



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-488A

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

August 5, 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 pursuant to a consent agreement in Board case 3.052.17. The proposed action is to temporarily suspend the license, to require the licensee to undergo an evaluation, and to require the licensee submit to body fluid tests twice per month. Any violations connected to the body fluid tests will result in the continued temporary suspension of the license. The licensee must also complete a nursing law course and pay a \$500 fine. Failure to comply with the primary provisions of the order will result in a three month suspension of the license and additional fines. The licensee pled guilty to a felony count of bringing methamphetamines into a penal institution.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse “[i]s guilty of a felony, or any offense reasonably related to the qualifications, functions or duties of any licensee,” is “guilty of unprofessional conduct,” or has violated state or federal law relevant to the practice of nursing, 59 O.S.Supp.2015, § 567.8(B)(2), (7), (9). Unprofessional conduct includes “conduct detrimental to the public interest.” OAC 485:10-11-1(b)(3)(H). The action seeks to enforce requirements aimed at ensuring nurses who commit crimes are fit to practice nursing. The Board may reasonably believe that the action, including temporarily suspending the license and requiring an evaluation, is necessary to ensure the licensee is fit to practice.

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.

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

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA