



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-897A

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

December 19, 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 6.026.18. Due to issues with Controlled Dangerous Substances, the license was suspended. The licensee has requested to be referred to the Board's Peer Assistance Program ("PAP") after defaulting from the program in 2016. The Board proposes that the license remain suspended and to re-refer the licensee to PAP. Additionally, the licensee is to submit an application for reinstatement within 60 days of acceptance to PAP. If licensee fails to timely submit the application or is not accepted into PAP, then license will be revoked for 5 years and licensee will be required to pay an administrative penalty of \$3,500.

The Oklahoma Nursing Practice Act 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," "[i]s intemperate in the use of alcohol or drugs," "is guilty of unprofessional conduct," has violated state or federal law related to nursing, or "[h]as defaulted from [PAP] for any reason." 59 O.S.Supp.2017, § 567.8(B)(3-4), (7), (9), (11). The Board may reasonably believe that the disciplinary 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

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