



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-292A

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

May 9, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency action to be taken under the auspices of the Oklahoma Board of Nursing pursuant to a consent agreement in Board case 5.029.16. The licensee failed to count narcotics or otherwise ensure the accuracy of narcotic numbers at the end of an overnight shift. At the end of the subsequent day shift, the licensee returned to work for an evening shift. While conducting a narcotic count at that time, hydrocodone—a Schedule II controlled dangerous substance—was discovered missing. The proposed action is to require completion of a course in the care, custody, and control of controlled dangerous substances along with payment of a \$250 fine.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes “corrective actions” when nurses violate the Act or its implementing administrative rules, *see* 59 O.S.Supp.2015, § 567.8a. The Act elsewhere prohibits the failure to “conform to the minimum standards of acceptable nursing” that “unnecessarily exposes a patient or other person to risk of harm” as well as “unprofessional conduct.” *Id.* § 567.8(B)(3), (7). The Board’s rules clarify that the “failure to maintain proper custody and control of controlled dangerous substances” constitutes unprofessional conduct. OAC 485:10-11-1(b)(3)(T). Here, the license straightforwardly failed to maintain control over drugs by failing to perform a narcotics count. Additional education and a modest fine are a reasonable response to adequately 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 upholding minimum standards of care and professionalism in the nursing profession.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA