



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-802A

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 6.069.17. The licensee admitted to taking 28 Oxycodone tablets, a schedule II Controlled Dangerous Substance, from a patient's prescription and replacing them with Tylenol. The Board proposes to accept the voluntary surrender of the license. Upon reinstatement, the license will be temporarily suspended pending the licensee's admission to the Board's Peer Assistance Program ("PAP"). If the licensee is not accepted or defaults from PAP, the license will be revoked for two years and the licensee will be ordered to pay a \$2,500 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 guilty of unprofessional conduct," or "is guilty of any act that jeopardizes a patient's life, health or safety." 59 O.S.Supp.2017, § 567.8(B)(3), (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," and "diversion or attempts to divert drugs or controlled substances," OAC 485:10-11-1(b)(3)(C), (D), (U). 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.

A handwritten signature in black ink, appearing to read "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Amanda Otis".

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL