



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-312A

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 agreement in case 3.006.19. Between January 31, 2016 and January 29, 2017 the licensee, while working as an advanced practice registered nurse-certified nurse practitioner (APRN-CNP) with prescriptive authority recognition, practiced outside the scope of authority by ordering Schedule II Controlled Dangerous Substance medications for at least 10 patients to be administered by hospital staff nurses. The Board proposes to require the licensee to complete education courses, issue a severe reprimand and impose a \$1,000 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,” “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). “An advanced practice nurse who is recognized to prescribe by the [Board] as an advanced registered nurse practitioner . . . may [only] prescribe and administer Schedule III, IV and V [CDS].” 63 O.S.2011, § 2-312(C). 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.

A handwritten signature in black ink, appearing to read "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Ryan Chaffin".

RYAN CHAFFIN
DEPUTY CHIEF ASSISTANT ATTORNEY GENERAL