



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-471A

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 3.027.17. The proposed action is to require the licensee to undergo an evaluation for substance use disorder and to submit to body fluid tests twice per month. Any violations connected to the body fluid tests will result in the immediate, temporary suspension of the license. The licensee must also complete courses in nursing law, custody of controlled dangerous substance (“CDS”) medications, and nursing ethics. A fine of \$1,500 and a severe reprimand will also be imposed. Failure to comply with the primary provisions of the order will result in a three month suspension of the license and additional fines. The licensee, while working in a hospital intensive care unit, removed CDS medications from an automated medication dispensing machine on behalf of a patient who had not been prescribed the medication. The licensee did not document the administration or waste of the medication and later admitted to stealing CDS medications for a period of weeks for the licensee’s own use. 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,” is “guilty of unprofessional conduct,” or violates any state or federal statutes or regulations relevant to the practice of nursing, 59 O.S.Supp.2015, § 567.8(B)(3), (7), (9). Unprofessional conduct includes falsely manipulating drug supplies, appropriating medications without authority, failing to maintain custody of CDS medications, and diverting drugs or controlled substances. OAC 485:10-11-1(b)(3)(C), (D), (T), (U). The action seeks to enforce requirements that nurses adequately care for patients and properly account for CDS medications. The Board may reasonably believe that its disciplinary measures 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 that nurses adequately care for patient and 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