



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-69A

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 action to be taken by the Oklahoma Board of Nursing pursuant to a consent agreement in Board case 3.301.16. The proposed action is to require supervised practice for 12 months out of the next 24 months; drug screening until a substance abuse evaluation can be completed; completion of education courses in nursing law and licensed practical nurse roles in long-term care facilities; and payment of a \$1000 penalty.

On six separate days, the licensee took controlled dangerous substances from a resident's medication supply without documenting their administration or waste. The licensee did the same on three separate days for a second resident. The licensee also failed to report criminal charges—later dropped—on a license renewal application in 2015.

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 falsify renewal applications; when they fail to “conform to the minimum standards of acceptable nursing” in a way that “exposes a patient or other person to risk of harm,” and when they are “guilty of unprofessional conduct as defined in the rules of the Board,” 59 O.S.Supp.2015, § 567.8(B)(1)(a), (3), (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. The statutes require truthful disclosure of all relevant information on application forms; removing a patient's medications without administering them or not documenting their administration poses a risk of harm to patients if medication is not available at proper times; and properly managing controlled dangerous substances is central to professional nursing practice. The Board's education and supervision requirements can reasonably be expected to ensure the licensee's future nursing practice is not compromised. Further, a substance abuse evaluation will reveal any additional risks posed by licensee's practice, and a penalty should 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 policies to ensure professional conduct by Oklahoma's nurses and to control dangerous drugs.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt". The signature is stylized with large, sweeping letters and a prominent flourish at the end.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA