



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2019-131A

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

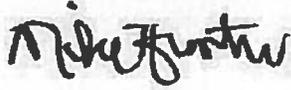
March 6, 2019

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 pursuant to an agreed order in case 6.023.19. In July 2016, the licensee voluntarily entered the Board's Peer Assistance Program ("PAP") after admitting to diverting controlled dangerous substance medications for her personal use. In March 2018, the licensee defaulted from PAP. Due to this default, the license was automatically suspended pursuant to 59 O.S.Supp.2018, § 567.17(I). The licensee has now requested to voluntarily surrender the license. The Board proposes to accept the surrender for two years and require the licensee to meet the Board's guidelines for reinstatement. Upon reinstatement, the licensee will again be referred to PAP. If the licensee does not complete PAP, the license will be revoked for five years and the licensee will be required to pay an administrative penalty of \$2,000.

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 any licensee," "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," "[i]s 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," has violated state or federal law related to nursing, or "[h]as defaulted from [PAP] for any reason." 59 O.S.Supp.2018, § 567.8(B)(2-4), (7-9), (11). The Board may reasonably believe that the proposed action is necessary to deter future violations.

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.

A handwritten signature in black ink, appearing to read "Mike Hunter".

MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink, appearing to read "A. Otis".

AMANDA OTIS  
ASSISTANT ATTORNEY GENERAL