



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-131A

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

April 19, 2018

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 3.082.17. Due to issues with Controlled Dangerous Substances (“CDS”), the licensee was disciplined by the Colorado Board of Nursing. Among other things, the licensee admitted to wrongfully removing and misappropriating CDS on more than 40 different occasions. The licensee has now requested to voluntarily surrender the license. The Board proposes to accept the surrender. Upon reinstatement, the licensee will be placed on temporary suspension pending admission to the Board’s peer assistance program (“PAP”). If PAP is not completed, the license will be revoked for two years, and the licensee will be required to pay a \$22,000 administrative penalty and meet Board guidelines for reinstatement. If reinstated, the license will be temporarily suspended and the licensee will be re-referred to PAP.

The Oklahoma Nursing Practice Act authorizes disciplinary action when a nurse “[i]s intemperate in the use of alcohol or drugs,” “[i]s guilty of unprofessional conduct,” “[i]s guilty of any act that jeopardizes a patient's life,” or “[h]as had disciplinary actions taken against the individual's . . . license . . . in this or any state, territory or country.” 59 O.S.Supp.2017, § 567.8(B)(4), (7-8), (10). The Board may impose an administrative penalty “for each violation . . . not [to] exceed five hundred dollars.” OAC 485:10-12-3(d). 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.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL