



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-96A

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

February 17, 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 in Board case 3.207.16. The proposed action is to temporarily suspend the license until the licensee enters substance abuse monitoring. If the licensee defaults from substance abuse monitoring, the license would be revoked for two years and a fine of \$1,000 would be imposed. The licensee tested positive for drugs in a random drug test. The licensee also apparently failed to update the Board with a new address because notice of the discipline was returned to the Board with a United State Postal Service notice that the licensee had moved and that the document could not be forwarded.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when nurses are “intemperate in the use of alcohol or drugs” in a way that “could endanger patients” and when they do not comply with Board orders, 59 O.S.Supp.2015, § 567.8(B)(4), (9). Nursing care that is compromised by alcohol or drug use poses serious risks to the life and safety of patients. Further, maintaining correct contact information with the Board is vital to an effective professional disciplinary system where licensees have the opportunity to respond to complaints. The Board may reasonably believe that substance abuse monitoring with the threat of fines and license revocation is necessary to prevent the licensee from practicing in an intoxicated state that endangers patients and to deter address update violations.

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 of upholding minimum standards of care within the nursing profession.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", is written over a horizontal line.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA