



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2021-28A

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

June 14, 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 3.2020110041.21. In August 2019, the Respondent resigned from her job at a clinic after admitting to removing CDS medication without a physician order. Additionally, the Respondent failed to maintain accurate personnel records with the Board. Respondent failed to cooperate with the Board's investigation and all attempts to contact the Respondent have been unsuccessful. The Board proposes to suspend the Respondent's license pending an appearance before the Board.

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 has violated state or federal law related to nursing. 59 O.S.Supp.2020, § 567.8(B)(3), (7-9). The rules of the Board define unprofessional conduct to include "appropriating without authority medications . . . of an agency[,]" "conduct detrimental to the public interest[,]" "failure to maintain proper custody and control of [CDS,]" "diversion or attempts to divert drugs or controlled substances" or failure to provide evidence of a name or address change within thirty days. OAC 485:10-11-1(b)(3)(D), (H), (T-U); OAC 485:10-9-9(a-c). 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 "Dan Claitor".

ACTING ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink, appearing to read "Ethan Shaner".

ETHAN SHANER
DEPUTY GENERAL COUNSEL