



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-68A

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

February 13, 2017

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency action that the Oklahoma Board of Nursing intends to take under a consent agreement in Board case 3.173.17. The proposed action is to reprimand the license, impose a \$500 fine, and require completion of courses on nursing jurisprudence and care, custody, and control of controlled dangerous substances. In addition, the licensee must submit to drug tests twice a month and undergo an evaluation for drug and alcohol abuse. A patient's individual narcotic record was short one patch of Fentanyl after the licensee completed a shift count of controlled dangerous substance medications at the nursing center. The licensee neither documented the removal of the patch nor an administration of the patch. The nursing center terminated the licensee's employment. During the Board's investigative conference, the licensee displayed impaired behavior.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, 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” or “is guilty of unprofessional conduct as defined in the rules of the Board.” 59 O.S.Supp.2016, § 567.8(B)(3), (7). Unprofessional conduct includes “failure to maintain proper custody and control of controlled dangerous substances.” OAC 485:10-11-1(b)(3)(T). This action seeks to enforce requirements aimed at ensuring nursing care is not compromised by substance abuse. The Board may reasonably believe that reprimanding the license, imposing a fine, and requiring additional education will deter unacceptable conduct and promote safe and effective nursing care.

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 of Oklahoma's policy that nurses adhere to minimum standards of care and professionalism.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA