



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2019-267A

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

November 26, 2019

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 with respect to case 3.067.20. In October 2019, a Complaint was filed after the Respondent documented the removal of Schedule II Controlled Dangerous Substance ("CDS") in excess of the parameters provided in the physician orders over the course of three days in January 2018. The Respondent was terminated from the hospital. In June 2019, the Respondent failed to cooperate with the Board's investigation and all attempts to contact the Respondent have been unsuccessful. The Board proposes to lift the lapsed status of the license and temporarily suspend the license pending a hearing. Due to the lapsed status of the license, the Respondent must file a reinstatement application.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline, including suspension of a license, when a nurse "is guilty of unprofessional conduct as defined in the rules of the Board." 59 O.S.Supp.2019, § 567.8(B)(7). Board rules define unprofessional conduct to include, among other things, "diversion or attempts to divert drugs or controlled substances," and "failure to cooperate with a lawful investigation by Board of Nursing staff." OAC 485:10-11-1(b)(3)(U), (V). 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 that reads "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink that reads "Ethan Shaner".

ETHAN SHANER
DEPUTY GENERAL COUNSEL