



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2019-79A

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

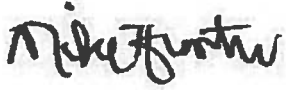
February 26, 2019

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 pursuant to an agreed order in case 3.352.16. The licensee was previously disciplined by the Board (*See* A.G. Opin. 2016-383A). The order issued at that time suspended the license. In November 2018, the Board filed an amended complaint against the licensee when the licensee failed a drug screen and subsequently failed to cooperate with the Board investigation related to that event. The licensee has now requested a referral to the Board's Peer Assistance Program ("PAP"). The Board proposes to refer the licensee to PAP, temporarily lift the suspension on the license and instead place the license in lapsed status. The licensee will be required to submit an application for reinstatement within 60 days of admission to PAP. If the licensee does not submit an application for reinstatement or does not complete PAP, the license will be revoked for two years. If revoked, the licensee will be required to meet the Board's guidelines for reinstatement and pay an administrative penalty of \$2,000. Upon reinstatement after revocation, the licensee will again be referred to PAP.

The Oklahoma Nursing Practice Act authorizes disciplinary actions when nurses are "guilty of unprofessional conduct as defined in the rules of the Board" or "[v]iolat[e] a rule promulgated by the Board, an order of the Board, or a state or federal law relating to the practice of . . . nursing[.]" 59 O.S.Supp.2018, § 567.8(A), (B)(9). The Board's rules define unprofessional conduct as "failure to cooperate with a lawful investigation by Board of Nursing staff." OAC 485:10-11-1(b)(3)(V). 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 adhere to all rules and orders of the Board and cooperate with Board investigations.

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 "Amanda Otis".

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL