



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-285A

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

July 18, 2018

Dear Executive Director Glazier:

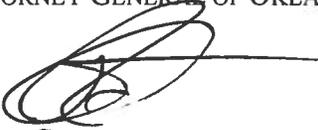
This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Board of Nursing intends to take pursuant to consent agreement in case 6.059.18. The licensee is a registered nurse (RN) and a licensed practical nurse (LPN). The RN license is suspended and the LPN license is lapsed. In 2017 the licensee voluntarily entered—and subsequently defaulted from—the Board’s Peer Assistance Program (PAP). The licensee admits to having a substance use disorder and has requested a re-referral to PAP. The Board proposes to leave the suspension in place, re-refer the licensee to PAP, and require the licensee to submit a RN reinstatement application within 60 days of acceptance to PAP. The Board proposes to take additional action in the event the licensee is not accepted to 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,” has “[v]iolated . . . state or federal law related to . . . nursing or a state or federal narcotics or controlled dangerous substance law,” or “has defaulted and/or been terminated from the PAP for any reason.” *Id.* § 567.8(B)(3), (4), (7), (9), (11). 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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