



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-97A

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

February 17, 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 pursuant to a consent agreement in Board case 3.213.16. The proposed action is to temporarily suspend the license until the licensee enters substance abuse monitoring. If the licensee defaults from substance abuse monitoring, the license would be revoked for five years and a fine of \$3,500 would be imposed.

On at least four occasions at one hospital, the licensee removed controlled dangerous substances from a hospital recovery room without a physician order. The licensee later tested positive for narcotics and was terminated. At another employer, the licensee removed controlled dangerous substances without a physician order, submitted a diluted body fluid sample, and resigned rather than submit another body fluid sample. At a third employer, the licensee removed controlled dangerous substances without documenting their waste or administration. The licensee then failed to appear at two investigative conferences throughout 2015.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when nurses are “intemperate in the use of alcohol or drugs” in a way that “could endanger patients,” when they are “guilty of unprofessional conduct as defined in the rules of the Board,” and when they do not comply with Board orders, 59 O.S.Supp.2015, § 567.8(B)(4), (7), (9). The Board’s administrative rules define “unprofessional conduct” to include failure to cooperate with a Board investigation along with several forms of misconduct related to controlled dangerous substances, including misappropriating them from an employer. OAC 485:10-11-1(b)(3)(C), (D), (T), (U), (V).

Nursing care that is compromised by alcohol or drug use poses serious risks to the life and safety of patients. Further, diverting controlled dangerous substances from an employer creates the likelihood that such substances will be used unlawfully and harmfully. Finally, compliance with Board investigations is directly related to an effective professional discipline system. The Board may reasonably believe that substance abuse monitoring with the threat of fines and license revocation is necessary to prevent the licensee from practicing in an intoxicated state that endangers patients and to encourage compliance with Board orders and investigations.

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 professionalism within the nursing profession.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt". The signature is stylized with a large initial "E" and a prominent "P".

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA