



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-233A

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

June 26, 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 with a licensed practical nurse (LPN) in case 6.053.18. The licensee entered a plea of no contest to one felony and three misdemeanors, which resulted in a deferred sentence, among other things. Subsequently, the licensee submitted an online license renewal to the Board that failed to disclose the above-listed crimes. Additionally, the licensee tested positive for amphetamine, methamphetamine, and hydrocodone while working at a nursing home. The licensee has requested to voluntarily surrender the LPN license. The Board proposes to accept the voluntary surrender of the LPN license and impose certain conditions upon reinstatement.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse “is guilty of deceit or material misrepresentation in procuring or attempting to procure” a license, “[i]s guilty of a felony, or any offense reasonably related to the qualifications, functions or duties of any licensee . . . , or any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude,” “[f]ails 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 guilty of unprofessional conduct,” “is guilty of any act that jeopardizes a patient’s life, health or safety,” or “[v]iolate[s] a rule promulgated by the Board.” 59 O.S.Supp.2017, § 567.8(B)(1)(a)(2), (3), (7-9). 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



RYAN CHAFFIN
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