



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-71A

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

February 8, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency actions to be taken by the Oklahoma Board of Nursing pursuant to a consent agreement in Board case 3.309.16. The proposed action is to impose penalties of \$1000; require completion of courses in nursing law and nursing documentation; severely reprimand the licensee; and require drug screening until a substance abuse evaluation has been completed. The licensee removed controlled dangerous substances on at least thirteen separate days without documenting their waste or administration to patients.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to deny licenses or impose discipline when licensees show an “inability to practice nursing with . . . safety due to impairment caused by . . . use of alcohol, drugs, chemicals, or any other substance” or when “guilty of unprofessional conduct as defined in the rules of the Board,” 59 O.S.Supp.2015, § 567.8(B)(5), (7). Unprofessional conduct under the Board’s rules includes the “failure to maintain proper custody and control of controlled dangerous substances” when working. OAC 485:10-11-1(b)(3)(T). The action seeks to enforce these requirements, which ensure that nurses provide safe nursing care not compromised by drug or alcohol abuse—and that control over access to drugs is not compromised. The Board’s chosen discipline—moderate penalties, education, and substance abuse evaluation—that would be included in the action are reasonable in light of the overriding policy objectives of the State.

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 to protect patients from compromised nursing care.

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

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA