



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-720A

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 action to be taken by the Oklahoma Board of Nursing pursuant to a consent agreement in Board case 10.045.17. The proposed action is to grant the application for licensure by examination. Upon licensure, the applicant must submit to an evaluation for substance use disorder and must submit to twice monthly body fluid tests until the evaluation has been reviewed. Completion of a course in nursing law will also be required. The applicant pled guilty to unlawful possession of marijuana in 2008 and 2010.

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 applicant’s criminal history involves possession of illegal substances, the Board may reasonably believe that granting the application subject to an evaluation, 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 this action advances the State of Oklahoma’s policy to protect the public health, safety, and welfare.

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA