



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-754A

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

October 23, 2017

Dear Executive Director Glazier:

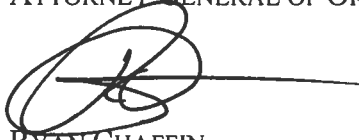
This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Board of Nursing intends to take pursuant to consent agreement in case 3.092.18. Between July 28 and August 13, 2016, the licensee, while working at a hospital, removed multiple Controlled Dangerous Substance (CDS) medications from the medication dispensing machine for three patients, but did not document the administration or waste of the medications. The licensee was subsequently terminated from the hospital. The licensee denies issues with substance use, but has agreed to submit documentation of the successful completion of an evaluation. The Board proposes to issue a severe reprimand and require the licensee to submit an evaluation for Board review, submit to periodic drug screens until review of the evaluation, complete of additional education courses, and pay a \$1,000 administrative penalty.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse “[i]s guilty of unprofessional conduct,” or “[v]iolates . . . a state or federal narcotics or controlled dangerous substance law.” 59 O.S.Supp.2016, § 567.8(B)(7), (9). “Unprofessional conduct” includes “falsely manipulating drug supplies, narcotics or patient records,” “appropriating without authority medications, supplies or personal items of the patient or agency,” “failure to maintain proper custody and control of controlled dangerous substances of the patient or agency” and “diversion or attempts to divert drugs or controlled substances[.]” OAC 485:10-11-1(b)(3)(C-D), (H), (T-U). For violations of the Act, the Board may assess administrative penalties and “otherwise discipline licensees.” 59 O.S.Supp.2016, § 567.8(A)(1)-(3). The Board may reasonably believe that the proposed action is necessary to deter future violations and to protect patients.

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 provide adequate care uncompromised by substance abuse and meet minimum standards of professional conduct.



MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA



RYAN CHAFFIN  
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