



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2019-57A

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 6.038.19. In March 2016, the licensee failed to document the administration and/or waste of Controlled Dangerous Substance medication for at least five patients. As a result, the licensee voluntarily entered the Board's Peer Assistance Program ("PAP"). In August 2018, the licensee defaulted from PAP. Due to this default, the license has been automatically suspended pursuant to 59 O.S.Supp.2018, § 567.17(I). The Board proposes to keep the license suspended and again refer the licensee to PAP. Within 60 days of acceptance to PAP, the licensee must submit an application for reinstatement. If the licensee does not submit an application for reinstatement or the licensee defaults from PAP, the license will be revoked for five years, the licensee will be required to pay an administrative penalty of \$3,500, and the licensee will be required to meet the Board's guidelines for reinstatement. Upon reinstatement after revocation, the licensee will be again referred to PAP.

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.



MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA



AMANDA OTIS  
ASSISTANT ATTORNEY GENERAL