



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-719A

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

October 17, 2017

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 pursuant to Executive Director Order in case 6.014.18. The Board proposes to accept the voluntary surrender of the licensee's registered nurse license. Upon reinstatement, the license will be temporarily suspended pending admission to the Peer Assistance Program (PAP). If the licensee is not accepted into PAP and/or terminates/defaults from PAP, then the license will be revoked for 2 years, and the licensee will be required to pay a \$3,500 administrative penalty and meet Board guidelines for reinstatement.

On February 23, 2017, the licensee falsified medical records for four patients by documenting (i) physician verbal orders for four doses of Demerol 100 mg, a Schedule II Controlled Dangerous Substance medication, and (ii) the administration of the medication to each of the four patients. The physician denied giving verbal orders, and the licensee was terminated from the hospital. The licensee admitted to Board staff that the physician had not ordered the medication and admitted to taking two doses for personal use. The licensee admits to a substance use disorder.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse has, among other things, "[v]iolated...a state or federal narcotics or controlled dangerous substance law." 59 O.S.Supp.2016, § 567.8(B)(9). For violations of the Act, the Board may "deny, revoke or suspend" a license, "assess administrative penalties" and "otherwise discipline licensees." *Id.* § 567.8(A)(1)-(3). A licensee may also be directed to apply to PAP with conditions placed upon the licensee's practice during the licensee's participation in PAP. *Id.* § 567.17(K). In addition, the Board's Executive Director may accept "[a]greed disciplinary orders for the voluntary surrender of a license[.]" *Id.* § 567.4(F)(2), (3)(d). The Board may reasonably believe that the voluntary surrender of the licensee's license is necessary to deter future violations and to protect patients by ensuring that nurses are working substance free.

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 provide care uncompromised by substance abuse and meet minimum standards of professional conduct.



MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA



RYAN CHAFFIN
DEPUTY CHIEF – ASSISTANT ATTORNEY GENERAL