



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-96A

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 3.170.17. The proposed action is to impose a reprimand, assess a \$500 fine, and require completion of courses in nursing law and nursing ethics. The licensee requested two coworkers, a physician and a physician assistant, to write prescriptions for a controlled drug. The licensee's family member had apparently been caught in a for-cause drug screen at an unrelated workplace, and the licensee believed the prescription would shield the family member from any consequences.

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” or those who violate state law related to controlled dangerous substances, 59 O.S.Supp.2016, § 567.8(B)(7), (9). The Board's rules include “conduct detrimental to the public interest” as a form of unprofessional conduct. Further, state law prohibits physicians and physician assistants from prescribing drugs, particularly controlled dangerous substances, without a valid medical need in the context of a patient relationship. *See, e.g.*, 63 O.S.Supp.2016, § 2-304(A)(9); OAC 435:10-7-4(2), (6); OAC 435:15-5-11(10). The Board could reasonably conclude that the licensee's attempt to conceal illicit drug use through the licensee's coworkers undermines the public interest, particularly the State's policy of controlled dangerous substances. The Board's proposed action is reasonably tailored to deter future violations while allowing the licensee to continue practicing nursing.

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 adequate, professional nursing care and to ensure the control of dangerous substances.

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