmacy
2920 N. Lincoln Blvd., Suite A
Oklahoma City, OK 73105

May 15, 2024

Re: McGlaughlin, Case No. 2023-1680

Dear Executive Director Hendrick:

This office has received your request for a written Attorney General Opinion regarding disciplinary action the State Board of Pharmacy intends to take in Case No. 2023-1680.

The Oklahoma Pharmacy Act (“Act”) authorizes the Board to regulate the practice of pharmacy. 59 O.S.Supp.2022, § 353.7. The Board may revoke the license of any person who violates the Act or Board rules, “[c]onducts himself or herself in a manner likely to lower public esteem for the profession of pharmacy” or “[e]xercises conduct and habits inconsistent with the rules of professional conduct established by the Board. 59 O.S.Supp.2022, § 353.7(12); 59 O.S.2021, § 353.26(A)(5), (8). A registrant¹ is required to “conduct business in conformity with all federal, state and municipal laws” and “conduct themselves . . . in a manner that will entitle them to the respect and confidence of the community” OAC 535:25-7-3(a-b). A registrant violates the rules of registrant conduct when the registrant commits theft while working. OAC 535:25-9-7.

According to the Board’s order, Respondent resigned from his pharmacy technician job at PharMerica under suspicion of stealing Hydrocodone and Oxycodone. Finding clear and convincing evidence of grounds for discipline under 59 O.S.Supp.2022, § 353.7(12), 59 O.S.2021, § 353.26(A)(5), (8), OAC 535:25-7-3(a-b) and OAC 535:25-9-7, the Board proposes to revoke Respondent’s permit. The Board may reasonably believe the proposed action is necessary to deter future violations.

It is, therefore, the official opinion of the Attorney General that the State Board of Pharmacy’s proposed action is in accordance with the State’s policy to protect public health, safety, and welfare.


ROB JOHNSON
GENERAL COUNSEL

¹Registrant is defined as “any holder of registration, certificate, license or permit that is regulated by the Board.” OAC 535:25-1-1.1.