



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-65A

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

February 8, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency actions to be taken by the Oklahoma Board of Nursing pursuant to consent agreements in Board cases 3.287.16 and 3.293.16. The proposed actions are to require courses in nursing law and in the care, custody, and control of controlled dangerous substances. The actions also require payment of \$500 penalties for each licensee and either a severe reprimand, as in case 3.287.16, or a reprimand, as in case 3.293.16. The licensee in the latter case failed to count out controlled dangerous substances with an incoming nurse, which would have been the responsibility of the licensee in the former case. The licensee in the former case was also the charge nurse and had prior discipline. A substantial amount of controlled drugs were later discovered missing during the incoming nurse's shift, although no other evidence indicated either licensee stole the drugs.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to deny licenses or impose discipline when licensees are “guilty of unprofessional conduct as defined in the rules of the Board,” 59 O.S.Supp.2015, § 567.8(B)(7). Unprofessional conduct under the Board’s rules includes the “failure to maintain proper custody and control of controlled dangerous substances” when working. OAC 485:10-11-1(b)(3)(T). The actions seek to enforce this requirement, which ensures that control over access to drugs is not compromised. The Board’s chosen discipline—moderate penalties and additional education—are reasonable in light of the State’s policies in favor of professionalism among nurses and control over drugs.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Board of Nursing has adequate support for the conclusion that these actions advance the State of Oklahoma’s policies to ensure professional conduct by Oklahoma’s nurses and to control dangerous drugs.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", is written over a horizontal line.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA