



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-509A

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

August 9, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency action that the Oklahoma Board of Nursing intends to take pursuant to a consent agreement in Board case 3.014.17. The proposed action is to accept the voluntary surrender of the license. Upon reinstatement, the license will be temporarily suspended pending the licensee's acceptance into the Board's Peer Assistance Program, a drug and alcohol assistance program. If the licensee is not accepted or defaults from the program, the license will be revoked for two years, a \$3,000 fine will be imposed, and no application for reinstatement will be considered unless the licensee meets the Board's guidelines for reinstatement following discipline for drug or alcohol abuse, including random drug tests and self-help programming. Between 2014 and 2015, the licensee was terminated from three hospital positions for failing to document the administration and/or waste of controlled dangerous substance ("CDS") medications, removing pain medications for the licensee's personal use, and exhibiting impaired behavior at work and subsequently testing positive for amphetamines.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse “[f]ails to adequately care for patients or to conform to the minimum standards of acceptable nursing” in a way that “exposes a patient or other person to risk of harm,” is “guilty of unprofessional conduct,” “[i]s guilty of any act that jeopardizes a patient’s life, health or safety,” or has violated state or federal law related to nursing, 59 O.S.Supp.2015, § 567.8(B)(3), (7), (8), (9). Unprofessional conduct includes “falsely manipulating drug supplies,” appropriating medications without authority, failing to maintain proper custody and control of CDS medications, and “diversion or attempts to divert drugs or controlled substances.” OAC 485:10-11-1(b)(3)(C), (D), (T), (U). Conduct which jeopardizes a patient's life, health or safety includes “[u]nauthorized alterations of medications,” and “[f]ailure to utilize appropriate judgment in administering safe nursing practice[.]” OAC 485:10-11-1(b)(4)(C), (D). The proposed action enforces requirements that nurses account for CDS medications and not allow care to be compromised by substance abuse. The Board may reasonably believe that the disciplinary 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 of Oklahoma's policy to protect the public health, safety, and welfare.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt". The signature is stylized and cursive, with the first letters of each name being prominent.

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA