



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-70A

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

February 8, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency action to be taken by the Oklahoma Board of Nursing pursuant to a consent agreement in Board case 3.308.16. The proposed action is to accept the voluntary surrender of the license for two years. The proposed action also requires entry into a substance abuse monitoring program after any future reinstatement with consequences on future default including a five-year revocation and a fine of \$2,000 prior to any subsequent reinstatement. The licensee removed controlled substances for personal use on one occasion and, on another, stole money and drugs from a co-worker. Licensee went on to enter substance abuse monitoring but defaulted.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to deny licenses or impose discipline when licensees show an “inability to practice nursing with . . . safety due to impairment caused by . . . use of alcohol, drugs, chemicals, or any other substance,” when licensees are “guilty of unprofessional product as defined in the rules of the Board,” and when licensees default from substance abuse monitoring, 59 O.S.Supp.2015, § 567.8(B)(5), (7), (11). The Board’s rules include theft of employer property in the definition of unprofessional conduct. *See* OAC 485:10-11-1(b)(3)(D). The action seeks to enforce these requirements, which seek to ensure nurses provide safe care not compromised by drug or alcohol abuse and that they do not steal patient or employer property. Given licensee’s record of substance abuse, the Board may reasonably believe it necessary to temporarily bar licensee from the practice of nursing and then to impose additional substance abuse monitoring with further deterrent consequences upon a future relapse.

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 patients from compromised nursing care.

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

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA