



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

**ATTORNEY GENERAL OPINION  
2016-88A**

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

February 11, 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 3.264.16. The proposed action is to accept the voluntary surrender of the license for two years, require entry into substance abuse monitoring upon reinstatement, and then to order another two-year revocation and a fine of \$4,000 if the licensee defaults from substance abuse monitoring. The licensee diverted drugs for personal use on at least three occasions but returned what drugs the licensee still had to the hospital upon being discovered.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when nurses' care would be compromised by drug or alcohol use and when they are guilty of "unprofessional conduct as defined in the rules of the Board," 59 O.S.Supp.2015, § 567.8(B)(4), (7). The Board's rules define "unprofessional conduct" to include several forms of misconduct involving drugs, including drug diversion. *See* OAC 485:10-11-1(b)(3)(C), (D), (T), (U). The action seeks to enforce these rules by barring the licensee from practice and requiring substance abuse monitoring when the licensee is allowed to return to practice. Given the context of the case, the board may reasonably believe these steps are necessary to achieve statutory objectives.

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 and of professionalism 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