



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-722A

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

October 18, 2017

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 6.021.18. The Board proposes to refer the licensee to the Board's Peer Assistance Program (PAP) and to temporarily suspend the licensee's registered nurse license pending acceptance to PAP. If the licensee is not accepted or terminates/defaults from PAP, the license will be revoked for two years. If the license is revoked under these circumstances, the licensee will be required to pay a \$1,000 administrative penalty and meet Board guidelines for reinstatement. Once reinstated, the license would be temporarily suspended pending readmission to PAP.

On August 11, 2017, while working in a hospital's surgical department, the licensee tested positive for cocaine in a drug test. The licensee resigned from the hospital and requested a referral to PAP.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse "[i]s intemperate in the use of alcohol or drugs [in a manner which] endangers or could endanger patients," or has "[v]iolated...a state or federal narcotics or controlled dangerous substance law." 59 O.S.Supp.2016, § 567.8(B)(4), (9). For violations of the Act, the Board may "deny, revoke or suspend" a license, "assess administrative penalties" and "otherwise discipline licensees." *Id.* § 567.8(A)(1)-(3). A licensee may also be directed to apply to PAP with conditions placed upon the licensee's practice during participation in PAP. *Id.* § 567.17(K). The Board may reasonably believe that the proposed action is necessary to deter future violations and to protect patients by ensuring that 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 provide care uncompromised by substance abuse and meet minimum standards of professional conduct.



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ATTORNEY GENERAL OF OKLAHOMA



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