



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-100A

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 3.265.16. The proposed action is to continue the hearing while restricting the licensee from practicing as a nurse during the pendency of the discipline. The complaint before the Board alleges that the licensee removed controlled dangerous substances without documenting their waste or administration on at least seven occasions during April 2014, indicating their possible misappropriation. The licensee is currently on maternity leave and requested the continuance because of the licensee's pregnancy.

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” and when they are “guilty of unprofessional conduct as defined in the rules of the Board,” 59 O.S.Supp.2015, § 567.8(B)(4), (7). The Board's administrative rules define “unprofessional conduct” to include 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). 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. The seriousness of these allegations and the licensee's circumstances reasonably support the Board's decision to continue the hearing while restricting the licensee from practicing until the disciplinary process can reach its conclusion.

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".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA