



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-753A

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

November 6, 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 in Board case 3.080.18. A Complaint filed against the licensee was scheduled to be heard on September 27, 2017. The Board proposes to temporarily suspend the licensee's registered nurse license pending a new hearing.

A Complaint filed against the licensee asserts that between December 5, 2015 and January 11, 2016, the licensee, while working at a hospital, removed Controlled Dangerous Substance (CDS) medications for four patients from the medication dispensing machine, but did not document the administration or waste of the medications. On January 12, 2016, the licensee displayed impaired behavior while on duty. On January 19, 2016, the licensee removed two tablets of Norco, a Schedule II CDS medication, from the medication dispensing machine for Patient #5 and documented the administration of the tablets. Patient #5, who was alert and oriented, reported receiving only one tablet. The licensee resigned from the hospital and has admitted to having an addiction to Percocet.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse is "intemperate in the use of alcohol or drugs [in a manner which] endangers or could endanger patients" or has "[v]iolated . . . a state or federal narcotics or controlled dangerous substance law." 59 O.S.Supp.2016, § 567.8(B)(4), (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 minimal standards of professional conduct.



MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA



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