



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-751A

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

October 23, 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 in case 3.069.18. The proposed action is to enter an emergency temporary suspension of the licensee's license pending a Board hearing.

On September 23, 2016, the licensee, working as a registered nurse at a nursing home, obtained the keys to a medication cart and was seen on video surveillance removing Hydrocodone/ Acetaminophen tablets from the cart. The licensee did not take a count of the medications in the cart when obtaining the keys and a later count confirmed that 19 tablets were missing. On May 8, 2017, the licensee pled no contest to a felony charge of larceny of CDS. The Board has attempted to notify the licensee of the hearing by mail and phone, but has received no response.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse "[i]s guilty of a felony, or any offense reasonably related to the qualifications, functions or duties of [nurses], or any offense an essential element of which is fraud, dishonesty, or . . . moral turpitude" or has "[v]iolated . . . a state or federal narcotics or controlled dangerous substance law." 59 O.S.Supp.2016, § 567.8(B)(2), (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). The Board may reasonably believe that the proposed action is necessary to protect public health, safety and welfare.

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.

A handwritten signature in black ink, appearing to read "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Ryan Chaffin".

RYAN CHAFFIN
DEPUTY CHIEF – ASSISTANT ATTORNEY GENERAL