



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-465A

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 3.017.17. The proposed action is to require the licensee to undergo an evaluation for substance use and submit to body fluid testing twice per month. The license will be immediately temporarily suspended for violations related to body fluid testing. The licensee will also be required to complete a course covering the subject of care, custody, and control of controlled dangerous substances. The licensee will be reprimanded and must pay a fine of \$1,000. If the licensee fails to comply with the terms of the order, the license will be suspended for three months and additional fines will be imposed. In July of 2015, controlled dangerous substance (“CDS”) medications and a CDS sign-out sheet went missing while under the licensee’s custody at a long-term care center. As a result, the licensee’s access to CDS medications was restricted, and the licensee resigned from the center. In September of 2015, CDS medications and sign-out sheets under the licensee’s control went missing from a different long-term care center.

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 “unnecessarily exposes a patient or other person to risk of harm” or is guilty of unprofessional conduct, 59 O.S.Supp.2015, § 567.8(B)(3), (7). Unprofessional conduct includes a nurse’s “failure to maintain proper custody and control of controlled dangerous substances.” OAC 485:10-11-1(b)(3)(T). The action seeks to enforce requirements aimed at ensuring nursing care is not compromised by substance abuse and that controlled dangerous substances are carefully maintained and accounted for. The Board may reasonably believe that this action will deter future violations and promote compliance with requirements for proper storage and administration of CDS medications.

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 preventing the diversion of CDS medications.

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