



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-763A

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

November 3, 2017

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 pursuant to consent agreement in case 3.079.18. The Board proposes to (i) accept the voluntary surrender of the license, and (ii) require the licensee, prior to reinstatement, to submit an evaluation for Board review, complete additional education courses, and pay a \$1,500 administrative penalty. Upon reinstatement, the licensee will be required to submit to periodic drug screens for 12 months.

From October 13-21, 2016, the licensee, while working as a licensed practical nurse at a nursing home, signed out multiple doses of Norco, a Schedule II Controlled Dangerous Substance medication, for two residents and failed to document administration or waste of the medications. The residents, who were alert and oriented, denied requesting or receiving the medication. After consenting to a for-cause drug screen, the licensee tested positive for Oxazepam, Hydrocodone, Morphine, Oxycodone and was terminated. The licensee requested to voluntarily surrender the license.

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,” “jeopardizes a patient’s life, health or safety” or “[v]iolate[s]...a state or federal narcotics or controlled dangerous substance law.” 59 O.S.Supp.2016, § 567.8(B)(3), (7)-(9). “Unprofessional conduct” includes “inaccurate recording, falsifying, altering or inappropriate destruction of patient records,” “falsely manipulating drug supplies, narcotics or patient records,” and “failure to maintain proper custody and control of controlled dangerous substances of the patient or agency[.]” OAC 485:10-11-1(b)(3)(A),(C), (T). For violations of the Act, the Board may deny, suspend, or revoke a license, assess administrative penalties and “otherwise discipline licensees.” 59 O.S.Supp.2016, § 567.8(A)(1)-(3). The Board may reasonably believe that the proposed action is necessary to protect patient welfare by ensuring that nurses are working substance free.

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 provide care uncompromised by substance abuse and meet minimum standards of professional conduct.



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