



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-667A

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

August 6, 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 consent agreement in Board case 5.083.17. The proposed action is to require the licensee to complete a remedial education course in Medication Administration to include CDS and to pay an administrative penalty of \$250.

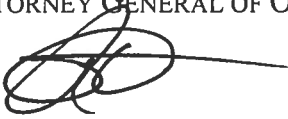
The licensee is a registered nurse (RN) and a licensed practical nurse (LPN). The licensee's LPN license is lapsed. On July 8, 2015, while working at a hospital, the licensee removed 2 Norco 5/325 mg tablets, a Schedule II Controlled Dangerous Substance (CDS) medication, from the automated medication dispensing machine for Patient #1 and failed to document the administration and/or waste of the CDS medication. The hospital manager denied signs of impairment in the licensee while on duty. The licensee was terminated from the hospital on July 10, 2015.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.26, authorizes “corrective actions” when nurses violate the Act or its implementing administrative rules. *See* 59 O.S.Supp.2016, § 567.8a(A). Such an action may include education and an administrative penalty, and it is not considered a disciplinary action. *See id.* Elsewhere, the Act authorizes disciplinary action 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” or has “[v]iolated a rule promulgated by the Board, an order of the Board, or a state or federal law relat[ed] to the practice of . . . nursing . . . or a state or federal narcotics or controlled dangerous substance law.” *Id.* § 567.8(B)(3), (7), (9). The Board rules provide that adherence to minimal standards of acceptable nursing practice indicates using “[s]ufficient knowledge or reasonable skill.” OAC 485:10-11-1(b)(2). “Unprofessional conduct” includes, but is not limited to, the “failure to maintain proper custody and control of controlled dangerous substances of the patient or agency[.]” OAC 485:10-11-1(b)(3)(T). The Board may reasonably believe that additional education and the administrative penalty will protect patient health and safety and ensure safe nursing practice in the future.

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 policy to protect the public health, safety, and welfare by ensuring nurses meet minimum standards of professional conduct.



MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA



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