



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-835A

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

December 5, 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 a consent agreement in case 3.127.18. The licensee has applied for reinstatement pursuant to a previous consent agreement requiring compliance with Board guidelines. The Board proposes to grant the reinstatement application, but temporarily suspend the license pending the licensee's acceptance to the Board's Peer Assistant Program ("PAP"). If the licensee is not accepted or defaults from PAP, the license is to be revoked for five years and the licensee will be required to pay a \$500 administrative penalty.

The Oklahoma Nursing Practice Act states that "[a] licensee . . . who applies for reinstatement of a license . . . shall meet such requirements as the Board may prescribe in its rules." 59 O.S.Supp.2017, § 567.7(B). The Board's rules state that "[a]n application for reinstatement for a license that has been revoked by the Board shall be considered by the Board." OAC 485:10-7-4(f). Compliance with the Board's Guidelines was a requirement of the licensee's Consent Order prior to considering an application for reinstatement. 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 that nurses meet minimum standards of professional conduct.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Amanda Otis in black ink.

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL