



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-817A

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

December 1, 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 a consent agreement in case 6.007.18. Due to issues with Controlled Dangerous Substances, the licensee has requested to voluntarily surrender the license. The Board proposes to accept 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 \$2,500 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," has violated state or federal law related to nursing, "[h]as had disciplinary actions taken against the individual's registered or practical nursing license," or "[h]as defaulted from [PAP] for any reason." 59 O.S.Supp.2017, § 567.8(B)(3), (7), (9-11). Unprofessional conduct includes "failure to maintain proper custody and control of controlled dangerous substances of the patient or agency," "diversion or attempts to divert drugs or controlled substances," 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)(T), (U), (4)(D). The Board may reasonably believe that the disciplinary 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.



MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA



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