



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2023-30A

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

August 28, 2023

Re: Campbell, Case No. 1656

Dear Executive Director Hendrick:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Pharmacy intends to take in Case No. 1656.

The Oklahoma Pharmacy Act authorizes the Board to regulate the practice of pharmacy. 59 O.S.2021, § 353.7. The Board may suspend or restrict the license of any person who violates the Oklahoma Pharmacy Act, or “[e]xercises conduct and habits inconsistent with the rules of professional conduct established by the Board” or unprofessional conduct.¹ *Id.* § 353.26(A)(1), (8). The Board is authorized to reprimand, suspend, revoke, or take other disciplinary action related to licenses, levy fines, and may require additional continuing education, including attendance at a live continuing education program. 59 O.S.2021, § 353.7(12)

Respondent is a licensed pharmacist in Oklahoma, serving in the pharmacy he owns, Allen Community Pharmacy in Allen. Respondent is also the Pharmacist-In-Charge (“PIC”). According to the Board’s complaint, in August 2022, the compliance officer of the pharmaceutical distributor supplying Respondent’s owned pharmacy conducted an annual dispensing review with Respondent. The review showed a discrepancy between purchasing and dispensing of hydrocodone and oxycodone, and the reported on-hand inventory was determined to be disproportionate to the pharmacy’s purchasing and dispensing. A full inventory was ordered, and, upon review, Respondent was directed to return approximately 1300 pills in excess inventory. On the same day that Respondent agreed to return the excess inventory, he reported a break-in had occurred at the pharmacy and the inventory in question was taken. In the ensuing investigation by state and federal officials an audit determined that the pharmacy’s inventory evidenced significant discrepancies in inventories of controlled substances beyond those associated with the purported

¹Unprofessional conduct includes “[p]ractic[ing] pharmacy without reasonable skill and safety by reason of illness, use and/or abuse of drugs . . . or as a result of any mental or physical condition.” OAC 535:10-3-1.2(5)

theft, equating to over 18,000 tablets and capsules of controlled medication. Following a hearing, the Board concluded that Respondent violated OAC §§ 535:25-9-8(2), 535:25-7-3(b), 535:10-3-1.1(3), 535:10-3-1.2(1, 25) by clear and convincing evidence. The Board proposes to fine Respondent in the amount of fifteen thousand dollars. Additionally, it proposes Respondent complete an additional 15 hours of “live” continuing education (CE) above the required CE hours to maintain licensure for this and the successive four years. Finally, effective October 1, 2023, the Board ordered that Respondent shall not be allowed to act or be employed as a Pharmacist-in-Charge of any Oklahoma pharmacy until after September 30, 2033. 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 of Oklahomans.



ROB JOHNSON
General Counsel