



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-90A

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

February 16, 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 pursuant to a consent agreement in Board case 3.158.17. The proposed action is to impose a severe reprimand, assess a \$500 fine, and require completion of courses in nursing law and nursing ethics. The licensee removed a tablet of a nausea drug from the licensee's workplace drug supply and consumed it. The licensee has a prior disciplinary history involving substance abuse.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to discipline licensees who are “intemperate in the use of alcohol or drugs” in a way that “could endanger patients” or who engage in “unprofessional conduct as defined in the rules of the Board,” 59 O.S.Supp.2016, § 567.8(B)(4), (7). The Board's rules include manipulation of drug supplies, stealing drugs, and diversion of drugs as forms of unprofessional conduct. OAC 485:10-11-1(b)(3)(C), (D), (U). These statutes and rules reflect the State's important interest in controlling drugs and protecting patients from nursing care compromised by substance abuse. The Board may reasonably be concerned that a licensee with a prior history of substance abuse has misappropriated drugs for personal use, even if the evidence only shows one instance of such misappropriation occurring since the prior discipline. The Board's discipline, which includes only a reprimand, modest fine, and additional education can be reasonably thought to deter future violations by the licensee in the context of this case.

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 requiring that licensed nurses adhere to minimum standards of professionalism and care.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", with a long horizontal stroke extending to the right.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA