



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-791A

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

November 17, 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 6.012.18. The licensee admitted to taking Percocet from another individual's prescription while working at a hospital and tested positive for Methadone in a for-cause drug screen. The Board proposes to accept the voluntary surrender of the license for two years. Prior to reinstatement, the licensee must meet Board guidelines and re-enter the Board's Peer Assistance Program ("PAP"). If the licensee is not accepted or defaults from PAP, the license will be revoked for five years and the licensee will be required to pay a \$2,000 administrative penalty.

The Oklahoma Nursing Practice Act 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" in a way that "unnecessarily exposes a patient or other person to risk of harm," "is intemperate in the use of alcohol or drugs," "is guilty of unprofessional conduct," "is guilty of any act that jeopardizes a patient's life, health or safety," has violated state or federal law related to nursing or "[h]as defaulted from the [PAP] for any reason." 59 O.S.Supp.2017, § 567.8(B)(3), (4), (7-9), (11). Unprofessional conduct includes "conduct detrimental to the public interest" and jeopardizing a patient's life, health, and safety by a nurse's "failure to utilize appropriate judgment in administering safe nursing practice." OAC 485:10-11-1 (b)(3)(H), (4)(D). The Board may reasonably believe that the proposed action is necessary to deter future violations.

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 meet minimum standards of professional conduct.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Amanda Otis in black ink.

AMANDA OTIS  
ASSISTANT ATTORNEY GENERAL