



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-70A

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 3.175.17. The proposed action is to impose a \$500 fine and require completion of courses on nursing jurisprudence and medication administration of controlled dangerous substances. In addition, the licensee will submit to drug screens two times per month and undergo a fitness to practice assessment conducted by a licensed psychologist to be reviewed by the Board. The licensee admitted to failing to waste 1 mg of Lorazepam after drawing a 2 mg vial for a patient and administering 1 mg to that patient. The licensee kept the vial in the pocket of the licensee's scrubs and took it home at the end of the shift for personal use. The licensee returned the vial on her next shift at the hospital. Within the same month, shortly thereafter, the licensee was charged with and pled guilty to the felony of bringing contraband into a jail or penal institution, misdemeanor of possession of a controlled dangerous substance, and misdemeanor of public intoxication. The court ordered a two-year deferred sentence, supervised probation and payment of fines, fees and costs.

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 appropriating medication or supplies without authority and “failure to maintain proper custody and control of controlled dangerous substances.” OAC 485:10-11-1(b)(3)(D), (T). This action seeks to enforce requirements aimed at ensuring nursing care is not compromised by drug abuse. The Board may reasonably believe 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 "Scott Pruitt", with a long horizontal stroke extending to the right.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA