



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

**ATTORNEY GENERAL OPINION
2016-86A**

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

February 11, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency action to be taken by the Oklahoma Board of Nursing in Board case 3.262.16. The proposed action is to temporarily suspend the license until a hearing can be held. The licensee removed oxycodone for patients that did not have physician orders for the drug on at least nine occasions. The licensee then failed to appear at any investigative conference and has not responded to notice concerning the case over mail, phone, and email.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when nurses' inadequate care "unnecessarily exposes a patient or other person to risk of harm," when they are guilty of "unprofessional conduct as defined in the rules of the Board," and when they are "guilty of any act that jeopardizes a patient's life, health or safety," 59 O.S.Supp.2015, § 567.8(B)(3), (7), (8). The Board's rules define "unprofessional conduct" to include several forms of misconduct involving drugs as well as failing to cooperate with investigations. *See* OAC 485:10-11-1(b)(3)(C), (D), (T), (U), (V). The action seeks to enforce these rules by barring the licensee from the practice of nursing until the licensee responds to the discipline and a hearing can be held.

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 of Oklahoma's policy of upholding minimum standards of care and of professionalism within the nursing profession.

A handwritten signature in black ink, appearing to read "Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA