



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-215A

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

June 19, 2018

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 3.278.18. In 2016, the licensee failed to document the administration and/or waste of Controlled Dangerous Substance medications (“CDS”) on several occasions. In 2017, the licensee was charged with several misdemeanors and removed several CDS from a patient’s home. Now, the license lapsed on May 1, 2018 and the licensee has submitted an application for reinstatement. The Board proposes to grant the application, but revoke the license for two years. Prior to reinstatement, the licensee must meet the Board’s guidelines for reinstatement and pay an administrative penalty of \$2,500 and investigative costs of \$1,320.05. Upon reinstatement, the license will be temporarily suspended pending acceptance to the Board’s Peer Assistance Program (“PAP”). If PAP is not completed, the license will again be revoked for two years. Prior to reinstatement, the licensee must again meet the Board’s guidelines for reinstatement.

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 any licensee,” “[f]ails 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 guilty of unprofessional conduct,” or “[i]s guilty of any act that jeopardizes a patient's life, health or safety.” 59 O.S.Supp.2017, § 567.8(B)(2-3), (7-8). 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.

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