



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2020-25A

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

July 31, 2020

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 3.118.20. In January 2019, the licensee voluntarily entered the Board's Peer Assistance Program ("PAP") after a 2013 misdemeanor, violating a diversion agreement, a 2017 felony, and admitting to a substance abuse disorder. From January 2019 through June 2019, the licensee defaulted from the PAP by continuing to work as a nurse manager after indicating she was in a non-licensed position at a medical center. The Board proposes to revoke the license for 5 years and issue a severe reprimand. Prior to reinstatement, the licensee must meet the Board's guidelines for requesting reinstatement after revocation for misuse of drugs/alcohol, complete education courses, and pay an administrative penalty of \$2,000.00 and investigative costs of \$2,009.93. Upon reinstatement, the license will be temporarily suspended pending accepting into the PAP.

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.2019, § 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.



MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA



ETHAN SHANER
DEPUTY GENERAL COUNSEL