



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2019-124A

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

February 26, 2019

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 in case 3.291.17. The licensee previously entered into an agreed order with the Board for exhibiting impaired behavior while on duty (*See* A.G. Opin. 2017-485A). In August of 2017, the license was suspended for violation of that order. In May 2018, the license was reinstated with certain conditions. (*See* A.G. Opin. 2018-218A). In October 2018, the license was temporarily suspended for violations of the new order. The Board proposes to refer the licensee to the Board's Peer Assistance Program ("PAP"). The license will remain temporarily suspended pending acceptance to PAP. If PAP is not completed, the license will be revoked for two years. Additionally, the licensee is required to pay investigative costs of \$420.34. If the license is revoked, the licensee must meet the Board's guidelines for reinstatement and pay an administrative penalty of \$1,000. Upon reinstatement after revocation, the licensee will again be referred to PAP.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse "[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 narcotics or controlled dangerous substance law." 59 O.S.Supp.2018, §§ 567.8(B)(7), (9). Unprofessional conduct is defined as "conduct detrimental to the public interest." OAC 485:10-11-1(b)(3)(H). 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.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

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