



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-245A

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

June 27, 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 6.052.18. After admitting to overmedicating with prescription controlled dangerous substances (CDS), the licensee voluntarily entered the Board's Peer Assistance Program (PAP) on February 24, 2015. On January 24, 2018, the licensee defaulted from PAP and the licensee's license was suspended. The Board now proposes to continue the suspension, re-refer the licensee to PAP, and require the licensee to submit a reinstatement application within 60 days of acceptance to the PAP. The Board proposes to take additional action against the licensee in the event that the licensee is not accepted to PAP, defaults/terminates from PAP, and/or fails to timely submit the reinstatement application.

The Oklahoma Nursing Practice Act requires the Executive Director of the Board to "suspend the license of a licensee who applied and entered the [PAP] by choice...immediately upon notification that the licensee has defaulted[.]" 59 O.S.Supp.2017, § 567.17(I). 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 violated state or federal law related to nursing or a "state or federal narcotics or controlled dangerous substance law" or "[h]as defaulted...from the [PAP] for any reason." *Id.* § 567.8(B)(3), (4), (7), (9), (11). The Board rules provide that adherence to minimal standards of acceptable nursing means using "[s]ufficient knowledge or reasonable skill." OAC 485:10-11-1(b)(2). "Unprofessional conduct" includes "conduct detrimental to the public interest." OAC 485:10-11-1(b)(3)(H). 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
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