



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2021-20A

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

June 14, 2021

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 in case 3.819263.21. In November 2019, the Board suspended the Respondent's license, which was lapsed, pending a hearing based on findings that the Respondent had documented the removal of a Schedule II Controlled Dangerous Substance ("CDS") in excess of the parameters provided in the physician orders and failed to cooperate with the Board's investigation. *See* A.G. Opin. 2019-267A. Subsequent attempts to contact the Respondent have been unsuccessful. The Board now proposes to lift the lapsed status and revoke the license for two years, after which the Respondent must meet Board guidelines before reinstatement. Upon reinstatement, the Board proposes to temporarily suspend the license and refer the Respondent to the Peer Assistance Program ("PAP"). The license will remain revoked pending acceptance to PAP. If PAP is not completed, the license will be revoked for two years. If the license is revoked, the Respondent must again meet Board guidelines for reinstatement, as well as pay \$1,500 in administrative fees and \$1,009.60 in investigative costs prior to reinstatement. Upon reinstatement after revocation, the Respondent will again be referred to PAP.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse, among other things, "[i]s guilty of unprofessional conduct as defined in the rules of the Board[.]" 59 O.S.Supp.2020, § 567.8(B)(7). Board rules define unprofessional conduct to include "conduct detrimental to the public interest[.]" "diversion or attempts to divert drugs or controlled substances" or "failure to utilize appropriate judgment in administering . . . patient care[.]" OAC 485:10-11-1(b)(3)(H), (U), (4)(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.

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ACTING ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink, appearing to read "Ethan Shaner".

ETHAN SHANER
DEPUTY GENERAL COUNSEL