



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-467A

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

August 5, 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 3.019.17. The proposed action is to grant the licensee's application for reinstatement of the license and accept the voluntary surrender of the license. Prior to reinstatement, the licensee must undergo an evaluation for fitness to practice nursing and will be required to complete courses in nursing law, nursing ethics, and custody of controlled dangerous substance ("CDS") medications. The licensee will also be fined \$1,000. Upon reinstatement, the licensee will be placed on probation for 12 months, during which time the licensee must work in a hospital under supervision. The licensee must also provide quarterly self-assessment reports. If the licensee fails to comply with the terms of the order, the license will be suspended for three months and additional fines will be imposed. Several hospital-issued single-dose CDS medications were found in the licensee's hospital locker. The licensee was terminated from the hospital.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse "[f]ails to adequately care for patients or to conform to the minimum standards of acceptable nursing in a way that "unnecessarily exposes a patient or other person to risk of harm" or is "guilty of unprofessional conduct." 59 O.S.Supp.2015, § 567.8(B)(3), (7). Unprofessional conduct includes appropriating medications without authority and "failure to maintain proper custody and control of controlled dangerous substances." OAC 485:10-11-1(b)(3)(D), (T). The action seeks to enforce requirements aimed at controlling the circulation of medications, especially CDS medications. The Board may reasonably believe that the disciplinary action will 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 to protect the public health, safety, and welfare by ensuring nurses meet minimum professional standards.

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