



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-89A

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

February 11, 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 in Board case 3.274.16. The proposed action is to revoke the license for five years and to require adherence to the Board's Guidelines for Individuals Requesting Reinstatement after Suspension, Surrender or Revocation for Misappropriation or Misuse of Drugs/Alcohol. The guidelines mandate drug screening, support group attendance, and other substance-abuse-related requirements. The licensee must also pay fines and costs totaling \$10,991.40 before reinstatement. The licensee signed out hydrocodone on 19 occasions from early December 2014 to early February 2015 but only documented the administration of one dosage to a patient. The patient stated that no medication was requested after December 11, 2014. The licensee also tested positive in a drug screen, entered substance abuse monitoring, and defaulted from monitoring.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1-567.20, authorizes the Board to impose discipline when nurses' care would be compromised by drug or alcohol use when they are guilty of "unprofessional conduct as defined in the rules of the Board," and when they default from substance abuse monitoring, 59 O.S.Supp.2015, § 567.8(B)(4), (7), (11). The Board's rules define "unprofessional conduct" to include misconduct involving drugs, including diversion. *See* OAC 485:10-11-1(b)(3)(C), (D), (T), (U). The action seeks to enforce these rules by barring the licensee from practice and requiring the licensee to demonstrate the absence of a substance abuse problem before being allowed to practice again. Given the context of the case, the board may reasonably believe these steps are necessary to achieve statutory objectives.

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 of professionalism within the nursing profession.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA