



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-457A

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 3.254.16. The proposed action is to temporarily suspend the license pending the licensee's admission into the Board's Peer Assistance Program, a drug and alcohol assistance program. If the licensee is not accepted into the program, or fails to successfully complete the program, the license will be revoked for two years and a \$500 fine will be imposed. The licensee was disciplined in 2013 after failing to provide Cardiopulmonary Resuscitation ("CPR") to a resident. In 2016 the licensee signed for controlled dangerous substance medications, which later went missing. The licensee submitted to a for-cause drug screen, which tested positive for cannabinoids.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse is "intemperate in the use of alcohol or drugs, which use the Board determines endangers or could endanger patients," or is guilty of unprofessional conduct, 59 O.S.Supp.2015, § 567.8(B)(4), (7). Unprofessional conduct includes a nurse's "failure to maintain proper custody and control of controlled dangerous substances." OAC 485:10-11-1(b)(3)(T). The action seeks to enforce requirements aimed at ensuring nursing care is not compromised by substance abuse and that controlled dangerous substances are carefully maintained and accounted for. The Board may reasonably believe that temporarily suspending the license, under the conditions detailed above, will 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 by ensuring nursing care is not compromised by substance abuse.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA