



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-833A

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

December 5, 2017

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Board of Nursing intends to take pursuant to a consent agreement in case 3.123.18. The licensee failed to maintain chain of custody for Controlled Dangerous Substance medications. The Board proposes to issue a severe reprimand and require the licensee to submit to an evaluation for Board review, submit to drug screenings twice per month until review of the evaluation, complete education courses, and pay a \$500 administrative penalty.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse “fails 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 “[v]iolate[s] a rule promulgated by the Board.” 59 O.S.Supp.2017, § 567.8(B)(3), (7), (9). The Board’s rules state that unprofessional conduct includes, but is not limited to, “failure to maintain proper custody and control of controlled dangerous substances[.]” OAC 485:10-11-1(3)(T). The Board may reasonably believe that the proposed action is necessary to 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’s policy to protect public health, safety, and welfare by ensuring nurses meet minimum standards of professional conduct.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Amanda Otis in black ink.

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL