



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-513A

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

August 9, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency action that the Oklahoma Board of Nursing intends to take in Board case 3.207.16. The proposed action is to temporarily suspend the license until the Board's order, issued January 28, 2016, is served on the licensee. The licensee tested positive for opiates and morphine in a random drug screen when the licensee was working as a charge nurse. The Board issued an order disciplining the licensee, including temporarily suspending the license and referring the licensee to the Board's Peer Assistance Program, a drug and alcohol assistance program. However, the order was returned to the Board as undeliverable, and a process server reported the licensee moved.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse “[f]ails to adequately care for patients or to conform to the minimum standards of acceptable nursing” in a way that “exposes a patient or other person to risk of harm,” is “guilty of unprofessional conduct,” or has violated state or federal law related to nursing, 59 O.S.Supp.2015, § 567.8(B)(3), (7), (9). “Notice of change of address must be submitted in writing by each licensee within 30 days of the change.” OAC 485:10-9-9(c). Temporarily suspending the license until the Board's January 28, 2016 order is served on the licensee will give proper effect to the order and its timelines and enforces requirements that nurses provide adequate care to patients. The Board may reasonably believe that temporarily suspending the license is necessary to protect patients.

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 of Oklahoma's policy to protect the public health, safety, and welfare by ensuring nurses provide adequate care to patients.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA