



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-719A

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

November 21, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency actions to be taken by the Oklahoma Board of Nursing pursuant to consent agreements in Board cases 10.043.17 and 10.044.17. The proposed actions are to grant the applications for licensure by examination. Upon licensure, the applicants must submit to evaluations for substance use disorder and must submit to twice monthly body fluid tests until the evaluations have been reviewed. Completion of a course in nursing law will also be required. The applicants each have criminal history involving misdemeanor alcohol offenses.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse “is guilty of a felony, or any offense reasonably related to the qualifications, functions or duties of any licensee,” 59 O.S.Supp.2016, § 567.8(B)(2). The actions seek to enforce requirements that the Board consider relevant offenses and criminal history when evaluating the fitness of a nurse. Given that the applicants’ criminal history involves alcohol, the Board may reasonably believe that granting the applications subject to evaluations, substance abuse monitoring, and additional education is necessary to ensure safe nursing care.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Board of Nursing has adequate support for the conclusion that these actions advance the State of Oklahoma’s policy to protect the public health, safety, and welfare.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA