



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-819A

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 6.024.18. Due to issues with Controlled Dangerous Substances, the licensee's license is suspended and the licensee was referred to the Board's Peer Assistance Program ("PAP"). The proposed action is to continue the suspension, re-refer the licensee to PAP, and require the licensee to submit a reinstatement application within 60 days of acceptance to PAP. If the license fails to submit reinstatement application, or is not accepted or defaults from PAP, the license will be revoked for five years and the licensee will be required to meet Board guidelines for reinstatement and 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, or "[h]as defaulted from the peer assistance program for any reason." 59 O.S.Supp.2016, § 567.8(B)(3), (7), (9), (11). Unprofessional conduct includes "falsely manipulating drug supplies, narcotics or patient records," "appropriating without authority medications, supplies or personal items of the patient or agency," "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)(C), (D), (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