



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-71A

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

February 14, 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 in Board case 3.071.17. The proposed action is to accept the voluntary surrender of a Registered Nurse's license and to impose conditions on reinstatement of the license. The conditions require that no application shall be considered for two years, the applicant must comply with the Board's substance abuse reinstatement guidelines before applying, and the applicant must enter the Board's substance abuse monitoring program upon reinstatement. The action also requires revocation of the license and a \$1,500 fine if the licensee defaults from substance abusing monitoring after reinstatement.

The licensee had failed to count medications or otherwise establish a record of inventory levels when passing custody of drug supplies to another nurse. Sixty tablets of a controlled dangerous substance were discovered missing. Shortly after, the licensee entered the Board's substance abuse monitoring program because of apparent alcohol abuse. The licensee defaulted from the program and had the license temporarily suspended pending a disciplinary case. The licensee then requested a voluntary surrender of the license with no intention to return to the nursing profession.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to impose discipline on licensees who are “intemperate in the use of alcohol or drugs” to the point of potentially endangering patients, who are guilty of “unprofessional conduct as defined in the rules of the Board,” or who have defaulted from the Board's substance abuse monitoring program, 59 O.S.Supp.2016, § 567.8(B)(4), (7), (11). The Board's rules include the “failure to maintain proper custody and control of controlled dangerous substances” as a form of unprofessional conduct. OAC 485:10-11-1(b)(3)(T). These statutes and rules reflect the State's important interests in ensuring that substance abuse does not endanger the care of patients and that controlled dangerous substances are not diverted to illicit ends. The proposed action reasonably prevents the licensee from posing any danger to patients until showing a reduced risk of patient harm, particularly in light of the licensee's declared intent not to return to the nursing profession.

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 policies

ensuring sufficient control over dangerous substances and an adequate standard of care and safety in the nursing profession.

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