



OFFICE OF THE
ATTORNEY GENERAL

**ATTORNEY GENERAL OPINION
2023-8A**

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

May 1, 2023

Re: Wilson, Case No. 1659

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. 1659.

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 due to “incapacity of a nature that prevents such pharmacist from engaging in the practice of pharmacy with reasonable skill, competence, and safety to the public” or unprofessional conduct.¹ *Id.* §§ 353.26(A)(1), 353.16A.

Respondent is currently employed as a licensed pharmacist in Oklahoma. In November 2022, Respondent appeared before the Oklahoma Pharmacists Helping Pharmacists (“OPHP”) Board due to Board concerns regarding Respondent’s cognitive behavior, non-compliance, and upcoming completion of her agreement. During the hearing, Respondent displayed signs of severe illness and confusion prompting the OPHP Board to immediately notify the Board of Pharmacy about the Respondent’s fitness to practice and health concerns. The Board of Pharmacy, acting through you, issued an immediate danger suspension letter to Respondent pending a hearing.

Following a hearing at which Respondent appeared without counsel, the Board concluded that Respondent violated OAC 535:10-3-1.2(5) by clear and convincing evidence. The Board proposes to indefinitely suspend Respondent’s license. The Respondent may apply for a stay if she immediately enters into a three-year OPHP agreement, remains compliant with the agreement, and discloses the agreement to all future employers. Upon compliance with the agreement, the suspension can be lifted. Respondent’s failure to abide by the terms of the Board’s Order may

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)

result in further disciplinary action. 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