



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2025-15A

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

February 20, 2025

Re: Nelson, Case No. 2024-1690

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 the above-referenced case.

The Oklahoma Pharmacy Act authorizes the Board to regulate the practice of pharmacy. 59 O.S.Supp.2022, § 353.7(1). The Board may revoke the license of any person who violates the Uniform Controlled Dangerous Substances Act or “[c]onducts himself . . . in a manner likely to lower public esteem for the profession of pharmacy[.]” *Id.* § 353.26(A)(2), (5). The Uniform Controlled Dangerous Substances Act makes it unlawful for any person to possess a controlled dangerous substance knowingly or intentionally without a valid prescription. 63 O.S.Supp2023, § 2-402(A)(1). A registrant¹ is required to “conduct business in conformity with all . . . laws” and “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.

During a hearing on December 18, 2024, the Board concluded that Respondent was found unresponsive on the floor of his employer’s restroom, in possession of several controlled substances (Alprazolam, Clonazepam, and Lithium carbonate) without a prescription. Further investigation revealed that Respondent had stolen the controlled substances from his employer, which led to his termination. The Board proposes revoking Respondent’s pharmacy technician permit and imposing a fine of \$2,000. 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.

A handwritten signature in black ink that reads "Cheryl Dixon".

CHERYL DIXON
Deputy General Counsel

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