



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-79A

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

February 11, 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 pursuant to a consent agreement in Board case 3.300.16. The proposed action is to impose a \$3,000 fine; require courses in nursing law, medication administration including controlled dangerous substances, and nursing documentation; impose drug screening until a substance abuse evaluation may be completed; and require supervised practice for 12 months out of the next 24 months.

The licensee documented withdrawal of controlled dangerous substances for residents on at least 18 days across approximately a month without documenting their administration or waste. Several of these instances involved signing out drugs earlier than physician orders instructed the drugs should be administered to patients. In those cases in which the licensee documented administration, the documentation was not timely. In another instance, the licensee documented administering controlled dangerous substances when the licensee did not have access to the medicine cabinet to remove 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 nurses “[f]ail[] to 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,” when they exhibit an “inability to practice nursing with . . . safety due to impairment caused by . . . use of alcohol, drugs, chemicals, or any other substance,” and when they engage in “unprofessional conduct as defined in the rules of the Board,” 59 O.S.Supp.2015, § 567.8(B)(3), (5), (7). The Board’s rules include “inaccurate recording” of patient records, “falsely manipulating drug supplies,” and stealing medications as unprofessional conduct. *See* OAC 485:10-11-1(b)(3)(A), (C), (D).

The action seeks to enforce these requirements, which ensure that the Board has accurate and sufficient information to make licensing decisions and that nurses provide safe nursing care not compromised by drug or alcohol abuse. A substance abuse evaluation will help the Board determine whether additional steps are necessary to ensure the applicant does not provide compromised nursing care.

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 against compromised nursing care.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt". The signature is stylized with a large initial "E" and a prominent "P".

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA