



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2021-22A

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 3.2020100251.21. In January and September 2019, the Respondent was found to have removed Schedule II Controlled Dangerous Substance medications from separate facilities and failed to document the administration and/or waste of the medications. The Respondent was terminated from the second facility after refusing a for-cause drug test and did not cooperate with the Board's investigation. The Board proposes to revoke the license for two years 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 meet Board guidelines for reinstatement and pay an administrative penalty of \$3000 and costs of \$1232.01.

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). Unprofessional conduct includes "conduct detrimental to the public interest[.]" "failure to maintain proper custody and control of controlled dangerous substances[.]" "diversion or attempts to divert drugs or controlled substances[.]" "failure to cooperate with a lawful investigation[.]" or "failure to utilize appropriate judgment in administering safe nursing practice[.]". OAC 485:10-11-1(b)(3)(H), (T-V), (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.

A handwritten signature in black ink, appearing to read "D. G. [unclear]".

ACTING ATTORNEY GENERAL OF OKLAHOMA

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

ETHAN SHANER
DEPUTY GENERAL COUNSEL