



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-507A

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

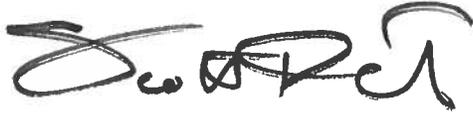
August 9, 2016

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 3.012.17. The proposed action is to require the licensee to undergo an evaluation and submit to body fluid testing twice per month. The licensee will be fined \$2,000, severely reprimanded, and required to complete courses in nursing law and medication administration. In May 2015, the licensee was found guilty of driving under the influence (“DUI”) of alcohol. In July 2015, the licensee failed to document the administration or waste of controlled dangerous substance (“CDS”) medications on two different days. In September 2015, the licensee was terminated from a hospital after a for-cause drug screen tested positive for marijuana. The licensee has been disciplined by the Board in the past for criminal history including drug and alcohol offenses, among others.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse “[i]s guilty of a felony, or any offense reasonably related to the qualifications, functions or duties of any licensee,” “[f]ails to adequately care for patients or to conform to the minimum standards of acceptable nursing” in a way that “exposes a patient or other person to risk of harm,” is “guilty of unprofessional conduct,” “[i]s guilty of any act that jeopardizes a patient’s life, health or safety,” or has violated state or federal law related to nursing, 59 O.S.Supp.2015, § 567.8(B)(2), (3), (7), (8), (9). Unprofessional conduct includes “falsely manipulating drug supplies,” appropriating medications without authority, and failing to maintain proper custody and control of CDS medications. OAC 485:10-11-1(b)(3)(C), (D), (T). Conduct which jeopardizes a patient’s life, health or safety includes “[u]nauthorized alterations of medications,” and “[f]ailure to utilize appropriate judgment in administering safe nursing practice.” OAC 485:10-11-1(b)(4)(C), (D). The action seeks to enforce requirements that nurses properly account for CDS medications and that nursing care is not compromised by substance abuse. The Board may reasonably believe that the action is necessary to prevent 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 to protect the public health, safety, and welfare.

A handwritten signature in black ink, appearing to read 'E. Scott Pruitt', written in a cursive style.

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA