



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-725A

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

November 21, 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 in Board case 3.128.17. The proposed action is to issue an order of emergency temporary suspension of the license pending a hearing. It is alleged that in August 2014 the licensee removed a Schedule II controlled medication, Dilaudid, on behalf of three patients without physician orders for the medications and then “wasted” the medication several hours later. In September 2014, the licensee removed Dilaudid for a patient and did not document the administration or waste of the drug. The employer hospital requested that the licensee submit to a for-cause drug screen. The licensee provided a urine sample but then hurriedly left the hospital taking the sample with the licensee. The licensee was terminated from the hospital. The Board has been unable to reach the licensee.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse “fails 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,” “is 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.2016, § 567.8(B)(3), (7), (8), (9). Unprofessional conduct includes “falsely manipulating drug supplies,” appropriating medications without authority, failing to maintain proper custody and control of CDS medications, and “diversion or attempts to divert drugs or controlled substances.” OAC 485:10-11-1(b)(3)(C), (D), (T), (U). Conduct which jeopardizes a patient's life, health or safety includes “failure to utilize appropriate judgment in administering safe nursing practice.” OAC 485:10-11-1(b)(4)(D). The action enforces requirements ensuring that nurses provide adequate care which is uncompromised by substance abuse and that nurses properly account for controlled medications. Under these circumstances, the Board may reasonably believe that suspending the license pending a merits hearing is necessary to protect patients.

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 blue ink, appearing to read "Scott Pruitt". The signature is stylized with a large initial "S" and a distinct "P" at the end.

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA