



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-750A

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

October 26, 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 3.067.18. The Board proposes to accept the voluntary surrender of the license. Prior to reinstatement, the licensee will be required to pay a \$500 administrative penalty and appear before the Board.

On August 7, 2016, while working as a licensed practical nurse at a nursing home, the licensee tested positive for Oxycodone in a for-cause drug test after two Oxycodone tablets, a Schedule II Controlled Dangerous Substance medication, were discovered missing from the nursing home. The licensee admitted to not having a prescription for Percocet and ingesting Percocet prescribed for a family member. The licensee was terminated from the nursing home.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse “[i]s guilty of a felony, or any offense reasonably related to the qualifications, functions or duties of [nursing]” or has “[v]iolated . . . a state or federal narcotics or controlled dangerous substance law.” 59 O.S.Supp.2016, § 567.8(B)(2), (9). For violations of the Act, the Board may deny, revoke, or suspend a license, assess administrative penalties, and “otherwise discipline licensees.” *Id.* § 567.8(A)(1)-(3). The Board may reasonably believe that the proposed action is necessary to protect public health, safety and welfare.

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.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

RYAN CHAFFIN
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