



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2019-55A

Kim Glazier, Executive Director
Oklahoma Board of Nursing
2915 N. Classen Blvd., Ste. 524
Oklahoma City, Oklahoma 73106

February 20, 2019

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Board of Nursing intends to take in case 6.028.19. The licensee's employer discovered that the licensee diverted Controlled Dangerous Substance medication from her work on two separate occasions. The licensee has requested to voluntarily surrender the license. The Board proposes to accept the surrender for two years and require the licensee to meet the Board's guidelines for reinstatement. Upon reinstatement, the licensee will be referred to the Board's Peer Assistance Program ("PAP"). If PAP is not completed, the license will be revoked for five years, the licensee will be required to meet the Board's guidelines for reinstatement and the licensee will be required to pay an administrative penalty of \$3,000.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse "fails to adequately care for patients or to conform to the minimum standards of acceptable nursing" in a way that "unnecessarily exposes a patient or other person to risk of harm," "[i]s intemperate in the use of alcohol or drugs," "is guilty of unprofessional conduct," "[i]s guilty of any act that jeopardizes a patient's life, health or safety," has violated state or federal law related to nursing, or "[h]as defaulted from [PAP] for any reason." 59 O.S.Supp.2018, § 567.8(B)(3-4), (7-9), (11). The Board may reasonably believe that the proposed action is necessary to deter future violations.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Board of Nursing has adequate support for the conclusion that this action advances the State's policy to protect public health, safety, and welfare by ensuring nurses meet minimum standards of professional conduct.

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

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink that reads "Amanda Otis".

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL