



**ATTORNEY GENERAL OPINION
2020-14A**

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

March 17, 2020

Dear Executive Director Hendrick:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Medical Licensure and Supervision intends to take with respect to License T-12633 in case 1582. In June of 2018, the Licensee pleaded no contest to charges of Child Neglect and Maintaining Place for Keeping/Selling CDS in the Kay Country District Court. The Licensee received a 5 year deferred sentence. The Board proposes revoke the license.

The Oklahoma Pharmacy Act authorizes the Board to regulate the practice of pharmacy. 59 O.S.Supp.2019, § 353.7. Specifically, the Board may revoke a license issued pursuant to the Act when the licensee violates any provision of the Act or the Uniform Controlled Dangerous Substances Act or “[c]onducts himself or herself 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 states that “[i]t shall be unlawful for any person knowingly or intentionally to possess a controlled dangerous substance unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his or her professional practice[.]” 63 O.S.Supp.2019, § 2-402(A)(1). 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 has adequate support for the conclusion that this action advances the State’s policy to protect public health, safety, and welfare.

A handwritten signature in blue ink that reads "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink that reads "Ethan Shaner".

ETHAN SHANER
DEPUTY GENERAL COUNSEL