



MIKE HUNTER
ATTORNEY GENERAL
ATTORNEY GENERAL OPINION
2021-13A

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

March 31, 2021

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 in case 3.202010037.21. In August 2018, the licensee was terminated from a nursing home after admitting to excess removal of physician-ordered Oxycodone HCL and failing to document the administration and/or waste of the medication. In November 2020, licensee's license was temporarily suspended pursuant to an Order of Emergency Temporary Suspension Pending Hearing. In December 2020, licensee requested a hearing on the license suspension. The Board proposes to temporarily suspend the license pending acceptance to the Board's Peer Assistance Program ("PAP"). The license will remain temporarily suspended pending acceptance to PAP. If PAP is not completed, the license will be revoked for two years. If the license is revoked, the licensee must meet the Board's guidelines for reinstatement and pay an administrative penalty of \$2500 and costs of \$1417.98.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse "[f]ails 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," "[i]s guilty of unprofessional conduct," "[i]s guilty of any act that jeopardizes a patient's life, health or safety," or "[v]iolate[s] a rule promulgated by the Board[.] 59 O.S.Supp.2020, § 567.8(B)(3), (7-9). Unprofessional conduct includes "conduct detrimental to the public interest[.]" "failure to maintain proper custody and control of controlled dangerous substances[.]" "diversion or attempts to divert drugs or controlled substances[.]" or "[f]ailure to utilize appropriate judgment in administering safe nursing practice." OAC 485:10-11-1 (b)(3)(H), (T), (U) 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.

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MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink that reads "Ethan Shaner".

ETHAN SHANER
DEPUTY GENERAL COUNSEL