



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-524A

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

August 19, 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 with respect to an inquiry from a hospital pharmacist whether certain Oklahoma-licensed Advanced Practice Registered Nurses (“APRNs”) can prescribe Schedule II Controlled Dangerous Substance (“CDS”) medications under Oklahoma law. The issue arose as a result of a memorandum, or “protocol,” issued by a hospital staffing firm which stated that certain APRNs may prescribe Schedule II CDS medications in limited contexts. The proposed action is to send a letter to the firm stating that Oklahoma-licensed APRNs do not have such prescription authority.

The Oklahoma Pharmacy Act, 59 O.S.2011 & Supp.2015, §§ 353–355.2, states that prescription authority is authorized “for an [APRN] recognized by the Oklahoma Board of Nursing in one of the following categories: advanced registered nurse practitioners, clinical nurse specialists, or certified nurse-midwives,” 59 O.S.2011, § 353.1a. Such prescription authority is limited, however, by the Anti-Drug Diversion Act, 63 O.S.2011 & Supp.2015, §§ 2-309A–2-315, which expressly authorizes prescription of Schedule III, IV, and V CDS medications but not Schedule II, 63 O.S.2011, § 2-312(C). Further, the Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the restriction of APRN’s prescription authority through an “exclusionary formulary,” which lists drugs that may not be prescribed, 59 O.S.2011, § 567.4a(9)(a), *see also* OAC 485:10-16-5(a) (authorizing prescription of drugs not listed on the exclusionary formulary, not otherwise prohibited by law, and within scope of practice).

The exclusionary formulary prohibits APRNs from prescribing Schedule II CDS medications, without exception. APRNs who violate this prohibition act outside their scope of practice, which may endanger patients and puts the APRN at risk of Board discipline, including possible termination of prescription authority. *See* 59 O.S.Supp.2015, § 567.8(B)(9); OAC 485:10-16-9(3). The action enforces requirements that APRNs do not exceed their prescription authority. The Board may reasonably believe that sending a letter advising the hospital staffing firm of Oklahoma’s prescription laws will promote this policy.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Board of Nursing has adequate support for the conclusion that the action advances the State of Oklahoma's policy to protect the public health, safety, and welfare by ensuring that nursing professionals with prescription authority do not exceed such authority.

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