



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-732A

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

October 19, 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 consent agreement in case 3.084.18. The Board proposes to issue a severe reprimand and require the licensee to (i) submit an evaluation to be reviewed by the Board; (ii) submit to periodic drug screens for 12 months; (iii) complete education coursework; and (iv) pay a \$1,000 administrative penalty.

On December 13-14, 2016, the licensee displayed impaired behavior while on duty at a hospital. In addition, the licensee engaged in suspicious practices in the removal and waste of Controlled Dangerous Substance (CDS) medications. The licensee also removed and documented the administration of multiple CDS medications for Patient #1 and Patient #2, but neither patient requested or received the medications documented by the licensee. Prior to being sent home due to impaired behavior while on duty, a search of the licensee's personal belongings revealed three insulin syringes, a needle, an unopened vial of Benadryl, and a syringe of Morphine. A four-week retrospective review of CDS removals and documentation showed a trend of the licensee removing CDS and IV Benadryl without documenting the administration or waste of the medications. The licensee was terminated from the hospital. The licensee denies issues with substance use but has agreed to submit documentation of the successful completion of an evaluation.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse "[i]s guilty of unprofessional conduct" or has "[v]iolated . . . a state or federal narcotics or controlled dangerous substance law." 59 O.S.Supp.2016, § 567.8(B)(7), (9). "Unprofessional conduct" includes "falsely manipulating drug supplies, narcotics or patient records," "appropriating without authority medications, supplies or personal items of the patient or agency," and "diversion or attempts to divert drugs or controlled substances[.]" OAC 485:10-11-1(b)(3)(C), (D), (U). For violations of the Act, the Board may assess administrative penalties and "otherwise discipline licensees." 59 O.S.Supp.2016, § 567.8(A)(2)-(3). The Board may reasonably believe that the proposed action 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.



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