



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-47A

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

October 15, 2015

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. The proposed action is to reinstate a license and then temporarily suspend it in Board case 3.163.16. The licensee had been making progress in the Peer Assistance Program when the program asserted it had evidence the licensee had violated the program's terms, resulting in a revocation of the license. The licensee disputed that evidence, and the Board here intends to reinstate the license and immediately suspend it until the licensee reenters the Peer Assistance Program and continues progress in the program.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2014, §§ 567.1-567.20, authorizes the Board to impose discipline when a nurse is "intemperate in the use of alcohol or drugs, which use the Board determines endangers or could endanger patients," 59 O.S.Supp.2014, § 567.8(B)(4). The action seeks to allow the licensee to continue to participate in the nursing profession so long as the nurse complies with the requirements of the Peer Assistance Program, a drug and alcohol treatment program. Requiring such treatment can achieve the public health goal of protecting patients from compromised nursing care while allowing nurses to continue to work and participate in the profession.

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 advance 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