



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-306A

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

August 14, 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 consent agreements in cases 3.004.19, 3.020.19, and 3.030.19, which involve unprofessional conduct and failure to conform to the minimum standards of acceptable nursing practice. Details of the violations and proposed actions are attached on Appendix A.

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,” “is guilty of any act that jeopardizes a patient’s life, health or safety,” or “violate[s] a rule promulgated by the Board, . . . a state or federal law relat[ed] to the practice of . . . nursing . . . or a state or federal narcotics or controlled dangerous substance law.” 59 O.S.Supp.2017, § 567.8(B)(3), (7-9). The Board may reasonably believe that the proposed actions are 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 these actions advance 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 Ryan Chaffin in black ink.

RYAN CHAFFIN
DEPUTY CHIEF ASSISTANT ATTORNEY GENERAL

**ATTORNEY GENERAL OPINION
2018-306A
APPENDIX A**

Case No.	Details of Violation	Proposed Action
3.004.19	Licensee admitted to diverting 2 tablets of Schedule IV CDS medication for personal use. The licensee denies issues with substance use, but has agreed to submit documentation of the successful completion of an evaluation which complies with the Board's evaluation criteria.	Require the licensee to submit an evaluation to be reviewed by the Board for further orders as may be deemed necessary and proper, to submit to twice monthly drug screens until the evaluation is reviewed, and to complete education courses. Issue severe reprimand. Impose \$500 administrative penalty.
3.020.19	Licensee, while working for hospice, was notified of complications regarding two patients, but did not perform home visits or document focused assessments, and practiced outside the scope of authority by directing, via telephone, non-licensed persons to perform medical actions without a physician's order.	Require the completion of education courses, issue a severe reprimand and impose a \$1,000 penalty. The licensee also agrees to provide a copy of the Board's Order to future employers for one year.
3.030.19	Licensee removed Schedule II CDS medications for at least 4 patients and failed to document the administration and/or waste of same. A hospital audit revealed that licensee had 33 dual opioid removals at the same time for the same patients. Licensee has requested to voluntarily surrender his/her RN license.	Accept the voluntary surrender of the licensee's RN license, require the licensee to pay investigation costs of \$455 and impose certain conditions upon reinstatement of the license.