



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-101A

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

February 16, 2017

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency action that the Oklahoma Board of Nursing intends to take pursuant to a consent agreement in Board case 3.178.17. The proposed action is to impose a reprimand, assess a \$500 fine, and require completion of courses in nursing law and medication administration. The licensee removed controlled dangerous substances from drug supplies for at least five patients and then failed to document their waste or administration. The licensee showed no signs of impairment, and there was no evidence of substance abuse after the Board investigation.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to discipline licensees who engage in “unprofessional conduct as defined in the rules of the Board,” 59 O.S.Supp.2016, § 567.8(B)(7). The Board’s rules include the “failure to maintain proper custody and control of controlled dangerous substances” as a form of unprofessional conduct. OAC 485:10-11-1(b)(3)(T). These statutes and rules speak to the State’s important interest in a standard of professionalism among nurses that maintains adequate security with respect to controlled dangerous substances. The Board may reasonably believe the proposed action will deter future lapses, in light of the evidence that the licensee did not intend to misappropriate controlled dangerous substances.

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 of Oklahoma’s policies requiring professional nursing care and the adequate control of narcotics.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", with a long horizontal line extending to the right.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA