



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2018-257A

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

July 13, 2018

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 6.043.18. The licensee is a registered nurse (RN) advance practice registered nurse-certified registered nurse anesthetist (APRN-CRNA) with authority to select, order, obtain and administer drugs. After being observed acting suspiciously with syringes, the licensee admitted to having a substance use disorder and requested a referral to the Board's Peer Assistance Program (PAP). The Board proposes to immediately temporarily suspend the licensee's license(s) pending the licensee's acceptance into PAP. The Board proposes to take additional action against the licensee in the event that the licensee is not accepted to PAP within 60 days or defaults/terminates from PAP.

The Oklahoma Nursing Practice Act authorizes the Executive Director of the Board to enter "[a]greed disciplinary orders requiring a ... licensee to enter and comply with the [PAP]." 59 O.S.Supp.2017, § 567.4(F)(2), (3)(b). The Act also authorizes the Board to impose discipline when a nurse "fails 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," "is intemperate in the use of alcohol or drugs," "is guilty of unprofessional conduct," "[i]s guilty of any act that jeopardizes a patient's life, health or safety[.]" or has "[v]iolated ... state or federal law related to ... nursing or a state or federal narcotics or controlled dangerous substance law[.]" *Id.* § 567.8(B)(3), (4), (7-9). The Board may reasonably believe that the proposed action is necessary to ensure 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 meet minimum standards of professional conduct.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Ryan Chaffin in black ink, consisting of a stylized 'R' and 'C' followed by a long horizontal line.

RYAN CHAFFIN  
DEPUTY CHIEF ASSISTANT ATTORNEY GENERAL