



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2024-22A

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

May 1, 2024

Re: Forest, Case No. 2023-1681

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 Case No. 2023-1681.

The Oklahoma Pharmacy Act authorizes the Board to regulate the practice of pharmacy. 59 O.S.Supp.2022, § 353.7. Specifically, “[t]he State Board of Pharmacy may . . . suspend . . . and levy fines not to exceed Three Thousand Dollars (\$3,000.00) per count and take other disciplinary action” against a pharmacist who “[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)(5), (8). A registrant¹ and/or pharmacist is required to “conduct themselves . . . in a manner that will entitle them to the respect and confidence of the community. . . .” OAC 535:25-7-3(b). The “abuse of . . . habit-forming drugs, or use of an illegal CDS drug, or a positive drug screen for such illegal substance or its metabolite” is a violation of the rules of professional conduct. OAC 535:10-3-1.2(6).

As a pharmacy student in 2015, Respondent signed a self-referred five-year contract with Oklahoma Pharmacists Helping Pharmacists (“OPHP”). In October 2017, while still a pharmacy student, Respondent appeared before the Board and admitted to marijuana use. The Board entered an agreed order suspending Respondent’s intern license for one year. The order also directed Respondent to enter a ten-year contract with OPHP and obtain a fit-for-duty evaluation from an OPHP-approved provider. In May 2018, Respondent met with Board staff to discuss a number of issues constituting non-compliance with the OPHP contract.

In August 2023, Respondent tested positive for methamphetamines during a urine test; he denied using methamphetamine. A subsequent hair follicle test confirmed the urine test’s result. In October 2023, Respondent demonstrated noncompliance again, by calling in late to a required

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

call and for not showing for a random, same-day urine test. He offered no explanation regarding the positive results to the OPHP Board.

The Board proposes to indefinitely suspend Respondent's license unless Respondent enters a lifetime contract with OPHP, undergoes a neuropsychological evaluation and a fit-for-duty evaluation by approved OPHP providers, and compliance with all recommendations. Respondent is also ordered to pay a fine of \$7,500 attend a live seminar on substance abuse and complete fifteen hours of live continuing education by December 31, 2024. 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.



ROB JOHNSON
GENERAL COUNSEL