



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-470A

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

August 5, 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 3.024.17. The proposed action is to temporarily suspend the license pending the licensee's acceptance into the Board's Peer Assistance Program, a substance abuse assistance program. If the licensee is not accepted into, or defaults from, the program, the license will be revoked for five years and a \$5,000 fine will be imposed. The licensee, while working in a long-term care center during the first half of 2014, ordered a large number of controlled dangerous substance ("CDS") medications from a pharmacy on behalf of patients without physician orders. A for-cause drug screen tested positive for opiates and the licensee was terminated from the center. The licensee admitted to the Board to taking the drugs for the licensee's own use. The licensee also admitted to using the credentials of another nurse to order CDS medications.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse is "intemperate in the use of alcohol or drugs," is "guilty of unprofessional conduct," or violates any state or federal statutes or regulations relevant to the practice of nursing, 59 O.S.Supp.2015, § 567.8(B)(4), (7), (9). Unprofessional conduct includes falsifying patient records, falsely manipulating drug supplies, appropriating medications without authority, impersonating another practitioner, "presenting forged prescriptions," failing to maintain custody of CDS medications, and diversion of drugs or controlled substances. OAC 485:10-11-1(b)(3)(A), (C), (D), (L), (O), (T), (U). The action seeks to enforce requirements that nurses properly account for and administer CDS medications according to physician orders and to protect patients from care compromised by substance abuse. The Board may reasonably believe that the corrective 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 by ensuring that nurses meet minimum professional standards.

A handwritten signature in black ink, appearing to read "Scott Pruitt", with a long horizontal line extending to the right from the end of the signature.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA