



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2026-42A

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

July 20, 2026

Re: Patricia Powell, Case No. 1749

Dear Executive Director Hendrick,

This office has received your request for a written Attorney General Opinion regarding disciplinary action the State Board of Pharmacy (the "Board") intends to take in the above-referenced case. Patricia Powell ("Respondent") holds Pharmacy Technician Permit No. T-32878, permitted by the Oklahoma State Board of Pharmacy. Respondent's Permit was issued by the Board on May 16, 2025, and was canceled on or about January 31, 2026, due to Respondent's failure to renew it following its expiration on December 31, 2025.

The Oklahoma Pharmacy Act authorizes the Board to regulate the practice of pharmacy. *See* 59 O.S.Supp.2022, § 353.7(1). The Board may revoke the license of any person who "[v]iolates any provision of the Oklahoma Pharmacy Act or any other applicable state or federal law;" "[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.2021, § 353.26(A)(1), (5), (8). A registrant is required to "conduct business in conformity with all . . . laws," and shall conduct themselves "in a manner that will entitle them to the respect and confidence of the community." OAC 535:25-7-3(a),(b). In addition, "[a]buse of alcohol or drugs, use of an illegal controlled dangerous substance (CDS), or testing positive for such substance or its metabolite is a violation of registrant conduct." OAC 535:25-7-3(c).

On or about September 18, 2025, during Respondent's work shift at a pharmacy, both the Pharmacist-in-Charge at the time and a pharmacy technician observed Respondent's hyperactive, fidgety, and excessively talkative behavior. They also noticed that she smelled faintly of alcohol and observed her frequent use of mints, mouthwash, or breath sprays. Upon completion of the Reasonable Suspicion Observation Checklist, they notified the American Substance Abuse Professionals ("ASAP") of their observations. The ASAP representative arrived to administer a breathalyzer and urine test to Respondent. Respondent blew 0.03 BAC on the breathalyzer and stated it was from taking over-the-counter cough medication and using mouthwash. However, the ingredients of the over-the-counter cough medication confirmed that it contained no alcohol. The urine test taken by Respondent produced a much higher BAC of approximately 3.20. Respondent

was immediately placed on leave and informed that she needed to complete a substance abuse program through ASAP by October 30, 2025, before returning to work, and provide a receipt of negative results on a return-to-work test.

On October 24, 2025, Board office Compliance Officer, Dr. Keevie Ridener contacted Respondent by telephone to discuss the September 18, 2025 incident. CO Dr. Ridener instructed Respondent that she could not go back to work in the pharmacy (as opposed to the storefront) until CO Dr. Ridener was able to confirm Respondent's completion of the ASAP program requirements and/or sent her for an assessment through Oklahoma Pharmacists Helping Pharmacists.

On November 18, 2025, before CO Dr. Ridener was able to confirm Respondent's ability to return to work in the pharmacy, and while Respondent was at work in the store, the Store Manager and another employee observed Respondent's drowsy and excessively talkative behavior and noticed her speech was slurred, incoherent, and loud among and other physical signs of impaired behavior, such as flushed complexion, bloodshot/watering eyes, and blank stare. After completing a Reasonable Suspicion Observation Checklist and contacting the ASAP help line to report their observations, ASAP arrived to administer a breathalyzer and urine test to the Respondent. Respondent stated she needed to use the restroom and was advised that restroom use could not occur before testing. Respondent then declined to proceed with the testing. Respondent verbally confirmed several times that she refused all testing and then stated she was resigning from her position. On November 20, 2025, a new Pharmacist-In-Charge of the pharmacy informed CO Dr. Ridener that Respondent had been terminated for a second occurrence of suspected alcohol consumption while at work (in the store) and had refused to take a breathalyzer and/or urine test.

After a hearing on May 6, 2026, the Board proposes to permanently revoke Respondent's license. 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.



CHERYL DIXON

Deputy General Counsel