



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-242A

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

June 27, 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 pursuant to consent agreement in case 5.059.18. The licensee, while working as a charge nurse at a nursing home, left a resident's home medications unattended at the nurse's station. When the licensee returned, the resident's controlled dangerous substance (CDS) medication could not be located. The Board proposes to require the licensee to complete an education course and pay a \$250 administrative penalty.

The Oklahoma Nursing Practice Act authorizes corrective action when a nurse "[i]s guilty of unprofessional conduct." 59 O.S.Supp.2017, §§ 567.8a(A), 567.8(B)(7). The Board rules provide that "unprofessional conduct" includes, but is not limited to, a "failure to maintain proper custody and control of controlled dangerous substances of the patient or agency[.]" OAC 485:10-11-1(b)(3)(T). 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 that 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